

Memorandum Circular
No. 1
January 10, 1991

SUBJECT: Restricting the Transport of Confiscated Mangrove Forest Products Which Have Been Sold at Public Auction or Through Negotiated Bidding

Pursuant to Section 10 of DENR Memorandum Order No. 36 Series of 1988, "Guidelines on the Confiscation, Seizure and Disposition of Illegally Cut, Gathered and/or Transported Forest Products", the following guidelines are issued regarding the disposition of confiscated mangrove products:

1. No buyer of confiscated mangrove forest products shall be allowed to transport the said materials outside the administrative boundaries of the CENRO in which the sale takes place.
2. The Terms and Conditions of Sale contained in the Invitation to Bid shall clearly state that after the sale, transport of the subject confiscated mangrove forest products outside the administrative boundaries of the CENRO where the sale is to take place shall not be allowed and that the subject materials must be disposed of only to the final consumer or end-user within the said area.
3. The Award Order and Auxillary Invoice issued to the buyer shall restrict transport of the subject confiscated forest products to a place or places within the administrative boundaries of the CENRO wherein the sale took place. This provisions shall apply to any subsequent sales of the subject materials.
4. The Committee on Bids and Awards is reminded that the floor price for public auction or negotiated bidding of confiscated mangrove products must reflect:
 - a. the current market value of the forest products being sold; and
 - b. all expenses incurred in the hauling and transportation of the seized forest products from the place of apprehension to the depository area.
5. Reports of confiscation involving firewood, poles or other forest products shall specify if mangrove forest species comprise all or any part of the materials confiscated.

This Order shall take effect immediately.

RICARDO M. UMALI
Undersecretary for Planning
Policy & Project Management

VICTOR O. RAMOS
Undersecretary for Field
Operations

Memorandum Circular

No. 3

March 12, 1991

**SUBJECT: Clarification on the Assessment of
Environmental Fees as Prescribed by
DENR AO No. 62, S of 1990**

It has come to our attention that there are some instances of misinterpretation in the application of environmental fee imposed on timber produced from natural forests by holders of permits/licenses. These clarifications are hereby issued for the guidance of all concerned:

- 1) The environmental fee shall only be imposed on sawlogs and veneer logs of the first and second groups of timber.
- 2) To maximize timber utilization, timber products derived from mill and logging wastes or residues like pulpwood and fuelwood are exempt from payment of the environmental fee.
- 3) Plantation timber are not subject to payment of environmental fee.
- 4) It is reiterated that the payment of the environmental fee is a prerequisite to the issuance of a Certificate of Timber Origin (CTO).
- 5) All CENRO's concerned are hereby directed to prepare and submit a monthly report on log production and payment of all taxes, charges and fees, including environmental fees by permittees/licensees within their jurisdiction.

VICTOR O. RAMOS
OIC, Secretary

Memorandum Circular
No. 4
April 1, 1991

**SUBJECT: Clarifying the Guidelines on the
Confiscation, Forfeiture and Disposition of
Conveyances**

For effective implementation of the guidelines on the confiscation, forfeiture and disposition of conveyances under DENR Administrative Order No. 59, Series of 1990 pursuant to the provisions of Section 68 of Presidential Decree No. 705, as amended, and as further amended by Executive Order No. 277, Series of 1987 and other forestry laws, rules and regulations, the following clarificatory guidelines are hereby issued for the guidance and compliance of all concerned:

1. As provided for in Section 4 of DENR Administrative Order No. 59, Series of 1990, forest officers and/or natural resources officers, or deputized officers of the DENR are authorized only to seize conveyances subject to pertinent policies and guidelines.
2. Only the Secretary can confiscate/forfeit or release said conveyances, subject to the same guidelines.
3. Whenever a seizure is made under these rules, the forest officers or natural resources officers concerned shall submit a report thereof within three (3) days to the Office of the Assistant Director, Forest Management Bureau, for evaluation, instead of directly submitting the same to the Secretary as provided for in Section 6 of DAO 59, Series of 1990

This Circular takes effect immediately.

VICTOR O. RAMOS
Undersecretary for Field
Operations

Memorandum Circular
No. 7
May 15, 1991

TO: All Concerned

SUBJECT: Conditions Governing the Issuance of Mangrove Cutting Permits Within Approved FLA Areas and the Survey of Mangrove Areas for FLA Applicants

1. Sections 4 and 9 of DAO 15, S-90 set conditions governing the development of fishponds within mangrove areas. These conditions are further detailed in DENR Policy Primer Vol. I, No. 1, dated March 29, 1990. The issuance of mangrove cutting permits within approved FLA areas as provided in MC 5, S-90, as amended, and the survey of mangrove areas for FLA applications are affected.
 - a. No mangrove cutting permit shall be issued covering an approved FLA area if the area applied for has ten (10) percent or more mangrove canopy cover and/or is capable of natural regeneration.
 - b. Surveys by DENR staff of mangrove areas for the purpose of supporting FLA applications shall no longer be undertaken if the area to be surveyed has ten (10) percent or more mangrove canopy cover and/or is capable of natural regeneration. The DENR also shall not approve surveys by others for the same purpose if the area to be surveyed has ten (10) percent or more mangrove canopy cover and/or is capable of natural regeneration.

RICARDO M. UMALI
Undersecretary for Planning
Policy & Project Management
and Chairman, Coastal Resources
Management Committee

VICTOR O. RAMOS
Undersecretary for Field
Operations

Memorandum Circular
No. 8
July 5, 1991

**SUBJECT: Clarification of DENR Memorandum
Circular No. 14, Series of 1990**

For the guidance and compliance of all concerned, a clarification is hereby issued regarding DENR Memorandum Circular No. 14, Series of 1990, entitled "**Additional Guidelines on the Renewal of Wood Processing Plant Permits**".

While mini-sawmills are considered wood processing plants, they are allowed to process only logs coming from tree plantations and/or woodwastes/logging wastes as defined in MNR Administrative Order No. 50, Series of 1986, entitled, "Integrated Regulations on the Establishment and Operations of Wood Processing Plants".

FULGENCIO S. FACTORAN, JR.
Secretary

Memorandum Circular
No. 9
August 5, 1991

**SUBJECT: Implementing Guidelines on Force Majeure
in Contract Reforestation**

Pursuant to Section 55, Article VII and Section 64, Article IX of DENR Administrative Order (AO) No. 31 Series of 1991, otherwise known as the "Revised Guidelines for Contract Reforestation," the following implementing guidelines on force majeure are hereby promulgated:

Section 1. Definition of Force Majeure - In accordance with Section 55 of DAO 31 Series of 1991, force majeure shall refer to those events which could not be foreseen, or which though foreseen, are inevitable so as to make it impossible for the contractor to carry-out, in whole or in part, the obligations under the contract. These shall include the following:

- a) Those due to human causes such as wars, armed invasion, revolution, rebellion, insurrection, armed blockades, riots, civil disturbances, strikes and other analogous causes; and
- b) Those due to natural causes such as earthquakes, typhoons, storms, floods, prolonged drought, epidemics, and other similar phenomena.

Considering the foregoing definition, forest fires, regardless of cause or origin, shall not be considered force majeure, especially since adequate funds for maintenance and protection (which include fire prevention and control) are provided for in reforestation contracts. Thus, contractors shall be fully responsible in the replanting of burned plantations.

Section 2. Reportorial Requirement/Consultations - In case of force majeure, the contractor shall notify the DENR office concerned (i.e. Region/PENRO/CENRO) in writing, within seven (7) days after its occurrence, describing the same and its effects upon the performance of the contract. The parties (i.e. DENR and the contractor) shall, within five (5) days from receipt of the notice, consult with each other to decide on the most appropriate course of action to take under the circumstances, which may include suspension of work or termination of the contract.

Section 3. Liability in Force Majeure Cases - As a general rule, no party can be held liable in cases of force majeure as defined in Section 1 hereof. However,

the processing and disposition of claims for payment in reforestation projects affected by force majeure shall be governed by the following terms and conditions:

- 3.1 In cases where billing has been submitted by the contractor, and the accomplishments have already been inspected by DENR or by an M & E contractor prior to the occurrence of the force majeure, payments shall be made to the extent of the accomplishments verified.
- 3.2 In cases where billing has been submitted by the contractor, but force majeure intervened before the accomplishments can be inspected, payments may be made subject to the submission of the following:
 - a) Photographs of the accomplished activities attached to the billing. In the absence thereof, a copy of the activities recorded in the project's log book and all pertinent records may be inspected by DENR;
 - b) Previous accomplishment reports which will serve as basis for comparison with current accomplishments subject of the billing to determine the credibility of the claims;
 - c) Sworn statements, affidavits or testimonials from at least two (2) credible sources, such as: barangay captains, parish priests, local NGO leaders, community elders, or tribal leaders, as the case may be, who have first hand knowledge of the project, affirming that the accomplishments have been actually performed and, thus, deserve the payments due;
 - d) Inspection report by DENR personnel duly subscribed and sworn to before an official authorized to take oath, stating, among others, that seedlings, infrastructures, or other remaining physical evidences of the accomplishments had been verified at the project site.
- 3.3 In cases where the billing was filed by the contractor after the force majeure but prior to its due date, payment may be released by DENR, provided, that the accomplishments being billed correspond to the approved work and financial plan of the contractor and the requirements described in paragraph 3.2 hereof are met.
- 3.4 In cases where no billing has been filed by the contractor when the force majeure intervened, DENR shall not be held liable for payment of the contractor's claimed accomplishments that were allegedly destroyed by force majeure.

Section 4. Inspection of Affected Project Sites - Upon receipt of the contractor's report on the destruction of his/its projects by force majeure, the DENR office concerned shall, as soon as practicable, immediately dispatch an inspection team to the affected project to assess the damage. The RED/PENRO/CENRO concerned shall create a special investigation team for the purpose composed of technical/administrative/financial personnel as may be necessary.

Section 5. Suspension, Termination and Turn-Over of Accomplishments - Where the DENR and the contractor, after consultations, agree to temporarily suspend the work due to ongoing effects of force majeure, an appropriate suspension order shall be issued by the RED/PENRO/CENRO concerned. Upon receipt thereof, the contractor shall take immediate steps to bring the work to a close in a prompt and orderly manner and to reduce expenditures to a minimum as far as practicable.

In areas where the force majeure continues for a period more than sixty (60) days, either party may terminate the reforestation contract by way of a written notice: **Provided**, That such notice is received by the concerned party within 30 days after the expiration of the 60-day period. A notice of termination shall be issued by the RED/PENRO/CENRO concerned depending on who was the approving official on the contract.

In the event of termination, the contractor, upon receipt of the notice thereof, shall likewise take immediate steps to bring the work to a close in a prompt and orderly manner minimizing expenditures as far as practicable. The DENR shall not be liable to the contractor except for work or services performed prior to the date of termination and for actual costs incurred in connection with the liquidation of work. The contractor shall turn-over to DENR all improvements, data, maps and drawings, and preliminary conclusions up to the date of termination.

Section 6. Revision of Existing Contracts/Execution of New Contracts - In contract reforestation areas where the damage is not total but resulted in the reduction of the area contracted, the RED/PENRO/CENRO, after determining the remaining area, may revise the contract to incorporate new area equivalent to the area damaged by force majeure. A work and financial plan and estimated payment schedule for the new site shall be prepared taking into account the remaining balance of the contract cost.

The RED/PENRO/CENRO may, based on the contractor's past performance, and subject to the availability of funds, award deserving contractors new areas equivalent to their projects destroyed by force majeure.

Section 7. Specific Guidelines in Areas Affected by Mt. Pinatubo's Eruption - In the case of areas affected by the eruption of Mt. Pinatubo, the following guidelines shall apply:

- 7.1 All reforestation activities in the affected projects are hereby suspended;
- 7.2 Projects which are located within a radius of ten (10) kilometers from Mt. Pinatubo shall be terminated;
- 7.3 Projects located beyond 10-kilometer radius up to 20-kilometer radius from Mt. Pinatubo shall be relocated in accordance with Section 6 hereof;
- 7.4 Projects located beyond the 20-kilometer radius from Mt. Pinatubo shall be continued and maintained unless otherwise seriously damaged by accumulated pyroclastic materials on the ground thicker than six (6) inches;
- 7.5 Planted seedlings in areas mentioned in Section 7.3 which are 1.0 - 1.5 meters in height shall be evaluated to determine vigor and capability to survive, otherwise, replanting shall be implemented. On the other hand, seedlings with a height of more than 1.5 meters shall be cropped-up and protected; and
- 7.6 For projects which are within the purview of Sections 7.3 and 7.4, their work and financial plans should be revised to include, among others, additional cost in fertilization with the use of organic fertilizer and props. The increase in cost, however, shall not exceed 10% of the total project cost.

Section 8. Effectivity Clause - This Circular takes effect immediately.

EBERT T. BAUTISTA
Chairman
NFP Steering Committee

Memorandum Circular
No. 10
July 16, 1991

**TO: The Regional Executive Directors,
Provincial and Community
Environment and Natural Resource
Officers and All Concerned**

**SUBJECT: Temporary Suspension of the Processing
and Issuance of Industrial Tree Plantation
Lease Agreement**

To effectively protect our remaining natural forests and to improve and maintain a balanced ecosystem, there is an urgent need to modify existing forestry policies and regulations, one of which is the current Industrial Tree Plantation regulation. Pending promulgation of the revised regulations on the matter and with the end in view of establishing a more effective regulation responsive to the changing needs, the acceptance and processing of Industrial Tree Plantation Lease Application is hereby temporarily suspended.

Meanwhile, in addition to those areas covered by existing/cancelled ITP Lease Agreements, pending ITP applications, as well as those that have been previously identified, you are hereby instructed to identify and delimit on the ground within three (3) months from the issuance hereof, potential areas for Industrial Forest Plantation to include areas covered by cancelled TLAs or portions thereof, and inadequately stocked areas within existing TLAs/TPSA which are suitable for conversion to Industrial Forest Plantations, provided that such areas are not programmed for reforestation as required under existing regulations, and to submit reports therefore together with a sketch map of the area, complete with technical description as well as the following information:

1. Climatic type
2. Rainfall distribution
3. Soil characteristics (i.e. type, texture, drainage, erodibility, fertility, etc.)
4. Topography
5. Vegetative cover
6. Dominant species
7. Forest based industries that may be served
8. No. of families and area cultivated and possible economic and social impact
9. Accessibility to existing roads or water transportation
10. Other information

For information and immediate compliance.

FULGENCIO S. FACTORAN, JR.
Secretary

Memorandum Circular

No. 11

August 28, 1991

SUBJECT: Guidelines in the Monitoring, Evaluation and Reporting on the Establishment and Maintenance of Seed Production Areas (SPAs)

As an initial step to improve the country's local sources of forest tree seeds, the DENR purchased seeds of some exotic and indigenous species of known provenances for the purpose of conducting species trials and establishing Seed Production Areas (SPAs). To ensure that the activities being undertaken relative to the establishment of these SPAs are properly documented, monitored, and evaluated, the following guidelines are hereby issued for the information and guidance of all concerned. For uniformity and consistency in reporting, these guidelines shall supersede instructions issued earlier on the matter, particularly Section A.3 of Memorandum Circular No. 6 dated April 3, 1990 and Section B.3 of Memorandum Circular No. 21 dated September 10, 1990.

A. Project Implementation Phase

In the reporting, monitoring and evaluation of all seed production areas, the narrative report must be accompanied by tabulated data and information using the attached forms (SPA Forms 1, 2, 3, 4 & 5)

A.1 Monitoring/Evaluation

1. The PENRO/CENRO conducts monthly monitoring and evaluation of the project
2. The Regional Seed Task Force (RSTF) conducts quarterly monitoring and evaluation
3. The National Seed Task Force/Project Management Staff (NSTF/PMS) conducts semi-annual monitoring and evaluation or as the need arises.

A.2 Reporting

1. The PENRO/CENRO submits monthly report to the RSTF and NSTF using SPA Forms 1, 2, 3, 4 & 5. Such report must also include the financial status of the project, and the

problems, if any, encountered during the implementation. Possible solutions, suggestions or recommendations to solve the problems should likewise be presented.

2. The RSTF evaluates the monthly report. It is also the RSTF's responsibility to review the results of the field evaluation and to forward reports, comments and recommendations to the NSTF.
3. The NSTF takes actions on comments and recommendations of the RSTF and submits semi-annual report to the Field Operations Office (FOO) and annual report to OSEC.

A.3 Documentation/Review

1. The PENRO/CENRO documents the progress of the project.
2. The RSTF and NSTF conduct semi-annual and annual in-house review, respectively.

B. Project Completion Phase

1. The PENRO/CENRO prepares the terminal report and submits same to the RSTF and NSTF. The PENRO/CENRO, likewise, submits documentation to RSTF for editing, publication and dissemination to end users at all levels.
2. The RSTF reviews the terminal report and verifies actual accomplishment, forwards recommendation for possible publication, or recommends extension or expansion of the project.
3. The NSTF/PMS consolidates reports/recommendations and endorses same to OSEC/FOO.
4. The OSEC/FOO reviews the reports and acts on recommendations of the NSTF.

C. Maintenance Phase

Records of seeds produced by the SPA's shall be carefully maintained by species and their distribution.

VICTOR O. RAMOS
Undersecretary for Field
Operations

Recommending Approval:

CIRILO B. SERNA
Director, Forest Management Bureau

NOTE: Annexes Omitted

Memorandum Circular
No. 14
November 13, 1991

**SUBJECT: Identification and Demarcation of
Dipterocarp Old Growth Forests**

Pursuant to the policy directions enunciated in the National Master Plan for Forestry Development, DENR Administrative Order No. 24 and to complement DENR Memorandum Order No. 8, both series of 1991, the following guidelines on the identification and demarcation of old growth dipterocarp forests are hereby issued:

I. Preliminary Activities

Section 1. Area Identification - The Forest Management Bureau (FMB), with the direct support of the NAMRIA and other DENR agencies, shall identify the old growth dipterocarp forest areas utilizing among other things, such technical information and references sourced and/or gathered from:

- 1.1 Latest available maps and references derived from relevant satellite images, aerial photographs, etc., covering the areas under consideration;
- 1.2 Base information that may be supplied and/or available from the CENR, PENR, or RENR Offices concerned, relevant to and applicable for the purpose;
- 1.3 Such other data and information which may be deemed relevant for the purpose;
- 1.4 Data and other relevant information generated hereon shall be used in the proper planning and execution of field inspection/survey procedures consistent with established guidelines, procedures, and standards and shall be made consistent with the UTM grid system.

Section 2. Aerial Reconnaissance - Subject to budgetary limitations, aerial reconnaissance activities covering areas under consideration may be undertaken for purposes of:

- 3.1 Identifying target areas for ease of field verification and analysis;
- 3.2 Providing additional information and/or data for field inspection/validation, specially on the relative location and extent of old growth forest areas.

Section 3. Field Forest Survey Teams - There shall be organized field survey team (FSTs to be composed of FMB, NAMRIA and Land Classification Teams, after area identification and aerial reconnaissance, who shall undertake the forest survey related activities. Subject to DENR manpower availability and financial limitations, services of qualified NGO's may be availed of and contracted for the purposes, subject to prior accreditation by the Regional Executive Director concerned consistent with existing procedures.

Should the need arises for training and/or reorientation of the FST's, the same shall be undertaken; expenses shall be charged against DENR funds allocated for the purpose.

II. Area Demarcation

Section 4. Field Survey Team Deployment - Immediately after the completion of the preliminary activities and the grant of survey contracts to appropriate NGO's and/or NAMRIA L.C. Teams, the Field Survey Teams (FSTs) shall be deployed in the field. Each FST shall be accompanied in the field by at least one DENR regional personnel knowledgeable in forest surveys, and who has sufficient level of responsibility to ensure the effective conduct of the surveys.

Section 5. Levels of Priorities for Survey Demarcation - The survey and demarcation of the old growth forest (O.G.) stands shall be prioritized according to the following schedule:

A. Within Forestlands

1. Old growth within existing, suspended and cancelled TLAs.
2. Old growth outside above-said TLAs which are threatened due to existence of access road.
3. Old growth outside above-said TLAs which are not as threatened as in #2 above.

B. Within Proclaimed Reservations and Other Protected Areas

1. Old growth within watershed forest reserves, military and civil reservations.
2. Old growth within national parks, game refuge and bird sanctuary, wildlife areas and wilderness area.

3. Old growth within resettlement/settlement areas.

C. Within A & D Lands

1. Old growth within public A & D lands
2. Old growth within private lands

Section 6. General Survey Guidelines - The conduct of the actual ground demarcation of the old growth dipterocarp forests shall be guided by the established procedures in close traverse surveys and the following prescriptions:

- 6.1 As much as possible, two survey stations should be tied to established landmarks such as concrete monuments, churches, town halls or road junctions and these tie points shall be further tied to known Geodetic Control Points.
- 6.2 Whenever possible, there shall be established a buffer zone of about 100 meters of residual forest immediately surrounding the old growth forest stands. However, when the old growth forest stand is adjacent to natural ground features such as waterways (rivers, streams, creeks), gullies, or ridge tops these shall be used as boundaries.
- 6.3 Markers shall be established at the perimeter of the buffer zone at every fifty-meters (50 m) intervals in addition to conspicuous corners in the survey.
- 6.4 Permanent marking on boundaries - Survey stations for every 100 meters along the old growth shall be conspicuously marked by the following:
 - a. Concrete monuments measuring 20 x 20 x 50 cm., buried to a depth of 40 cm., and marked as described in Appendix I of this Circular which shall be complemented by either of the following:
 - a.1 Boundary marks chiselled on a tree serving as the station, and the marking of which shall be as described in Appendix I of this Circular;
 - a.2 Wooden post 30 x 30 x 200 cm., buried 50 cm into the ground, with chiselled markings as described in Appendix I of this Circular;

a.3 Placing of conspicuously painted metal billboards along roads and trails made of durable materials, marked as described in Appendix I of this Circular.

6.5 Description of markings, survey stations shall be in accordance with Land Classification marking system. In all of the above cases, boundary marks for each witness trees and/or reference points in the vicinities of such boundary marker shall be located, marked, and appropriately described in the field notes and subsequent maps, to serve as guide in future relocation of such boundary markers.

6.6 Preliminary boundary (compilation maps PBCMs). Under the supervision of the Regional Offices, Preliminary Boundary Compilation Maps (PBCMs) indicating the surveyed boundaries, description of boundary marks, witness trees/reference points, and other ground features, shall be prepared by the FSTs.

The Regional Executive Directors shall cause the review of all field notes and PBCMs, before these are submitted to the Forest Management Bureau, to insure the clarity and correctness of such field notes and PBCMs. In case of doubts, the REDs shall cause the field verification of such parts of the surveys that are doubtful or suspectedly erroneous.

6.7. Repository of Original Field Notes and PBCMs. All original field notes of surveys for tie lines, cut lines, traverse line, etc., and original plottings, original tracings of plots, and original PBCMs, shall be forwarded to the FMB, with adequate security measures undertaken to avoid loss, misplacement, or tampering of such.

The regional offices should retain certified photocopies and/or duplicates of such field notes, plots, and PBCMs for their record and reference. Similarly, adequate security measures should be undertaken to avoid loss misplacement, or tampering.

The FMB shall be the final repository of the original field notes, plots, tracings, PBCMs. Certified copies of such notes, plots, tracing and PBCMs or as required by NAMRIA shall be provided to the latter agency for their purposes of final maps of old growth forests.

6.8 The technical descriptions of every delineated old growth dipterocarp forest stand shall be approved by the Secretary, Department of Environment and Natural Resources which shall form part of the permanent forest estate.

III. Preparation of Final Maps

Section 7. Responsibility for Preparation of Final Maps of Old Growth Forests - NAMRIA, with the collaboration of the FMB, shall be responsible for the compilation, preparation and publication of final maps of all old growth forests and copies of maps shall be given to FMB and DENR Central Office and all field offices concerned.

Section 8. Map Standards and Map Monitoring - Final maps of old growth forest shall be prepared at a uniform scale of 1:50,000, using standard topographic maps as the base maps. Grids of 10 km x 10 km shall be inscribed on such maps, the grids strictly coinciding with the UTM grids used in the National Forestation Program sectioning and blocking work. Each 10 km x 10 km sections inscribed on the maps shall be given designations, using the UTM-based section designation prescribed under the National Forestation Program (see Appendix II). These sections shall be marked on the ground in the future, using prescribed section markings.

IV. Management and Supervision

To insure the veracity of the demarcation of the old growth forests, the following administrative supervision schemes shall be undertaken (Fig. 2 Organizational Chart):

Section 9. Aside from the presence of DENR personnel in each of the FSTs deployed, there shall be established at the Regional Office a committee tasked to oversee the implementation of the actual survey and demarcation on the ground. Such committee shall report directly to the Regional Executive Director concerned.

Section 10. There shall also be created a coordination committee at the National level which shall see to it that the task is proceeding according to schedules and in consonance with the prescribed formats, procedures, and systems. The coordination committee shall be headed by the Director of the Forest Management Bureau, with representatives from NAMRIA, PAWB, PPSO, FOO and OSEC.

Section 11. Boundaries shall be respected by Local Government Units and the general public. Local government units (LGU's), non-government organizations (NGO's), schools, and the general public shall respect the boundaries of the old growth forest stands. All possible means of information dissemination shall be availed of by the DENR field office concerned to inform the public that the boundaries are considered permanent.

V. Other Provisions

Section 12. Penal Provision - It shall be unlawful to destroy, deface, remove, or disfigure any marker, sign, poster, or notices set by the DENR to designate the boundaries of the old growth forests, and illegal occupancy, intrusion, forest products extraction by any individual, groups or entities shall be death with in accordance with Section 77 of P.D. 705, as amended.

Section 13. This Order takes effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

Recommending Approval:

VICTOR O. RAMOS
Undersecretary for Field Operations

ANTONIO S. TRIA
Undersecretary

NOTE: Appendices and Figures Omitted)

Memorandum Circular
No. 15
December 27, 1991

**SUBJECT: Identification and Mapping of TLA Areas
by Land Use Plan Prior to Resumption of
CY-1992 Operations**

In consonance with the policy directions in the management of the forest resources under the National Master Plan for Forestry Development, the following guidelines governing the identification and mapping of TLA areas into land use categories are hereby prescribed for the guidance and compliance of TLA holders and all others concerned:

1. Every TLA holder shall prepare a map showing the permanent land use plan for their respective concession area before they are allowed to conduct logging. For such purposes, the said plan shall be embodied in and form part of the Integrated Annual Operations Plan (IAOP) starting CY - 1992.
2. The identification and mapping of the TLA areas shall properly indicate the following:
 - a. Old growth (virgin) forest - for conservation of biodiversity;
 - b. Second growth (residual) forest - below 50 percent slope and less than 1000 meters elevation (asl) for timber production;
 - c. Reforestation areas - for forest plantation, to include those already established as well as those for planting;
 - d. Watershed and environmental protection areas - mossy forests, 50 percent and steeper slopes, above 1000 meters elevation and other protected areas;
 - e. Others - social forestry areas, civil reservation, experimental sites, etc.
3. The land use map shall be based on the latest available remote sensing data, forest resources condition maps, topographic maps, aerial photo coverage, updated timber inventory results and other applicable references.
4. The maps, prepared at 1:50,000 scale, shall serve as a basic guide in the preparation of the IAOP, particularly for forest management planning and control

purposes in conducting logging operations, silvicultural treatment, forest development and rehabilitation, forest protection and other allied activities.

5. This Circular shall take effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

Memorandum Circular
No. 16
December 27, 1991

**SUBJECT: Creation of Price Monitoring Units in all
 DENR Regional Offices**

1. In order to effectively and efficiently monitor the FOB market price of timber and other forest products, and in consonance with the recommendations of the Committee created pursuant to the provisions of R.A. 7161, there is hereby created a Price Monitoring Unit (PMU) under the Planning and Management Division in all Regional Offices of the Department of Environment and Natural Resources.

2. The PMU shall undertake a monthly survey of FOB market price of timber and other forest products following the guidelines on the matter. A monthly price survey report shall be submitted to the Director, Forest Management Bureau at Quezon City not later than the 10th day of the ensuing month.

3. In carrying its functions, the PMU shall closely coordinate with local representative of the National Economic and Development Authority, the Department of Trade and Industry, the Bureau of Internal Revenue, the Philippine Wood Products Association, the Chamber of Furniture Industries of the Philippines and the Consumers Sector who shall be the co-signatories of the report.

4. This Order shall take effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

Memorandum Order
No. 5
May 22, 1991

**SUBJECT: Timber Supply and Processing Strategy for
the Province of Isabela**

Whereas, pursuant to the provisions of P.D. 705, as amended, to conserve, protect and wisely utilize our forest resources particularly in the Province of Isabela, and upon the representation of the Provincial Government;

Whereas, there is a need to evolve a more rational utilization of timber resources in the province in accordance with existing forestry laws, rules and regulations and to implement a more effective strategy against illegal forest products utilization and trade;

Whereas, the forest industry is one of the pillars of the province's economy such that there exists a need to install a completely legitimate timber supply and marketing system;

Whereas, the Isabela Wood Based Industries Association (ISWBIA) has been formed voluntarily for this purpose with a concurrence for the inventory and evaluation of all timber stocks of the members;

Therefore, a Provincial Timber Supply and Strategy Program for Isabela is now being considered for implementation.

Prior to the establishment of this system, and in order to begin the program with a clean slate, a Timber Amnesty period is hereby directed, during which time all interested and licensed sawmillers may declare and register their total stock of timbers.

The permits to transport, process and dispose all declared questionable logs/fitches and lumber shall be issued subject to the following conditions:

1. The amnesty program shall only be implemented within the province of Isabela for a period of forty five (45) days without any extension starting from the effectivity of this Order.
2. The Regional Technical Director (RTD) for Forestry in Region II is tasked to oversee the overall operation and implementation of the amnesty program following the operations plan. He shall assign/create teams to man the monitoring stations/checkpoints.

3. Amnesty on the declared questionable forest products shall be granted and documented upon payment by the participating members of the ISWBIA of P800.00 per cu.m. penalty.
4. Only logs, flitches and lumber stockfiled in open or hidden log yards of existing sawmillers may qualify for amnesty. This program shall not include logs or flitches abandoned, scattered and hidden in forest areas.
5. All logs, flitches and lumber previously seized or confiscated as well as freshly cut or newly cut logs and premium species are not covered by this Timber Amnesty Program.
6. All other details regarding the guidelines and procedures of this Amnesty Program as embodied in the attached Operations Plan for the Isabela Timber Amnesty Program shall be strictly followed.
7. Additional operational details may be ordered by the Assistant Secretary for Field Operations, Luzon upon recommendations of the RED Region 2.

This Order takes effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

NOTE: Operations Plan Omitted

Memorandum Order
No. 8
July 4, 1991

SUBJECT: Prescribing the Guidelines in the Implementation of DENR Administrative Order No. 24, Series of 1991

Pursuant to the provisions of DAO 24, series of 1991 shifting logging from old growth (virgin) forests to second growth (residual) forests beginning 01 January 1992, the following are hereby issued for the information and guidance of all concerned:

1. Definition of Terms

For the purpose of this Order, the following terms shall mean as follows:

- 1.1. **Production Forests** - Forestlands outside the areas specified in item 3.1 hereof, with less than 50% slope gradient and less than 1000 m in elevation; consisting mainly of second growth (residual) forests, including patches of reforested areas, brushlands and/or openlands therein.
- 1.2. **Non-Production Forests** - Forestlands enumerated in item 3.1 hereof; blocks of old growth (virgin) forests; patches of old growth forests with an area of at least 20 ha within second growth forests; second growth forests with slope gradient of 50% and greater and with elevation of 1000 meters and higher and those along the 20 - m wide strip on both sides of stream banks.
- 1.3. **Operable Second Growth (Residual) Forests** - Second growth forests within areas less than 50% slope and less than 1000 meters elevation specified under the Production Forest category.

2. Creation of Committees, Secretariat and Composite Inventory Teams

- 2.1 The Pre-Inventory Evaluation Committee (PIEC), Monitoring and Evaluation Committee (MEC), Inventory Secretariat (IS) and Composite Forest Inventory Teams (CFITs) shall be created by the DENR Central Office under a Special Order to be issued by the Secretary.

- 2.2 The PIEC shall be composed of representatives from the Office of USECs for Policy and Field Operations, FMB, NCR and PWPA. The Committee shall determine and recommend to the Secretary the TLAs/TPSAs that shall be evaluated/inventoried based from the information that shall be submitted by the DENR Regional Executive Directors (RED) and from records with the FMB.
- 2.3 The Monitoring and Evaluation Committee (MEC) shall be composed of supervisors from FMB, DENR Central Office, NAMRIA and Region 4. The MEC shall monitor and check the progress and accuracy of the forest resources inventory, as well as, evaluate the reports that shall be submitted by the CFITs.
- 2.4 The Composite Forest Inventory Teams (CFITs) shall be composed of foresters from FMB, NAMRIA, DENR field offices and other forestry graduates with knowledge of Forest Mensuration & Inventory and Remote Sensing Techniques. The CFITs shall undertake the field sampling in accordance with the sampling design prescribed in this Order.
- 2.5 The Inventory Secretariat (IS) shall be composed of Forest Inventory Specialists, Cartographers, Geodetic Engineers and Computer programmers/operators of FMB and NAMRIA. The IS shall assist the PIEC, MEC and CFITs in the preparation/evaluation of the soil cover maps and analysis of inventory reports.

3. Delimitation of Non-Production Forests

- 3.1 Areas proclaimed as Civil Military and Watershed Reservations; Wilderness Area; Areas identified with historical value, ISF areas with valid Stewardship Certificate; areas under Industrial Tree Plantation (ITP) and Tree Farm Leases; and such other areas proclaimed for ecological, environmental and scientific purposes, shall be delimited on the official concession map (FCI) of the TLAs/TPSAs. These areas shall form part of the non-production forests relative to this Order.

4. Management Blocks

The second growth forests shall be stratified/blocked depending upon the years elapsed after logging (YEAL). The management blocks shall be as follows:

Block No.	Y E A R
I	26 years and over
II	21 - 25 years
III	16 - 20 years
IV	11 - 15 years
V	6 - 10 years
VI	1 - 5 years

4.1 The management blocks shall be determined by the REDs and TLA/TPSA holders, including the location of the non-production forests enumerated in item 3.1 hereof. These information shall be indicated on a white print copy of the concession map to be submitted to the USEC for Field Operations.

5. Preliminary Soil Cover Map (PSCM)

- 5.1 The soil cover within the different management blocks shall be determined from the forest resources condition maps prepared in 1969 and 1985 by the FMB. Likewise, the slope gradient of 50% & greater and elevation of 1000 meters & higher within the blocks categorized in item 4 hereof shall be determined from the 1:50,000 topographic map and indicated on the concession maps. The second growth forest areas with less than 50% slope and less than 1000 meters in elevation shall form part of the operable second growth forests.
- 5.2 The extent (hectarage) of the land resources within the production forests of each management block (stated in item 4) i.e. residual forests, forest plantation, brushlands and openlands, shall be measured and tabulated.
- 5.3 The soil cover of the TLAs/TPSAs for the whole area and by block shall be updated, as soon as, new FRCMs are prepared by the DENR pursuant to DAO 69 as amended by DAO 88, both series of 1990 re-submission of aerial photographs/satellite data by TLA/TPSA holders.

6. Pre-Inventory Evaluation

- 6.1 All existing TLAs/TPSAs shall be pre-evaluated before the forest resources inventory is undertaken.

- 6.2 The basis of determining whether the forest resources inventory within the production forest of TLAs/TPSAs shall be conducted or not, is the existence of at least **One Thousand Two Hundred (1200)** hectares of operable second growth forests in each management block. The 1,200 hectares shall be logged for a period of five (5) years or an annual cutting area of **Two Hundred Forty (240)** hectares which is determined to be the minimum area whereby a TLA/TPSA holder can economically and sustainably develop and utilize the forest resources within their concession area.
- 6.3 If a TLA/TPSA does not have 1,200 hectares operable second growth forest, particularly under Management Block I, such TLA/TPSA shall not be allowed to conduct logging operations beginning 01 January 1992.
- 6.4 The PIEC shall evaluate the extent of the operable second growth forests of TLAs/TPSAs, specifically those within Management Block I. The Committee shall submit to the USECs for Field Operations and Policy the results of the evaluation.

7. **Sampling Methods/Procedures**

- 7.1 Strip sampling at 10% intensity shall be applied in the forest resources inventory of the operable second growth forests within each management block. The areas under Block I (areas logged 26 years and over) shall be inventoried first. If the areas under Block I are not contiguous, number the sub-blocks accordingly, e.g. Blk. I-1, Blk. I - 2, Blk. I - 3, etc.
- 7.1.1 The baseline(s) shall be established following the general directions of main river/stream in the block of sub-block, so that the operable second growth forests at different elevations are adequately sampled.
- 7.1.2 The center of each 20 m - wide strip shall be numbered consecutively along the baseline. The distance between strip is 200 meters.
- 7.1.3 In the process of sample strip establishment, all trees with diameter at breast height/diameter above buttress (DBH/DAB) of 15 cm and larger within the strip shall be measured and

tallied. The DBH/DAB shall be recorded to the nearest centimeter.

7.1.4 Measurement of DBH/DAB

- a) **Normal Trees** (without buttess) The DBH is measured at 1.3 meters above the ground. If the ground is sloping reckon the 1.3 m from the upper portion of the slope.
- b) **Swell Butted Trees** - Trees that are naturally swell butted or have high basal flanges, the DAB shall be measured 30 cm above the highest buttress or flange.
- c) **Trees sprouting from high stumps** - Occassionally, the main stem has resulted from the sprout or limb on a snag taking over the bole that has died back or been broken off. In this case, the diameter is measured at the usual point at DBH, however, if the new stem sprout above the normal DBH point, measure the diameter 5 cm above the base of the new stem.
- d) **Forked Trees** If the fork is less than 3 meters from the ground, consider the stems as separate tree and measure the diameter of each stem above the fork. However, if the fork occurs higher than 3 meters from the ground, consider it as one tree and measure the diameter at DBH.

7.1.5 Merchantable Height Limit

- a) All sound trees with DBH/DAB of 35 cm and larger, the merchantable height limit is up to 1st main branch. If there is a clear length of more than 2 meters after the 1st main branch up to 30 cm top end diameter, include that portion to the merchantable section of the tree.
- b) Trees with DBH/DAB below 35 cm. the minimum top diameter is 60% of DBH/DAB. The merchantable

height is the length between the diameter at DBH/DAB and top diameter, since natural grown trees are estimated to taper one cm for every meter increase in height. The merchantable height shall be recorded to the nearest meter.

7.1.6 Tree Quality

The quality or soundness of all tallied trees shall be determined and recorded on the tally sheet. The quality is based on the section or portion of the tree suitable for saw log utilization. Trees with defect should have at least 50% sound wood volume except for premium species where the sound volume may be as low as 25%.

7.1.7 Tree Identification

The tallied trees shall be identified by its official common name. In cases where a particular tree can not be identified by its official common name, the local name shall be recorded and specimens of bark, leaves, flowers and/or wood shall be collected and labelled for identification by UPLB College of Forestry and/or Forest Products Research and Development Institute (FRDI).

7.1.8 The areas within the stream bank protection, with slope of 50% and greater, or with elevation of 1000 m and higher shall be excluded from the field sampling.

7.1.9 Field notes on the changes of the forests condition along the strip shall be recorded on the back of the tally sheet. There shall be a separate tally sheet every 100 meters horizontal distance along the strip.

7.1.10 Sampling of Reproductions

Reproduction shall be sampled on a one-meter radius plot located at every 100 meters along the strip. The seedlings that shall be tallied should have a minimum height of 1.5 m up to 5.0 cm in diameter.

7.1.11 Sampling of Saplings

Sapling (trees with diameter of 6 to 14 cm) shall be sampled within a five-meter radius plot located at every 100 meters along the strip, concentric with the reproduction plot. Only the diameter shall be measured and tallied.

7.1.12 Tree Volume Computation

The volume computation of all measured and tallied trees within the 20-m wide sample strip shall be computed using the Regional Equations and volume for standing Trees in the Philippines.

7.1.13 The field sampling of the operable second growth forests in the other blocks shall be undertaken, as soon as, the report for Block-I shall have been submitted and evaluated.

8. Report Preparation/Submission

8.1 The report on the results of forest resources inventory shall be submitted by the CFITs within 20 calendar days after the completion of the field works. The report shall include statistical analysis to show the reliability of the inventory data.

8.2 The report shall be signed and under oath by all Team members and notarized by a notary public.

8.3 The report shall include the following:

8.3.1 Summary - it shall consist of the sampling method used, description of the area evaluated, duration of inventory work, expenses incurred, recommendations, etc.

8.3.2 Stand and Stock Table - it shall indicate the species and species groups, size classes, number and volume of each tree species.

8.3.3 Soil cover maps - shall consists of the preliminary map (prepared before the starting the field work) and final map at scale 1:50,000 which shall show the location of the field samples established; the forest cover by block & whole concession area; and the operable and non-operable second growth forests;

8.3.4 Original tally sheets; and

8.3.5 Photographs showing panoramic view of the area.

9. **Inventory Report Evaluation**

The submitted report shall be evaluated by the Monitoring and Evaluation Committee. The evaluation shall indicate, among others, whether the TLA/TPSA holders shall be allowed, to continue logging operation beginning 01 January 1992 or otherwise.

This Memorandum Order takes effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

Memorandum Order
No. 9
September 3, 1991

SUBJECT: No Hauling of Logs from Virgin Forests
Effective January 1, 1992

Pursuant to DENR Administrative Order No. 24 dated May 3, 1991, all holders of Timber License Agreements (TLAs) and other tree cutting permits are hereby reminded that no logging in any virgin forest shall be allowed effective January 1, 1992. Likewise, no hauling of logs cut from the virgin forests shall be allowed after December 31, 1991.

Holders of TLAs and other tree-cutting permits are advised to stop timber felling operations well in advance of the deadline for cutting trees in virgin forests in order to enable the hauling/removal of all felled timber from the forest on or before December 31, 1991. Weather conditions that may hamper the transport of logs from the forest should be given due consideration in scheduling the last felling activity. This Office will not entertain any request, for whatever reason, for exemption from the deadline for hauling timber cut from the virgin forests. Holders of TLAs who fail to remove from the area all logs cut from the virgin forests before the deadline shall be penalized by suspension or cancellation of their timber license agreement.

Regional Executive Directors, PENROs and CENROs shall strictly implement this Order.

Strict compliance is enjoined.

FULGENCIO S. FACTORAN, JR.
Secretary

Memorandum Order
No. 12
July 31, 1991

SUBJECT: Conversion of the Baluno Reforestation Project to Baluno Ecological Research and Training Center, R-9, Zamboanga City

In order to enhance and protect the ecological stability of the Baluno Reforestation Project, it is conceived that the area be converted into a Center with the triple functions, namely: to complement the productive role of the Pasonanca Watershed Area which supplies the much needed potable water for domestic and irrigation needs of Zamboanga City residents; to provide venues to various DENR activities, like trainings, conferences and symposia; and finally, to serve as model site for the verification and documentation of research breakthroughs and village-level technologies in Region IX.

Wherefore, it is hereby ordered that the Baluno Reforestation Project be converted and declared as **Baluno Ecological Research and Training Center**.

It shall comprise the area situated in Barangay Baluno, Zamboanga City and bounded as follows:

- On the North - by LC Project No. 5D, Block C Timberland
- On the East - by the Pasonanca Watershed Reservation;
- On the South - by Balabag Creek, Sinunuc River and Migasa River following the Zamboanga City LC-Project No. 5-R, Block IV, Alienable and Disposable;
- On the West - by Dumalon River, Fortunato Creek and the Industrial Tree Plantation of Victor A. Consunji;

with an approximate area of seven hundred ninety (790) hectares as indicated in the sketch map with technical descriptions which is attached hereto and made integral part of this Order.

All memoranda, orders or issuances inconsistent herewith are hereby revoked or amended accordingly.

This Order shall take effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary