

DENR Administrative Order
No. 97-04
March 4, 1997

**SUBJECT : Rules and Regulations Governing
the Industrial Forest Management
Program**

Pursuant to Presidential Decree No. 705, as amended, and Executive Order No. 278, dated July 25, 1987, and in order to promote ecological stability, productivity, sustainability and equity in the use of forestlands, the following rules and regulations governing the establishment and development of Industrial Forest Plantations for industrial purposes are hereby promulgated.

CHAPTER I

POLICIES, OBJECTIVES AND DEFINITION OF TERMS

Section 1. *Policies and Objectives.* The Department of Environment and Natural Resources shall:

- (a) Adhere to its policy to promote the rehabilitation and restoration of degraded forestlands through appropriate reforestation and afforestation programs;
- (b) Promote the responsible management of suitable portions of brushlands and open and denuded forestlands for industrial purposes that will ensure adequate supply of timber and other forest products primarily for domestic requirements and secondarily for export markets; and
- (c) Promote ecologically sound, equitable, socially acceptable, and culturally appropriate management of natural forests, forest plantations and lands under its jurisdiction.

- (d) Encourage the private sector to engage in the establishment and development of industrial forest plantations in the country's brushlands, open and denuded lands.
- (e) Ensure equitable access to forests and forest resources of forest-dependent communities by involving them in the development and management of forestlands.

Sec 2. *Priority to Ancestral Domain Recognition, Community-Based Forest Management Strategies and Socialized Industrial Forest Management Program.* Consistent with Executive Order No. 263 (1995), the DENR adopts community-based forest management as the national strategy for sustainable forest management and as such, the Department shall prioritize community-based forest management over other DENR programs. The recognition of ancestral domain/land claims, the protection of the integrity of IPAS sites, programs/projects such as Community Forestry Program (CFP), Integrated Social Forestry Program (ISFP), Socialized Industrial Forest Management Program (SIFMA), Integrated Protected Areas System (IPAS), and Indigenous Cultural Community (ICC) claims in accordance with DAO No. 2, series of 1993, and pertinent laws, rules and regulations, and similar projects shall be pursued proactively by the Department and shall be prioritized in case of conflict with the IFMA program.

Sec.3. *Definition of Terms.* The following terms are to be understood and interpreted as follows for purposes of this Order:

- 3.1. Brushland — A degraded area dominated by a discontinuous cover of shrubby vegetation.
- 3.2. CDMP — Comprehensive Development and Management Plan to be submitted by an IFMA Holder with six (6) months from the date an IFMA is entered into

- 3.3. CENRO — Community Environment and Natural Resources Office
- 3.4. DENR — Department of Environment and Natural Resources
- 3.5. EMB — Environmental Management Bureau
- 3.6. FMB — Forest Management Bureau
- 3.7. Forest-Dependent Communities — Communities within and outside the IFMA Area that are dependent thereon for their livelihood
- 3.8. IFMA Area — A delineated area of brushland and/or open and denuded forestland under the jurisdiction of the DENR and covered by an IFMA
- 3.9. IFMA Holder — A qualified person, corporation or cooperative who has entered into an IFMA with the DENR
- 3.10. Industrial Forest Management Agreement (IFMA) — A production sharing agreement entered into by and between the DENR and a qualified applicant, which grants to the latter the right to develop, utilize and manage a specified area, consistent with the principle of sustainable development and in accordance with a Comprehensive Development and Management Plan, and under which both parties share in its produce
- 3.11. Industrial Forest Plantation (IFP) — Any tract of brushland or open and denuded forestland principally planted to timber-producing species compatible with the ecological and biophysical characteristics of the area, but not excluding rubber and/or non-

timber species such as rattan and bamboo, to support wood-processing facilities and/or to supply wood energy requirements

- 3.12. LGU — Local Government Unit
- 3.13. NGO — Non-Government Organization
- 3.14. Natural Forest — An area with an existing stand of naturally grown trees of dipterocarp, premium, and other classified commercial species, as well as other naturally associated forest flora and fauna
- 3.15. Open and Denuded Land — An area that has been depleted of its natural forest cover and is predominantly covered by grasses, herbaceous species, or bare soil
- 3.16. PENRO — Provincial Environment and Natural Resources Office
- 3.17. Protection Forest — All types of forests that, under existing laws and regulations, may not be utilized for timber-production and which include old growth forests, mossy forests, sub-marginal forests, forests on slopes 50% or over, all strips at least twenty (20) meters in width bordering banks of rivers with channels at least five (5) meters wide, mangrove forests along shorelines and other forest areas that are determined by the DENR to be environmentally sensitive
- 3.18. RED — Regional Executive Director
- 3.19. RTD — Regional Technical Director for Forestry
- 3.20. Secretary — Secretary of Environment and Natural Resources

CHAPTER II

IFMA Areas

Sec 4. *Areas Available for IFMA.* IFMAs may cover all grasslands, brushlands, and open and denuded forestlands under the jurisdiction of the DENR; *provided*, that areas subject of vested rights, licenses, permits or management agreements may be made available for IFMA by prior express and written agreement of the holder thereof; *provided further*, that areas enumerated in Sec. 6 hereof shall not be available for IFMA.

Patches of residual natural forests within the IFMA Area that are too small to be managed separately shall be maintained and enhanced as protection forests, the management of which shall be the responsibility of the IFMA Holder.

Sec. 5. *Size of the Area.* The minimum area that may be covered by an IFMA is not less than 500 hectares and the maximum area is 20,000 hectares; *provided*, that an IFMA Holder may hold more than one IFMA simultaneously but the aggregate total size of the IFMA Areas held by any one Holder shall not exceed 40,000 hectares; *provided, further*, that the principle of social equity shall always be considered in the granting of an IFMA.

Sec.6 *Prohibited Areas.* In no case shall IFMAs be awarded in areas classified or to be classified under the National Integrated Protected Areas System (NIPAS) except when they fall within buffer zones, or subject of Certificates of Ancestral Domain/Land Claims (CADC/CALC) or of any other tenurial instrument issued by the DENR under the Integrated Social Forestry Program, Community Forestry Program, and other people-oriented forestry programs. Areas covered by pending applications for Certificate of Ancestral Domain/Land Claim shall not be open to applications for IFMA until the DENR, after due notice and

hearing in accordance with DAO No. 2, series of 1993, or other pertinent rules and regulations, shall have denied or rejected with prejudice such application for CADC/CALC. Those areas verified by the appropriate office of the DENR to be actually occupied by indigenous cultural communities under a claim of time immemorial possession shall likewise not be open to applications for IFMA without the prior informed consent and express and written agreement of the occupants, which shall be obtained in accordance with customary law where appropriate, or until the claim shall have been resolved.

Sec. 7. *Environmental Impact Assessment.* No IFMA shall be awarded without the submission by the IFMA applicant of a Project Description (PD) or Initial Environmental Examination (IEE) and the issuance of an Environmental Compliance Certificate (ECC) by the Regional Office concerned. After an IFMA has been awarded, the submission of an Environmental Impact Statement (EIS) by the IFMA Holder and the issuance of an ECC by the Secretary shall be conditions precedent to the approval of the Comprehensive Development and Management Plan (CDMP).

Sec. 8. Applications for Conversion or Expansion. All applications for conversion of Timber License Agreements into IFMAs and/or for expansion of IFMA Areas shall be deemed as new applications for IFMA and shall be subject to the pertinent requirements and procedures contained in these regulations.

CHAPTER III

IDENTIFICATION AND PREPARATION OF AREAS FOR IFMA

Sec. 9. *Identification, Evaluation, and Delimitation of Potential IFMA Areas.* The CENROs shall identify potential IFMA Areas with the aid of the latest forest resource information and other baseline

data. They shall also evaluate on the ground the availability and suitability thereof with respect to site and forest conditions, environmental limitations, conflicting land and resource claims and legal encumbrances. The PENROs shall maintain a data base of all potential IFMA Areas within their jurisdiction, as well as the following information:

- 9.1. Description of the rain conditions by elevation and slope class;
- 9.2. Community demographic profile including information on ethnic groupings, areas actually cultivated, and others.

Sec. 10 *Approval of IFMA Areas.* Upon verification of the availability and suitability of the potential IFMA Areas, the PENRO shall conduct information dissemination, through print and broadcast media, in English and in the language in common use in the region. Information dissemination shall identify and describe areas designated as suitable for IFMA and shall describe the objectives of IFMA as a land management instrument.

The PENRO shall then inform, in writing, the concerned LGUs and, together with their representatives, shall validate on the ground the feasibility of the proposed IFMA areas. The validated areas, endorsed by the concerned LGUs, shall then be indicated in a map of appropriate scale which map, together with all pertinent data and information, shall be forwarded through channels to the DENR Secretary for approval.

Within fifteen (15) days from notice of the approval by the Secretary of an IFMA Area or set of areas, the RED shall inform the concerned LGUs thereof and shall cause the publication of the said approval.

The approved map and all other documents shall be furnished the Director of the FMB for data base management and monitoring purposes.

Sec. 11. *Register of Available IFMA Areas.* Each Regional Office shall maintain a Register containing the location and description of all areas that have been determined to be suitable and available for IFMA, including a general prescription for the management and development of the area into different uses as well as restrictions as may be necessary. It shall maintain a comprehensive data base that can be used as a basis in evaluating the suitability and availability of the areas that have not been previously delineated for IFMA. The Register shall be accessible to local communities, local government units and other stakeholders at any reasonable time. The right of local stakeholders to ask for information on IFMAs in their areas shall not be impaired.

CHAPTER IV

QUALIFICATION OF APPLICANTS

Sec. 12. *Qualified Applicants.* Qualified applicants for IFMA are the following:

- 12.1. Filipino citizens of legal age; and
- 12.2. Corporations, partnerships, associations or cooperatives duly registered under Philippine laws, at least sixty percent (60%) of the capital of which is owned and controlled by Filipino citizens.

Sec. 13. *Eligibility Requirements.* In addition to the qualification requirements set forth in the preceding section, applicants shall be required to satisfy the following eligibility requirements:

- 13.1. Environmental Management Record — The applicant must present proof of its present technical and financial capability to undertake resource protection and conservation, rehabilitation of degraded areas, and similar activities. An applicant with previous experiences in natural resource use ventures must have demonstrated an exemplary regard for the environment in its past natural resource use ventures.

- 13.2. Community Relations Record — If an applicant is a current or former holder of TLA and/or any other permit, lease, license or agreement issued by the DENR, the applicant must submit proof of its community relations record. This record may consist of, but is not limited to, proof of its socio-cultural sensitivity, the character of its past relations with local communities cultural appropriateness and social acceptability of its resource management strategies.

The Regional Office concerned shall ensure that the qualification and eligibility requirements are met by the applicants in considering such applications. The evaluation of evidences of the environmental management and community relations records of the applicant shall be subject to review by the Environmental Management Bureau (EMB), the Forest Management Bureau (EMB), and other appropriate DENR offices.

Sec. 14. *Other Requirements for Application.* Applicants for IFMA shall submit to the DENR, through the concerned CENRO, the following documentation, together with an application as shown in Annex "A" and an application fee in the amount set forth below:

- 14.1. Project Description in accordance with DAO No. 21, series of 1992, and other pertinent rules and regulations;

- 14.2. If the applicant is a corporation, partnership, association or cooperative:
 - 14.2.1. Certified copy of Certificate of Registration with the Securities and Exchange Commission (SEC) and/or the Cooperative Development Authority (CDA);
 - 14.2.2. Articles of Incorporation and By-laws and a list of present Officers and Stockholders, duly certified by the Board Secretary;
 - 14.2.3. Audited financial statements for the two (2) preceding years if the applicant was already in existence; and
 - 14.2.4. A resolution authorizing the officers to file the application in behalf of the corporation, partnership, association or cooperative, duly certified by the Board Secretary;
- 14.3. Receipt of income tax payments for the preceding two (2) years;
- 14.4. If the applicant is a TLA holder and/or holder of any other permit, lease or license covering utilization of forestland, forest resources or other natural resources, or is owned, affiliated, connected or related directly or indirectly with holders of such permit, lease or license, proof of satisfactory performance of such permit, lease or license set out in the prescribed format shown in Annex "B";
- 14.5. Proof of financial capability to undertake initial activities such as perimeter survey and preparation of a comprehensive development and management plan, as well as evidence of access to financial resources to plant at least 50% of the plantable area;

- 14.6. Proof of technical competence to comply with the terms and conditions specified in the Standard IFMA, or proof of ability to hire the services of technically competent personnel supported, as appropriate, by a statement of relevant background and experience, the biodata of qualified personnel, and/or an agreement with a qualified organization; and

An application fee shall be paid to the DENR in the following amounts: (1) P12,000.00 for areas larger than 500 hectares up to 2,000 hectares; (2) P14,000.00 for areas larger than 2,000 hectares up to 5,000 hectares; (3) P15,000.00 for areas larger than 5,000 hectares up to 10,000 hectares; (4) P20,000.00 for areas larger than 10,000 hectares up to 15,000 hectares; and (5) P25,000.00 for areas larger than 15,000 hectares up to 20,000 hectares. Application fees may be adjusted upon review by the DENR.

CHAPTER V

AWARDING OF IFMAS AND APPROVAL OF CDMPS

Sec. 15. *Processing of Applications.*

- 15.1. In the CENRO — The CENRO shall accept and process IFMA applications on a first come-first served basis. Upon receipt of the application, the CENRO shall verify whether the area is available and whether it is within the approved areas for IFMA. Likewise, the CENRO shall evaluate the qualifications of the applicant and the completeness of the documents submitted. If all are found in order, the CENRO shall determine on the ground the physical conditions of the area, the presence of actual occupants, soil

condition, vegetation, topography and other ecological factors that will ensure success of the plantation, and other pertinent information. The CENRO shall then process the documents and forward all papers to the PENRO with comments and recommendations within thirty (30) days from receipt of the application.

15.2. In the PENRO — Upon receipt of the application and all pertinent documents, the PENRO shall review and evaluate the same. If all are found in order, the PENRO shall, within one (1) month from receipt thereof, schedule and conduct consultative meetings with the affected community residents, in consonance with the guidelines provided in Annex "C" of this Order, for the purpose of ascertaining the acceptability of the project. This consultative meetings shall be duly documented and the documentation shall include the nature and extent of community participation, the benefits that would accrue to the community and the sketch of the potential IFMA Area covered by the consultation. Within ten (10) days after the final consultative meeting, the PENRO shall prepare and endorse the application to the concerned RED with comments and recommendation and the documentation on the consultative meetings.

15.3 In the DENR Regional Office — In the Regional Office, the Regional Technical Director for Forestry (RTD) shall have the documents evaluated. If all are found in order, the RTD shall prepare the agreement in the form shown in Annex "D" of this Order and, within ten (10) days from receipt of the PENRO's recommendation, shall forward the agreement and all other pertinent documents to the RED with corresponding recommendation. The RED shall review the IFMA application and other documents and, within ten (10) days from receipt of the RTD's recommendation, shall either deny the application or

forward the same with recommendation to the DENR Central Office for consideration and approval. Within fifteen (15) days from receipt of an order of denial, the IFMA applicant may appeal the same to the Undersecretary for Field Operations or to the Secretary, as the case may be.

- 15.4 In the DENR Central Office — The IFMA shall be approved, or a notice denying the application shall be issued, within thirty (30) days from receipt by the DENR Central Office of the application and documents. Such approval or denial shall be final, without prejudice to the right of the IFMA Holder or other interested party to file an appeal from the decision of the Undersecretary for Field Operations or a motion for reconsideration of the decision of the Secretary, within fifteen (15) days from receipt of the decision. Copies of the IFMA or of the notice of denial, as the case may be, shall be furnished the FMB, the PENRO, the CENRO, and the concerned LGUs.

Sec. 16. *Responsibility of the FMB.* The FMB shall be primarily responsible for the proper receipt, recording, safekeeping and evaluation of documents pertaining to potential IFMA Areas, and shall endorse the approval of an IFMA to the Undersecretary for Field Operations or to the Secretary.

Sec. 17. *Preparation and Issuance of IFMA.* An IFMA, together with a final sketch plan of the area, shall be prepared, the final approval of which shall be made by the following DENR officials:

- 17.1. For Areas 10,000 hectares and below — the Undersecretary for Field Operations, with the concurrence of the Undersecretary for Environment and Programs Development and the Undersecretary for Legal and Legislative Affairs and Attached Agencies.

17.2. For Areas Over 10,000 Hectares — the Secretary.

Sec. 18. *Approval of CDMPs.* Approval a CDMP shall be made by the corresponding official who approved the IFMA.

CHAPTER VI

TERMS AND CONDITIONS OF INDUSTRIAL FOREST MANAGEMENT AGREEMENTS

Sec. 18. *Duration of an IFMA.* An IFMA shall have a duration of twenty-five (25) years and shall be renewable for another twenty-five (25) years; provided, that all the conditions of the IFMA and other pertinent laws and regulations have been complied with.

Sec. 19. **Responsibilities of All IFMA Holders.** The following are the responsibilities of all IFMA Holders:

19.1 Within six (6) months from the date an IFMA is entered into, the IFMA Holder shall submit a Comprehensive Development and Management Plan (CDMP) in the form shown in **Annex "E"** of this Order, which shall be subject to the approval of the Secretary or the Undersecretary for Field Operations, as the case may be. The submission of an Environmental Impact Statement (EIS) by the IFMA Holder and the issuance of an Environmental Compliance Certificate (ECC) by the Secretary are conditions precedent to the approval of the CDMP.

19.2 IFMA Holders shall comply with all the conditions of the ECC.

- 19.3. Within six (6) months from the date an IFMA is entered into, the IFMA Holder shall delineate and mark on the ground the boundaries of the IFMA Area and the boundaries of the natural forest and protection forest contained therein.
- 19.4. IFMA Holders shall plant principally timber-producing species compatible with the ecological and biophysical characteristics of the area, but not excluding rubber and/or non-timber species such as rattan and bamboo, to support wood-processing and manufacturing facilities and/or to supply water, wood and energy requirements. They shall plant on open and denuded land and brushland portions of their IFMA Areas, as indicated and in accordance with the schedules set out in the approved Comprehensive Development and Management Plan (CDMP); *provided*, that at least five percent (5%) of the area available for plantation shall be planted within twelve (12) months, at least fifty percent (50%) within three (3) years, and the total are within five (5) years from the date the CDMP was approved; *provided, further*, that in IFMA Areas larger than 500 hectares up to 6,000 hectares, at least 300 hectares must be planted within the first twelve (12) months; *provided, finally*, that the survival rate shall be at least 80% of the required stocking density per species.
- 19.5. IFMA Holders may plant up to ten percent (10%) of suitable portions of open and denuded areas and brushlands within their IFMA Areas for permanent agricultural use; *provided*, that such development is included in the approved Comprehensive Development and Management Plan.
- 19.6. IFMA Holders shall protect their IFMA Areas from forest fires and other forms of forest destruction and shall place their employees or workers under the direction of government foresters or other

authorized agents of the Secretary whenever required for the purpose of controlling such destruction.

- 19.7. IFMA Holders shall not cut any tree, regardless of species, in their IFMA Areas growing in areas with slopes of 50% or over, or within strips of land at least twenty (20) meters in width bordering rivers and streams, or within twenty (20) meters from either side of public roads, nor trees growing within protection forest. Any such areas found within the IFMA Area that are bereft of trees shall be reforested by the IFMA Holder and shall be kept permanently under tree cover.
- 19.8. IFMA Holders shall reforest all areas within their IFMA Areas that are open and denuded land or brushland, or along banks of streams with channels less than five (5) meters in width.
- 19.9. IFMA Holders shall protect and conserve unique, rare and endangered trees, palms and wildlife, identified as such under existing laws, rules and regulations, that are found within their IFMA Areas.
- 19.10. IFMA Holders shall ensure the adequate protection of any natural forests that may be found within the IFMA Area. Cutting shall not be allowed unless absolutely necessary; provided that, before any cutting is conducted, permit shall be required of the IFMA holder.
- 19.11. IFMA Holders shall immediately prevent or arrest gully erosions within the IFMA Area
- 19.12. IFMA Holders shall not introduce exotic species that are untested under Philippine conditions into the IFMA Area without prior

written clearance from the DENR Secretary in accordance with existing rules and regulations.

- 19.13. To ensure effective forest management, IFMA Holders shall employ a registered forester at least as forest operations manager or at any top level management position.
- 19.14. IFMA Holders shall not unreasonably impede, obstruct or in any manner prevent the passage through their IFMA Areas of authorized licensees, lessees, permittees and/or other persons.
- 19.15. IFMA Holders shall prepare, maintain and periodically update a register of all families and communities residing within their IFMA Areas and shall furnish the concerned CENRO a copy of the register, including periodic updates.
- 19.16. IFMA Holders shall construct permanent structures or roads within their IFMA Areas only in accordance with the approved Comprehensive Development and Management Plan.
- 19.17. IFMA Holders shall submit to the DENR Annual Accomplishment Reports in the form prescribed in Annex "F" of these regulations.
- 19.18. IFMA Holders shall at all times recognize and respect the rights of indigenous cultural communities to their ancestral domains.
- 19.19. IFMA Holders shall comply with all laws, rules and regulations protecting workers' rights and promoting community development.

19.20. In developing the CDMP, IFMA Holders shall integrate gender concerns including the equitable participation of women in implementing the CDMP and enjoying the fruits thereof.

Sec. 20. *Responsibilities of the DENR.* The following conditions shall be observed by the DENR with respect to all IFMAs:

20.1. The DENR shall ensure that the Environmental Impact Assessment, notice, consultation, posting and delineation requirements and procedures prescribed in these regulations are strictly complied with.

20.2. The DENR shall, upon request, make available to the IFMA Holder all information it possesses regarding the land, resources and dependent communities within or adjacent to the IFMA Holder's area.

20.3. The DENR shall, in cooperation with the LGUs, assist IFMA Holders and host communities in the development and execution of mutually beneficial agreements.

Sec. 21. *Transfers.* No transfer, exchange, sale or any conveyance of rights and privileges acquired by virtue of an IFMA shall be effective without the prior express approval of the DENR Secretary.

The IFMA Holder shall submit a Letter of Intent to execute such conveyance to the DENR Secretary. The IFMA Holder shall likewise furnish a copy of the Letter of Intent to the concerned Regional Office and to local stakeholders within five (5) working days from the execution thereof.

The concerned Regional Offices and local stakeholders shall have the right to transmit their written positions on the proposed conveyance

within fifteen (15) working days from receipt of the Letter of Intent. The Secretary shall endeavor to consider these positions in deciding the matter.

The Secretary shall render a decision on the matter within thirty (30) working days from date of actual receipt of the Letter of Intent. The decision of the Secretary on the matter shall be final and executory, without prejudice to the right of the IFMA Holder to file a written motion for reconsideration within fifteen (15) days from receipt of the decision.

Sec. 22. *Conditions of Transfer.* Subject to the aforesaid procedure, the transfer of an IFMA may be authorized by the Secretary under all of the following conditions:

- 22.1. The IFMA has been in existence for at least three (3) years;
- 22.2. The IFMA Holder has been faithfully complying with the terms and conditions of the IFMA, including implementation of the Comprehensive Development and Management Plan;
- 22.3. The transferee is qualified to hold an IFMA;
- 22.4. There is no evidence that such transfer or conveyance is being made for purposes of speculation;
- 22.5. The transferee shall assume all the obligations of the transferor;
and
- 22.6. For IFMA Areas in which development is being financed by loan funds, the consent of the financing institution(s) has been obtained.

Sec. 23. *Compensation to the IFMA Holder.* After due consideration of the agreed government share, IFMA Holders shall be

entitled to receive compensation from the government for the fair market value of the remaining permanent improvements, including plantation crops, introduced by the IFMA Holders into the IFMA Areas, under the following circumstances:

- 23.1. Termination of the IFMA without just cause; or
- 23.2. Reduction of the IFMA Area without just cause.

The fair market value of permanent improvements shall be decided upon by a committee composed of one representative each from the DENR and the affected IFMA Holder, and a qualified independent appraiser whose appointment shall be mutually agreed upon by both the DENR and the IFMA Holder. The DENR and the IFMA Holder shall bear equally the costs of such appraisal. The decision of the appraisal committee shall be binding on the parties.

Sec. 24. *Notice of Breach of the IFMA.* In the event of default or breach of any of the provisions of an IFMA by either party, the other party may, by written notice to the party in default or breach, require the same to be remedied within thirty (30) days from receipt of such notice.

Sec. 25. *Suspension of IFMA.* If any violation by the IFMA Holder of the provisions of the IFMA is reported, the Secretary, depending on the gravity of the violation or any adverse effect arising therefrom on the forest land and resources, may either give Notice of Breach or suspend and give Notice to Cancel the IFMA. Within fifteen (15) days from receipt of a Notice of Suspension or Cancellation, the IFMA Holder may file a motion for reconsideration with the Office of the Secretary.

Sec. 26. *Grounds for Cancellation of IFMA.* Any of the following violations shall be sufficient grounds for cancellation of an IFMA:

- 26.1. If the IFMA was obtained through fraud, misrepresentation or omission of material facts existing at the time of filing of the application. For purposes of this provision, fraud shall include exerting direct or indirect intervention or influence in the procurement of a community's consent to an IFMA project;
- 26.2. Violation of any of the conditions of the ECC;
- 26.3. Fraudulent warranties of environmental management or community relations record or absence of showing thereof;
- 26.4. Violation of any of the terms and conditions of the IFMA, failure to comply with or perform the obligations imposed in the IFMA, or violation of other pertinent laws, rules regulations or policies affecting the exercise of the IFMA;
- 26.5. Failure to submit a Comprehensive Development and Management Plan within six (6) months from the date the IFMA is entered into, failure to implement the approved Comprehensive Development and Management Plan, or conducting any operation in violation of the said plan;
- 26.6. Failure to protect the IFMA area; *provided*, that an IFMA shall not be subject to cancellation if the damage to the IFMA area or to its improvements results from *force majeure*;
- 26.7. Abandonment of the area as evidenced by absence of the IFMA Holder, whether actual or constructive, for a period of six (6) months or more; and
- 26.8. Failure by the IFMA Holder to implement or adopt agreements made with communities and other relevant sectors.

When an IFMA has been awarded in violation of Sections 4, 5, 6, 7, 8 and 13 of these rules and regulations, the IFMA concerned shall be automatically canceled.

CHAPTER VII

INCENTIVES AND GOVERNMENT SHARE

Sec. 27. *Incentives.* All IFMA Holders shall be entitled to the following incentives:

- 27.1. IFMA Holders may interplant secondary crops between trees within areas designated for IFP in their IFMA Areas; *provided*, that such will not cause adverse impacts on biodiversity as indicated in a prior Environmental Impact Assessment study.
- 27.2. All trees planted by the IFMA Holder, except for those retained or planted for environmental protection purposes, shall belong to the IFMA Holder who shall have the right to harvest, sell and utilize such trees and crops.
- 27.3. The DENR shall allow an IFMA Holder to export logs, lumber and other forest products harvested from the IFMA plantation, in accordance with the government allocation system.
- 27.4. All plantation products derived from an IFMA Area shall be exempt from forest charges.
- 27.5. There shall be no restriction on the use of the IFMA and the improvements in the IFMA Area as collateral for obtaining loans for the improvement of the IFMA Area; *provided*, that there is prior approval by the issuing authority of the IFMA.

Sec 28. *Government Share.* The government share in the IFMA shall be negotiated between the IFMA applicant and the DENR based on the following factors:

- 28.1 Plantation establishment and maintenance costs;
- 28.2 Harvesting schedule;
- 28.3 Kind of products to be harvested;
- 28.4 Projected volume of harvest;
- 28.5 Market price of timber products; and
- 28.6 Variation in applicable rate of interest of financial investment.

The amount of the government share shall remain unchanged for the duration of the IFMA, unless renegotiated and mutually agreed upon by the DENR and the IFMA Holder.

CHAPTER VIII

MONITORING AND CONTROL

Sec. 29. *Monitoring and Evaluation*

- 29.1. Reporting System — The FMB shall prepare a simplified reporting format to be accomplished by the CENRO. The PENRO shall analyze and consolidate the report and submit the same to the FMB through the RED with comments and recommendations on policy and program implementation. The FMB shall prepare and submit regular national consolidated reports to the Secretary.

- 29.2. Site Monitoring and Evaluation — A team composed of representatives of the concerned LGU, an NGO, and the CENRO, with the latter as team leader, shall regularly monitor and evaluate

the progress of the IFMA within the CENRO jurisdiction. The status indicators shall include, among others, the following:

- 29.2.1. Seedling production by species;
- 29.2.2. Area and date planted by species;
- 29.2.3. Environmental protection and mitigating measures;
- 29.2.4. Progress maps showing the area planted by year, including the species planted;
- 29.2.5. Pictures and other visual documentation;
- 29.2.6. Issues and problems in the implementation and recommendation to improve the project implementation.

Sec. 30. Program Management. The Program shall be managed and implemented through the following DENR Offices:

- 30.1. The FMB shall be the National Coordinating Office of the Program and it shall have the following functions and responsibilities:
 - 30.1.1. To develop, formulate and recommend policies, rules and regulations related to program development and implementation;
 - 30.1.2. To review and evaluate potential IFMA sites and submit a report thereon to the Secretary for approval;
 - 30.1.3. To coordinate the implementation and execution of the IFMA:

- 30.1.4. To evaluate program implementation and update the DENR by providing periodic reports on activities and accomplishments of the program:
- 30.1.5. To establish institutional linkages with other government and non-government agencies as appropriate at the national level to improve program implementation; and
- 30.1.6. To keep complete and systematic files of, and updated information on, all IFMAs issued and other pertinent documents related to the program.
- 30.2. The RED, assisted by the RTD, shall be responsible for the effective implementation of the program in the region. The Forest Resources Development Division shall act as the regional repository of all data and information. The RED shall submit periodic reports to the Secretary, through the FMB, on program implementation including IFMA monitoring and evaluation.
- 30.3. The PENRO shall be responsible for the effective implementation of the program in the province and shall evaluate periodic reports submitted by the CENRO and forward the same, together with the findings and recommendations, to the RED. The PENRO shall maintain a data base for all IFMAs within the province.
- 30.4. The CENRO shall be directly responsible for implementing the program within its jurisdiction, in coordination with other concerned government and non-government units. The CENRO shall be further responsible for site identification, processing of IFMA applications, and monitoring and evaluation of the program implementation. The CENRO shall submit periodic reports thereon to the PENRO for evaluation.

CHAPTER X

MISCELLANEOUS PROVISIONS

Sec. 31. *Transitory Provisions.* Upon approval by the Secretary of the IFMA areas, existing applications for IFMA shall be processed immediately. Existing applications shall have priority with respect to the areas applied for; provided, that if there are two or more applications already existing over the same area, the prior applicant shall be preferred.

These regulations shall apply to valid and subsisting IFMAs but shall not impair vested rights.

Sec. 32. *Repealing Clause.* DAO No. 60, series of 1993, and all other regulations, memoranda, circulars, issuances, or parts thereof, that are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

Sec. 33. *Separability Clause.* If any provision of this Order is held invalid, all the other provisions not affected thereby shall remain valid.

Sec. 34. *Effectivity.* This Order shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

(Sgd.) **VICTOR O. RAMOS**
Secretary

DENR Administrative Order
No. 97-08
March 18, 1997

SUBJECT : Guidelines Governing the Entry and Disposition of Imported Logs, Lumber, Veneer, Plywood, Poles and Piles, and Pulpwood Including Wood Chips

Pursuant to Presidential Decree No. 1433, otherwise known as the Plant Quarantine Law of 1978; Executive Order No. 192, dated June 10, 1987; and in consonance with the policy on wood industry rationalization and development, the following guidelines governing the entry and disposition of imported logs, lumber, veneers, plywood, poles and piles, and pulpwood including wood chips are hereby promulgated for the guidance of all concerned.

Sec. 1. Basic Policy. — It is the policy of the government to sustainably manage the country's forest resources and to rationalize the development of the wood-based industries in order to continuously provide the wood supply need of the country in its efforts towards economic growth.

Sec. 2. Objectives. — In consonance with the above stated laws, the following objectives relative to the importation of logs, lumber, veneer, plywood, poles and piles, and pulpwood including wood chips (hereinafter referred to as wood materials) are hereby setforth:

1. To secure uninterrupted supply of affordable finished wood materials for the domestic market;
2. To import wood materials, as a stop-gap measure, until such time that local supply from natural and plantation forests can adequately meet the local needs towards economic growth, and to augment

indigenous sources in order to utilize existing wood processing plant capacities;

3. To enable wood-based industries including the furniture and other downstream wood products export industries, generate employment and foreign exchange earnings.

Sec 3. Who May Import Logs, Lumber, Veneer, Plywood, Poles and Piles, and Pulpwood including wood chips.

A holder of Timber License Agreement (TLA), Industrial Forest Management Agreement (IFMA), wood processing plant permits (WPP), or Certificate of Registration (CR) as agents, contractors or dealers of log/lumber, may import wood materials; Provided that before availing the privilege to import, the holder of TLA, IFMA and/or WPP shall have their existing local log and/or Lumber Dealer's Permit stamped by the Office of the Regional Executive Director (RED) concerned as valid also for imported wood materials without further undergoing a separate registration processes called for under DAO 94-17. However, a prospective agent, contractor or dealer who is not a holder of TLA, IFMA or WPP shall first secure the registration requirements specified under DAO 94-17.

Sec. 4. Port of Entry. Pending other designation by the Secretary of Environment and Natural Resources, the following shall be the ports of entry of imported wood materials:

3. *For Luzon, the ports in:*

- Poro Point, San Fernando, La Union
- Sta. Ana, Cagayan
- Mariveles, Bataan
- Batangas City
- Legaspi City
- South Harbor, Manila

2. *For the Visayas, the ports in:*

- Iloilo City
- Cebu City

3. For Mindanao, the ports in:

- Cagayan de Oro City
- Butuan City
- Davao City
- Zamboanga City
- Parang, Maguindanao

Sec. 5. Entry and Discharge Requirement. — The importer shall, at least three (3) official working days before the arrival of the shipment, inform in writing the CENRO who has jurisdiction over the port of entry of the forthcoming shipment(s) indicating the type and volume of wood material(s), and the name of the vessel, and the expected time and date of its arrival and unloading. The CENRO concerned shall designate, in writing, a duly licensed and registered forester, as forest officer to meet the vessel at the port of discharge and attend to the inspection of the shipment of imported wood materials together with the personnel of the Bureau of Customs and the Plant Quarantine Office, Bureau of Plant Industry, Department of Agriculture (PQO, BPI, DA):

1. A photostatic copy of the license, permit, certificate of registration and/or licenses to import as specified in Section 3 hereof;
2. A photostatic copy of the transaction documents pertinent to the shipment at hand, such as sales contract(s), letter(s) of credit and/or similar instruments;
3. A photostatic copy of the phytosanitary certificate issued by the country of origin duly received by the Plant Quarantine Officer

who has jurisdiction at the port of entry indicating and therein that the logs, poles and piles were debarked and that the same, as well as the lumber, have been treated with government specified or equivalent chemicals against pests and diseases;

4. A photostatic copy of the inspection report of the Plant Quarantine Officer who attended to the said imported wood materials indicating that the same was properly treated and/or free from any disease or pest;
5. In case of importation on a contract processing basis, a photostatic copy of the milling contract with the foreign supplier; and
6. A photostatic copy of the Bill of Lading issued by the shipping agent/carrier.

Upon clearance by the Philippine Port Authority (PPA), the Bureau of Customs and the PQC-BPI, DA of the shipments for unloading and/or discharge, the forest officer shall inspect, on random basis, the imported wood materials to determine whether or not the same conform with the statement/data appearing on the documents accompanying the shipment. Should the forest officer find that the unloaded imported wood materials do not conform with the accompanying documents, he shall recommend the holding of the products pending submission of appropriate/acceptable documents by the importer/consignee.

Sec. 6. Issuance of Transport Documents by the CENRO. The forest officer concerned shall make the necessary report and/or submit the documents specified in Sec. 5 hereof to the CENRO concerned. When found in order, the CENRO concerned or his duly authorized representative shall issue the necessary transport documents to the

importer pursuant to the pertinent provisions of DAO 94-07 and its implementing regulations and/or guidelines.

Sec. 7. Storage and Processing of Imported Wood

Materials. Imported wood materials shall be transported to the log pond, warehouse and/or storage facility designated by the importer and the CENRO concerned.

A separate log and/or mill tally and sales record of processed and/or reprocessed imported wood materials shall be made and kept by the importer with copies thereof submitted, as a part of required regular reporting system, to the CENRO concerned.

In case the importer is a registered agent, contractor or dealer, his reporting of imported wood materials shall be governed by DAO 94-17.

Sec. 8. Creation of DENR Forest Quarantine Coordinating Committee (DFQCC). There shall be a DENR Forest Quarantine Coordinating Committee to be created with the FMB Director and the ERDB Director shall act as chairman and co-chairman, respectively, to represent the DENR in formulating and thereupon monitor the implementation of a joint DENR-Department of Agriculture Administrative Order defining forest quarantine procedures and conditions for the importation of wood materials.

Sec. 9. Penalty Clause. — A person found to have in his possession imported wood materials which have entered the country contrary to the provisions of this Order shall, in addition to the penalties imposed under existing laws, rules and regulations, be penalized by the immediate suspension and/or cancellation of his permits or certificate, the confiscation of the imported wood materials and/or finished wood products derived therefrom and forfeiture of the required bond.

Sec. 10. Repealing Clause. — All existing orders, circulars and instructions inconsistent herewith are hereby repealed or amended accordingly.

Sec. 11. Effectivity. — This Order shall take effect immediately upon the acknowledgment by the UP Law Center and fifteen (15) days after its publication in two newspapers of general circulation.

(SGD.) VICTOR O. RAMOS
Secretary

Published at:

Philippine Star – March 21, 1997
Manila Times - March 20, 1997

DENR Administrative Order
No. 97-29
September 10, 1997

SUBJECT : Declaring Certain Portions of the Public Forest as Forestlands for Permanent Forest Purposes and as Alienable or Disposable for Cropland and Other Purposes, Under LC Project Nos. 3-A, Tagaytay City; 20-B, Silang Cavite; 18-A, Naic, Cavite and 39 of Talisay, Batangas

1. Pursuant to Section 13 of PD 705, otherwise known as the Revised Forestry Code of the Philippines, as amended, I hereby declare as permanent forest the forestland blocks covering an area of 2,146 hectares and further declare and certify an aggregate area of 9,657 hectares, more or less, as alienable or disposable for cropland and other purposes under the Public Land Act, which parcels of land are located in the abovenamed municipalities and provinces and shown and described in Map No. LC-3553, which is attached to and forms an integral part of this order, subject to the following conditions:
 - a. In the area herein declared as alienable or disposable, a strip of 15 meters in width on each side of any public trail herein used as outlet for timber and other forest products and strip of 20 meters in width on each side from the highest bank of any stream are reserved as forestland and must be maintained under permanent forest cover.
 - b. To extraction and utilization of any forest products remaining in the area herein declared and certified as

alienable or disposable land shall be subject to Forest and Internal Revenue Laws and Regulations and any present holder of timber and other forest products issued by this Department shall continue to enjoy the privileges extended under those licenses until the purpose for which they were issued shall have been achieved.

2. This Order is issued pursuant to the policy to delineate permanent forests from unclassified public forests and in accordance with the principle of environmental conservation and protection and ecological balance.
3. This Order shall take effect upon approval.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-32
October 10, 1997

SUBJECT : 1997 Rules for the Administrative Adjudication of Illegal Forest Products and the Machinery, Equipment, Tools and Conveyances Used in Connection Therewith

Pursuant to the Provisions of Presidential Decree No. 705, as amended, and pertinent policies, rules and regulations, these 1997 Rules for the administrative apprehension, seizure, confiscation, and disposition of illegally possessed, cut, gathered, removed, or transported forest products, the machinery, equipment, tools and implements used in connection therewith, and of the conveyances used to move or otherwise transport the same, are hereby promulgated.

Sec. 1. Definitions. —

As used in this Order, the following terms shall be defined and/or construed as indicated below:

- a. **APPREHENSION** - The initial measure taken by the DENR when, having determined the existence of probable cause to do so, items listed in Section 2 hereof are found or intercepted and the temporary possession and control over the same is taken/exercised by those authorized to make apprehensions pursuant to Section 3 hereof for administrative disposition in accordance with law.
- b. **SEIZURE** - Upon determination that an apprehension is supported by a *prima facie* case against the offender(s), seizure is the official act of taking by persons authorized

hereby those items listed in Section 2 hereof into government custody, pending formal administrative proceedings for the disposition thereof.

- c. **CONFISCATION** - Upon determination of guilt in administrative proceedings outlined hereunder, confiscation is the official act of the DENR declaring that items listed in Section 2 hereof become property of the Government of the Republic of the Philippines.

- d. **FORFEITURE** - When items listed in Section 2 hereof are submitted by the DENR for disposition in judicial proceedings, forfeiture thereof in favor of the Government of the Republic of the Philippines shall be sought in addition to any other remedies applied for in the prosecution of the case.

- e. **FOREST PRODUCTS** - Refers to timber including lumber, pulpwood, firewood, bark, tree top, resin, gum, wood, oil, honey, beeswax, nipa, rattan, charcoal, or other forest growth, such as but not limited to grass, shrub, flowering plants in forest lands, and others.

- f. **FOREST OFFICERS** - Officials and employees of the DENR charged with the enforcement of forestry laws, rules and regulations of the Philippines.

Sec. 2. Items subject to apprehension, seizure, confiscation and forfeiture.

- a. **ILLEGAL FOREST PRODUCTS** - Any forest products(s) defined in Section 1(e) above that are removed, cut, collected, processed and/or transported: (a) without the requisite authorization or permit; or (b)

with incomplete required supporting documents ¹; (c) with genuine authorizations or permits and/or supporting documentation that have an expired validity, have been cancelled or that contain forged entries; or (d) with spurious (fake) authorizations, permits and/or supporting documentation. In implementing these Rules, original documents shall be required at all times to actually accompany any forest products being moved or transported to any place and for any purpose. Whenever the requisite authorization and/or supporting documentation are required to but do not actually accompany the forest products, such absence constitutes a violation covered by these Rules.

- b. **MACHINERY , EQUIPMENT , TOOLS and IMPLEMENTS** - used in the possession, gathering, collecting, processing and/or transporting of illegal forest products; and

- c. **CONVEYANCE** - any mode or type or class of vehicle or craft or any other means used for transportation either on land, water, air, or any combination thereof, whether motorized or not, used for or in taking and/or maintaining temporary or permanent possession or control, gathering, collecting, processing, disposing of, or otherwise transporting, moving or transferring illegal forest products.

Sec. 3. Persons Authorized to Make Apprehensions and Effect Seizures.

- 1. **APPREHENSION** - The following are authorized to apprehend items outlined in Section 2 hereof:
 - (a) Forest Officers as defined in Section 1(f) hereof;

¹ Ie. , these documents required by law, rules and regulations administered by the DENR

- (b) Deputies (i.e., other government officials and private citizens duly deputized by the DENR Secretary or his duly authorized representative);
- (c) Members of law enforcement agencies; and
- (d) Private citizens as provided by law.

2. **SEIZURE** — The administrative seizure of illegal forest products takes effect when, for the purpose of holding the same in *custodia legis*, any DENR Officer designated as a Seizure Officer actually takes delivery from an apprehending officer as described in Section 3 hereof and thereby assumes possession/control of item(s) apprehended pursuant hereto. Only the following are designated Seizure Officers with authority to effect the administrative seizure of items listed in Section 2 hereof and within their respective areas of operation:

- (a) The DENR Regional Executive Director (RED) or, in his absence, any DENR Regional Technical Director (RTD) actually assigned to the area of apprehension at the time thereof;
- (b) The Provincial Environment & Natural Resources Officer (PENRO) or, in his absence, any Senior Forest Management Specialist (SFMS) or Senior Environmental Management Specialist (SEMS) actually assigned to the area of apprehension at the time thereof;
- (c) The Community Environment & Natural Resources Officer (CENRO) or, in his absence, any DENR Officer with the rank of Forester III or Land Management Officer III (LMO III) actually assigned to the area of apprehension at the time thereof; and

- (d) The Secretary may, from time to time, designate, in writing, such other DENR Officers for the purpose.

SECTION 4. General Requirements for Summary Administrative Apprehension, Seizure and Confiscation.

Upon inspection or interception of items listed in Section 2(a) hereof, or upon the discovery of such items that are abandoned, or whose owner, claimant, custodian or other interested party is absent or cannot be determined, the apprehending officer or individual or leader of the apprehending team shall strictly observe the following summary procedures:

On-site recording and preservation of data and evidence. By way of establishing and recording the legal basis for an apprehension and seizure, the following procedures shall be strictly complied with:

1. **ON SITE DETERMINATION OF PROBABLE CAUSE** — Upon encountering a possible violation of forestry laws, rules and regulations, the apprehending officer/individual/leader of the apprehending team (hereafter referred to as the apprehending officer) shall establish his bona fides by identifying himself to any person(s) witnessing the activity by stating his full name, rank and official designation. He shall exhibit his current DENR Identification Card, if he is a DENR official or personnel, if not, a duly issued identification card. He will invoke these Rules and announce the commencement of a verification procedure. He shall then verify the existence of probable cause for an apprehension as outlined below.
2. **OCULAR INSPECTION AND IMMEDIATE RELEASE** - He will conduct an ocular inspection of all required authorizations cited in Section 2 hereof. If all requisite authorizations, permits, and accompanying documentation are verified to be in order, and

the probable cause for an apprehension is absent, the release of all items inspected must be effected immediately. In such cases, the official DENR seal of inspection/verification must be rubber-stamped or otherwise affixed on the face of all transport documents inspected in connection herewith. In the absence of an official DENR seal, he shall write the date, state the fact of inspection, and the release. After which he shall affix his signature above his full printed name in the official log book for the matter.

3. **ON-SITE RECORD OF VIOLATIONS** — Should inspection pursuant to the preceding paragraph indicate a violation of forestry laws, rules and regulations, and the probable cause for an apprehension is present, the apprehending officer shall immediately: (a) verbally inform the person(s) apprehended of his findings and announce that he is making an apprehension in accordance with these Rules; (b) prepare a written ON-SITE-RECORD of the names, addresses and other available data of all persons found in possession, exercising control and/or supervision over, or performing or otherwise involved in the possession, supervision, control, cutting, gathering, processing and/or transporting the item(s); and (c) if any there be, he shall write an itemized list of all on-site machinery, equipment, tools, and implements used in the commission of or otherwise connected with the offense. He shall then indicate the date and sign the ON-SITE-RECORD, and request the offender(s) to sign the same above their printed names. In case of refusal to sign as herein required, that fact or circumstances and reason, if any, of such refusal shall be written thereon in their presence, as proof of such action.

4. **ON SITE DETERMINATION OF FRAUDULENT MISREPRESENTATION PREJUDICIAL TO THE**

GOVERNMENT — Intent to defraud the Government shall be presumed:

- (a) In case the quantity or volume of a shipment or stock of forest products exceeds what is authorized, documented, manifested or declared: (i) **by five percent (5%)** or more, in case of timber, and/or (ii) **by two percent (2%)** or more, in case of lumber; and/or

- (b) Upon discovery of a misdeclaration on the quantity and species being verified pursuant hereto.

In all such cases, the entire shipment shall be considered illegal due to fraudulent misrepresentation with intent to prejudice the Government of the Republic of the Philippines. Such shipments shall be apprehended/seized, and subject to confiscation or forfeiture proceedings. The apprehending officer or individual shall effect the apprehension and proceed as hereunder outlined even if the requisite authorizations and supporting documents for all or part(s) of said shipment are verified to be otherwise in order.

- 5. **ON-SITE CONVEYANCE CHECK** — In case the violation noted involves the use of a conveyance, as herein defined, the seizing officer will announce the apprehension thereof. Should the conveyance require government registration, he will require the presentation thereof and will inspect (a) the Certificate of Registration; (b) the Official Receipt thereto appertaining, as well as (c) the Driver's License or similar authorization. Said documents shall be returned to the holder thereof upon notation of his identity and address, as well as of the name and address of the owner of the conveyance, its license plate number or other identifying marks or information.

6. **ON-SITE-REPORT** - In addition to the foregoing, the following information, if available, shall be recorded on-site upon apprehension, (1) time, date and place of apprehension; (2) full name and address of the offender(s) on-site; (3) full names of all persons accompanying or providing on-site assistance to the apprehending officer or individual; (4) circumstances that led to the apprehension (e.g., discovery of abandoned items, spot check by monitoring team, verification of absent, lacking, forged or spurious documentation, etc.); (5) names of local government officials present and/or of other person(s) witnessing the apprehension; (6) preliminary description of the item(s) being apprehended; (7) place, time and date of origin and intended destination, consignors and consignees of the items being apprehended; and (8) such other data or information and comments, observations and recommendations as may be available or pertinent on-site.

Sec. 5. Outline of Procedures for Summary Administrative Apprehensions.

The following procedures shall be complied with for the summary administrative apprehension of items listed in Section 2 hereof:

1. **APPREHENSION RECEIPT** — Upon completion of the foregoing procedure and finding the existence of probable cause to make an apprehension, the apprehending officer shall issue and hand-over to the offender an Apprehension Receipt, which shall contain the following: (a) the precise nature of the offense cited; (b) the time, date and place of issuance of the Apprehension Receipt; and (c) the full names in print and signatures of both the apprehending officer and of the offender(s). Should the offender(s) refuse to sign or acknowledge, in writing, his receipt of the

Apprehension Receipt, or refuse to take delivery thereof, such fact shall also be stated in writing on the Apprehension Receipt with an explanation therefor.

2. **PROVISIONAL APPREHENSION RECEIPT** Should the counting, measurement, description, scaling, weighing, and/or value-estimation of the items being apprehended, and/or of any other documentation activity related thereto, remain incomplete at the close of regular office hours of the day when the apprehension was made, the fact that more time is required to complete the same, shall be explained to those concerned on-site and reflected in the Apprehension Receipt which, in such cases, shall state the date and time this procedure commenced. In such cases the Apprehension Receipt shall be prominently marked with the word **PROVISIONAL**. The Provisional Apprehension Receipt shall also state the date, time and place where the uncompleted documentation activity will resume. This procedure shall be followed each day that the documentation activity remains incomplete until final completion thereof.

3. **TRANSPARENCY OF APPREHENSION PROCEEDINGS** - The documentation activity outlined above shall be undertaken with full transparency and in the presence of the offender(s), owner, custodian, possessor, consignor, consignee, or other person(s) claiming the apprehended items or representatives of any of said persons, as well as any other concerned or interested persons. If the documentation activity is undertaken in the absence of anyone interested therein, such fact shall be stated on both the ON SITE REPORT and APPREHENSION RECEIPT with an explanation, if any. Moreover, the apprehending officer shall immediately implement such measures to ensure that any persons known to have an interest in the apprehended item(s) but who are absent are informed without delay of the fact of, and reasons(s) for,

the apprehension, as well as invite said person(s) to attend the proceedings, stating the date, time and date when the documentation activity will resume.

Sec. 6. Outline of Procedures for Summary Administrative Seizure .

The following procedures shall be complied with the summary administrative seizure of items listed in Section 2 hereof.

1. **DELIVERY** As soon as possible after items are apprehended as outlined above, the same shall be delivered by the apprehending officer to the nearest Seizure Officer authorized pursuant to Section 3 hereof, who shall forthwith sign and issue a Seizure Receipt stating the date, place and time, name of apprehending officer, and containing an itemized list of the item(s) delivered to him. In case such delivery of any apprehended item(s) is impracticable, the apprehending officer shall deposit the same for temporary safekeeping at the nearest Government office. Should such temporary safekeeping be impracticable for any reason, the apprehended item(s) shall remain in the custody of the apprehending officer until delivery thereof is effected as herein provided.

2. **SUMMARY ADMINISTRATIVE SEIZURE** — Upon delivery to those authorized pursuant to Section 3 hereof, the Seizure Officer concerned shall forthwith verify the existence of a *prima facie* case against the offender by examining all the documents submitted to him by the apprehending officer as required by the foregoing provisions.
 - (a) He shall confirm that the item(s) delivered to him strictly coincide with the itemized list thereof reflected in the

documents of apprehension. If such confirmation cannot be completed within the same day, the procedure for extensions outlined in Section 5 hereof shall apply. In case of variance between the items so delivered and those reflected in the documents of apprehension, he shall require a sworn statement from the apprehending officer with a complete, clear and concise explanation for said variation, which shall form an integral part of the permanent records of the case.

In verifying the existence of a *prima facie* case against the offender, the appropriate DENR Officer shall personally examine the apprehending officer and any witnesses appearing before him in order to satisfy himself that an offense has been committed, that the evidence at hand indicates the offender is probably guilty thereof, and that the items delivered to him are the proceeds of the violation. Should a *prima facie* case against the offender be thus found, the Seizure Officer shall immediately declare this fact by issuing a SEIZURE ORDER for the apprehended item(s).

In case the apprehended conveyance involved is a government vehicle, the procedure above shall be followed and the vehicle shall be immediately released to the highest regional official of the office who owned the same, upon acknowledging that the said conveyance has been used in violation of existing forestry laws, rules and regulations.

Sec. 7. Outline of Procedures for Summary Administrative Confiscation.

The following procedures shall be complied with for the summary administrative confiscation of items listed in Section 2 hereof. Immediately upon, or as soon as practicable after issuance of a SEIZURE ORDER, the following outline shall be followed in the summary seizure proceedings.

1. **NOTICE OF HEARING** — A Notice of Hearing shall be issued by the DENR Officer who issued the SEIZURE ORDER scheduling a formal, summary hearing at a specified place and date within one (1) calendar week from the date of the SEIZURE ORDER or, upon written request and signature of all interested parties, within two (2) calendar weeks from said date. In no case shall the hearing so scheduled be postponed without the written request of the offender(s) and/or the owner or other person(s) interested in the seized item(s).

2. **HEARING** - The DENR Officer who issued the SEIZURE ORDER shall preside as the Hearing Officer at Confiscation hearings, which shall be recorded and of summary nature, during which all interested parties shall be heard by themselves and/or through counsel of choice. Ample opportunity to obtain the services of counsel shall, in all cases, be provided.

A complete set of the documents supporting the apprehension and seizure as hereinabove outlined shall be provided to the interested parties at their expense, and who shall be afforded the opportunity to present controverting evidence. Although not strictly bound by the technical rules on evidence and procedures, applicable Rules of Court shall have suppletory application in these proceedings to ensure justice and equity at all times. In lieu of adducing testimonial evidence, any Party may elect to submit a Memorandum, attaching Affidavits and any other supporting

documents thereto, with a request that the issues be decided on the basis thereof.

3. **DISPUTABLE PRESUMPTIONS** - In administrative proceedings conducted pursuant hereto, the following shall be considered presumptions of fact and/or law and taken as part of the evidence unless specifically controverted and successfully overcome by a preponderance of evidence.
- (a) All those apprehended on-site for direct or indirect participation in the commission of the offense(s) cited had full knowledge of and willingly participated therein;
 - (b) The registered owner and/or operator/driver of a conveyance used in the commission of the offense had full knowledge and willingly participated therein by providing the conveyance for the illegal purpose to which said conveyance was applied. In case the registered owner of the conveyance is a partnership or corporation, the partners and/or officers thereof had full knowledge of and granted authorization or issued instructions for the use or application of the conveyance in the commission of the offense.
 - (c) Any forest products included within Section 2(a) hereof were obtained from an illegal source.
4. **DECISION** — The Decision shall be rendered by the RED upon recommendation of Hearing Officer. Substantial evidence shall suffice to sustain an administrative Decision adverse to interested Party(ies), failing which, a ruling shall be issued dismissing the case, and the controversy deemed closed and ordering that the seized item(s) be returned forthwith. When the evidence so

warrants, a ruling shall be issued declaring the seized items to be confiscated in favor of the Government, together with recommendations for further prosecution, if any. In the absence of compelling reasons, which shall in all cases be stated on the record, confiscation proceedings shall be terminated within fifteen (15) regular business days from commencement thereof. A transcript of stenographic notes or minutes taken at these proceedings shall form part of the permanent records of the case together with the Decision issued thereon citing the evidence adduced and reasons supporting the ruling. The Decision shall become final and executory upon the lapse of fifteen (15) regular business days unless a Motion for Reconsideration is filed as provided below.

5. **MOTION FOR RECONSIDERATION** - A party aggrieved by the decision may file only one (1) Motion for Reconsideration within a non-extendible period of fifteen (15) calendar days from receipt of the Decision, containing a concise statement of the grounds relied upon for the purpose. The Hearing Officer shall issue a ruling on such Motion within fifteen (15) days from receipt thereof, stating the grounds therefor. Unless a Notice of Appeal is filed by a Party with the Hearing Officer within a non-extendible period of fifteen (15) calendar days from receipt of a Notice of Appeal, the Hearing Officer shall transmit the complete records of the case to the Office of the Secretary for appropriate action.

6. **APPEAL** - Within a non-extendible period of fifteen (15) calendar days from receipt of the ruling upon a Motion for Reconsideration, a Party, after paying the corresponding Appeal Fee, may file an Appeal with the Office of the Secretary, which shall contain a concise statement of all the issues of fact and law raised on appeal. Upon receipt thereof, the Appeal shall be forwarded to the

Undersecretary for Legal and Legislative Affairs, who shall submit his recommendations to the Secretary within a period of fifteen (15) regular working days.

7. **DECISION OF THE DENR SECRETARY** - A Party aggrieved by the decision rendered by the Secretary may, within fifteen (15) days from receipt thereof, file but one (1) Motion for Reconsideration, failing which, the same shall become final and executory. However, the aggrieved Party may, within the same period, appeal said Decision to the Office of the President of the Philippines pursuant to Executive Order No. 19, Series of 1996.

8. **EXECUTIVE DECISION** — When a Decision becomes final and executory upon the lapse of the reglamentary periods herein prescribed, the Undersecretary for Legal and Legislative Affairs shall, *motu proprio* or upon Motion by any Party, issue a Certification to that effect for submission to the Secretary. The Certification shall cite the item(s) confiscated in accordance herewith (if any), together with a recommendation for execution of the Decision.

9. **TERMINATION OF CASE** — Upon approval by the Secretary issued pursuant to the preceding paragraph, confiscated items shall become permanent property of the Government and entered into the books as such and disposed of in accordance with law. The Secretary's approval shall be attached to and shall form part of the permanent records of the case, which, from the date thereof, is considered, terminated and closed.

Sec. 8. Abandoned Illegal Forest Products.

The following procedures apply in cases where illegal forest products and other items listed in Section 2 hereof are abandoned, or when the owner, claimant, custodian or other interested Party(ies) is unknown, cannot be determined, or cannot otherwise be found.

1. The items listed in Section 2 hereof shall forthwith be apprehended. Whenever practicable, photographs of the apprehension site and the item(s) seized shall be taken and shall form a permanent part of the records of the case. For this purpose, the apprehending officer shall identify, date, caption and write his full printed name and affix his signature at the back of each photograph so taken.
2. The ON-SITE RECORD OF VIOLATIONS, ON-SITE REPORT AND APPREHENSION RECEIPT shall be prepared as mandated hereby. In lieu of service of the APPREHENSION RECEIPT, a notice of the apprehension shall be left by the apprehending officer on-site, posted or tacked into the nearest tree, wall or other similar permanent structure. In this connection, the notice shall contain the date, time and place of the apprehension, full printed name, designation and signature of the apprehending officer, a complete, itemized list of the item(s) apprehended, a summary statement of the violation(s) cited, and of the full printed name and office address of the seizure officer to whom said items will be submitted as required by these Rules.
3. Summary Seizure/Confiscation Proceedings shall be conducted by the Hearing Officer designated in these Rules. In such cases the Notice of Hearing shall be posted at least three (3) times, once a every week for three (3) consecutive weeks, in at least three (3) public places, including, but not limited to: (a) the Barangay Hall

of the apprehension site; (b) the Bulletin Board of the DENR Offices where the Proceedings will be conducted, and (c) at the Municipal Hall of the apprehension site.

Should the owner, claimant or other interested Party fail to appear at the Proceedings, such failure shall be deemed a waiver of the right to appear and of any/all rights to the items apprehended in favor of the Government. The Hearing Officer shall state this fact in the records and enter certify that publication of Notice of Hearing had been effected in compliance herewith; thereupon, he shall forthwith issue his Decision based on the evidence at hand.

A Motion for Reconsideration and/or Appeal may be taken by any interested Party in accordance with Section 4 hereof.

Sec. 9. Temporary Release of Conveyances.

When a conveyance is apprehended by virtue hereof, and any time thereafter pending final disposition of the administrative case, and should available evidence establish to the satisfaction of the Hearing Officer that the conveyance may be used for lawful purposes, such as, but not limited to: personal mode of transportation; commercial passenger transport; cargo hauling; or other similar legal use, temporary release thereof to the owner or claimant or other interested Party may be applied for, and release thereof to the Applicant pendente lite may be granted by the Hearing Officer upon compliance with the following requirements:

1. **DENR CONFIRMATION** - Written confirmation in the records of the case is entered by the Hearing Officer declaring under oath: (a) that the official registration papers and supporting documents thereof are secured and made an integral part of the records of the case, possession of which shall not be released unless ordered in

the final decision of said case or by other competent authority; and (b) that the Applicant was not among those who were apprehended by virtue hereof and is not a respondent in the case by virtue of which the conveyance is being detained pendente lite; (c) the Applicant has not previously been held administratively or criminally liable for violation of forestry laws, rules and regulations; and that (d) available evidence does not in any way indicate the complicity of the Applicant in the offense cited in the confiscation proceedings; and

3. **SWORN STATEMENT AND UNDERTAKING** — Submission by the Applicant of a Sworn Statement: (a) declaring the precise nature of his claim thereon; (b) declaring that he has not previously been held administratively or criminally liable for violation of forestry laws; (c) describing the precise lawful uses(s) to which the conveyance shall/may be applied during the pendency of the case; (d) stating the replacement cost of the conveyance at the time the application is filed; and (e) an unconditional undertaking to return possession of the conveyance to the DENR as may be required for the final disposition of the case.

4. **POSTING OF BOND** — Upon approval of an Application for Temporary Release of Conveyance, and as a precondition to the actual pendente lite release thereof, the Applicant shall post a cash or surety bond to guarantee the prompt return of the conveyance to the DENR as may be required pursuant hereto. In no case shall a personal or private bond or guarantee or recognizance be admitted for this purpose.

The bond shall be equivalent to one-hundred-twenty-five percent (125%) of the replacement cost of the conveyance at the time the bond is submitted. A cash bond in favor of the DENR must be filed

by the Applicant with the nearest DENR Regional, Provincial or Community Office; surety bonds in favor of the DENR must be from the GSIS or other government surety. Original documents evidencing the posting of the bond shall be submitted to the Hearing Officer and form part of the records of the case.

4. **RECALL OF CONVEYANCE** — In case of misrepresentation in the Application for Temporary Release of Conveyance and/or any documents submitted in connection with or support thereof, or in case of failure to comply with any representations or undertakings made in connection therewith, the conveyance shall be ordered recalled by the Hearing Officer and the same shall forthwith be returned by the Applicant to the DENR. In case of failure to return the conveyance in compliance with a directive issued in the administrative case, the bond shall be called and forfeited in favor of the Government.

5. **RETURN/CANCELLATION OF BOND** — When the Decision in a case becomes final and executory as outlined above and administrative confiscation of the conveyance is not ordered by the Government, immediate return thereof to the owner and cancellation/return of the bond filed in connection therewith shall be ordered. Unless expressly mandated in the body of the Decision of the case, the Hearing Officer shall forthwith issue an Order citing said Decision, a copy of which shall thereto be attached, mandating the immediate release of the conveyance to the Owner thereof, together with an order for the cancellation of the surety bond or return of the cash bond submitted as hereinabove required.

Sec. 10. Arrests and Prosecution for Other Offenses.

1. In addition to the functions outlined hereinabove, the Apprehending Officer may, whenever circumstances so warrant, effect the arrest and detention of any person(s) apprehended by virtue hereof, and forthwith deliver such person(s) to the proper authorities in accordance with the provisions of Presidential Decree No. 705, as amended.

2. Should the evidence in any administrative case arising by virtue hereof so warrant, the Hearing Officer shall initiate the filing of a criminal complaint before the City or Provincial Prosecutor or the before the Municipal Trial Court of appropriate jurisdiction for preliminary investigation and prosecution in accordance with law.

3. In all matters pertaining to arrests and prosecution of any person(s) effected pursuant hereto, all DENR personnel shall without delay coordinate with the Department of Justice Task Force on Environment and Natural Resources (DOJ-STF-ENR) and strictly comply with all directives issued in connection therewith.

4. In initiating and prosecuting criminal charges in pursuant to this Section, the cognizant DENR Officer shall, in addition to the indictment, contemporaneously file for: (a) actual damages in an amount equivalent to the value of the illegal forest products confiscated by virtue hereof; as well as (b) moral and exemplary damages for prejudice to the environment, in an amount equivalent to ten times (10X) the value of the forest products confiscated by virtue hereof.

5. Should the evidence so warrant, the Hearing Officer shall, in addition to the foregoing, promptly send a complete set of the

records of the case, duly certified by him as faithful reproductions of the original documents thereof, together with written FORMAL INDORSEMENTS on top and as covers thereof, to other cognizant government agencies for investigation and prosecution in accordance with law. Government agencies to which cases may be indorsed include, but are not limited to the: (a) Bureau of Internal Revenue - for failure to pay forestry charges and taxes; (b) Department of Trade and Industry - for violation of trade and industry laws, and (c) the Securities and Exchange Commission.

6. The foregoing guidelines shall be in addition and without prejudice to any other requirements as are or may hereafter be provided by public policy, law, rules and regulations.

Sec. 11. Reportorial Requirements.

Quarterly Reports shall be submitted by Regional Executive Directors to the Secretary, with copies thereof furnished to the Undersecretary for Legal and Legislative Affairs, to the Undersecretary for Field Operations, and to the Director of the Forest Management Bureau, containing the following information:

1. **STATUS REPORT OF CASES** — A complete list of all administrative cases initiated pursuant hereto, including the pertinent dates, places and Parties involved, current status and estimated period for completion, as well as recommendations for the efficient and expeditious disposition thereof, if any.
2. **LIST OF SEIZED AND CONFISCATED ITEMS** — A complete list of all items seized and detained pendente lite, with particular descriptions of each item, current condition thereof and place of detention/safekeeping. A second list shall be submitted reflecting all conveyances temporarily released pursuant hereto,

stating the names of recipients thereof, with the condition and amounts of the bonds pertaining thereto. A third list shall likewise be submitted for all confiscated items awaiting final disposition in accordance herewith, accurately described with recommendations as to the final disposition thereof, if any.

3. **ITEMS NOT RECOMMENDED FOR DISPOSITION** — The Quarterly Reports shall specify which confiscated items awaiting final disposition are not recommended for the purpose because: (a) the same had been submitted in evidence to a court or other government agency in connection with the prosecution of offenders in judicial or other proceedings, stating complete details thereof; or (b) the same are recommended for the use of DENR for a specified purpose or activity; or (c) the same are recommended for donation to a charitable institution for use in connection with a humanitarian purpose or activity.

4. **ITEMS REQUIRING URGENT DISPOSITION** — In the case of seized items which cannot be detained for safekeeping until final disposition thereof is determined in accordance with the foregoing procedures due to (a) the highly perishable nature thereof, or (b) that a place for adequate safekeeping thereof cannot be provided, or (c) because the continued detention thereof until final disposition in accordance herewith is impractical; and in the case of items confiscated in favor of the Government when the continue/prolonged detention/safekeeping thereof while awaiting final disposition in accordance herewith is not recommended for any of the foregoing reasons, all such items shall be itemized in a separate List of Items for Urgent Disposition.

5. The List of Items for Urgent Disposition shall be submitted to the Undersecretary for Field Operations without delay, and in any case within forty-eight (48) hours from discovery of the urgent nature of the circumstances. Said List shall state: (i) the general case

information cited in sub-paragraph (a) of this Section, (ii) a particular description of the item(s); (iii) the estimated value thereof; (iv) the reason(s) for recommending urgent disposition; and (v) mode of disposition recommended to avoid irreparable damage or prejudice to the item(s). Upon consultation with the Undersecretary for Legal and Legislative Affairs and the Director of the Forest Management Bureau, and with the approval of the Secretary, the Undersecretary for Field Operations shall issue directives for the expeditious disposition of all such items in conformity with law, justice and equity.

Sec. 12. Disposition of Items Confiscated in Favor of the Government.

1. Items confiscated in favor of the Government in summary administration proceedings conducted pursuant hereto shall be disposed of in accordance with law.
2. The disposition of items administratively confiscated in favor of the Government pursuant to these Rules shall be governed by the same requirement rules of procedures applied by the DENR Central Committee on Bids and Awards of the Office of the Secretary. In this connection, the Central Committee shall reproduce its requirements and rules of procedure for adoption and strict compliance.
3. For the implementation of these Rules, only the DENR Regional Committees on Bids and Awards are authorized to dispose of items administratively confiscated in favor of the Government pursuant hereto, provided that the value of each or all the items to be disposed of in each instances does not exceed five hundred

thousand pesos (P500,000.00). In cases where the value of any item, or when the total value of the items scheduled for disposition at any instance, exceeds the cited amount, disposition thereof shall be referred to the Central Committee on Bids and Awards, which shall conduct proceedings in relation thereto.

In this connection, DENR Regional Committees on Bids and Awards are hereby constituted as follows:

Chairman - Regional Executive Director or, in his absence, the Regional Technical Director (RTDF);

Member - Regional Legal Officer;

Member - Representative from the Local Government of the place of the DENR Regional Office concerned; and other members designated by the Regional Executive Director.

The representative from the Commission on Audit (COA) shall be designated as observer.

All Regional Executive Directors shall submit to the Office of the Undersecretary for Field Operations the names of the Members of their respective Regional Committees on Bids and Awards within twenty (20) calendar days from the date of effectivity of these Rules.

4. Consistent with the provisions of Republic Act No. 6713, (Code of Conduct and Ethical Standards for Public Official and Employees), DENR employees and their relatives within the fourth civil degree of consanguinity or affinity shall in no way, directly or indirectly, be allowed to participate in or otherwise be interested in any part of any proceedings for the disposition of confiscated items subject of these Rules.

5. In no case shall same individual(s) from whom the items for disposition were confiscated be qualified/admitted as a bidder in these proceedings.

Sec. 13. Expenses for the Transfer, Safekeeping, Maintenance and Delivery of Apprehended, Seized and Confiscated Items.

1. All expenses incurred by the DENR in transferring apprehended items to the place of safekeeping, the necessary maintenance thereof, and delivery to any other place or person as may be required by the circumstances and/or in the implementation of the procedures outlined herein, shall be added to the value thereof. Such expenses shall attach as primary liens over such items in favor of the Department and shall be deducted from and reimbursed to the DENR as administrative costs from the proceeds of the sale thereof if any. In this connection, the Department shall allocate a fund to enable field officers to advance expeditiously hauling expenses and avoid deterioration and/or loss of economic value of the products/conveyances.
2. In cases of forest products, tools, equipment, implements and conveyances that are forfeited in favor of the Government and disposed of by judicial or other official mandate, the cognizant Regional Executive Director shall make official representations with the Court or Government Agency concerned for the purposes of recovering the aforementioned primary lien.
3. The Undersecretary for Field Operations may promulgate such other guidelines, rules and regulations as may, from time to time, be deemed necessary or appropriate under the circumstances in order to ensure the recovery of expenses incurred by the Department in this regard.

Sec. 14. Remittance of Proceeds of Sales.

All proceeds from the sale or other disposition of any item(s) confiscated pursuant hereto are property of the Government of the Philippines. Proceeds in cash revert to the General Fund and shall be applied in strict conformity with applicable laws, rules and regulations.

Immediately upon receipt of payment, or any part thereof, for any item(s) sold or otherwise disposed of pursuant to these Rules, the entire amount(s) so received shall, in the form of a Cashier's Cheque or manager's Cheque, and together with complete documentation and concise explanation therefor, be remitted by the cognizant Chairmen of the Regional Committees on Bids and Awards to the DENR Central Office, where a separate account shall be established for the purpose.

A Quarterly Report on all funds remitted to Central Office pursuant to the preceding paragraph shall be submitted by the cognizant Officer to the Secretary; Quarterly Reports shall be consolidated into an Annual Report to be similarly submitted at the end of the fiscal year.

SECTION 15. Central Office Secretariat for Administrative Cases.

1. Personnel shall be designated by the Undersecretary for Field Operations to constitute a SECRETARIAT FOR ADMINISTRATIVE CONFISCATION CASES charged with the collection, storage, processing, monitoring, analysis and submission of Central Office Quarterly and Annual Reports thereon. The Central Quarterly and Annual Reports shall be submitted to the Secretary through the Undersecretary for Field Operations.

2. All reports required by these Rules shall be coursed through the Secretariat so constituted to ensure the most efficient administration thereof.
3. The Undersecretary for Field Operations may require the Secretariat and all other DENR personnel concerned to prepare such other reportorial requirements as may, from time to time, be necessary for the effective implementation of these Rules.
4. GAZETTE — All policies, guidelines, implementing instructions and directives issued pursuant hereto or in connection with these Rules shall be collated, provided the widest dissemination, and published a Gazette by the Secretariat. In addition thereto, all Decisions in administrative cases that have become final and executory shall be published in the Gazette, copies of which may be provided to other Government offices and Local Government Units.

Sec. 16. Implementing Guidelines and Instructions.

The Undersecretaries for Field Operations and for Legal and Legislative Affairs may, from time to time, issue such other guidelines, directives and implementing instructions for the orderly and effective implementation of these Rules.

Sec. 17. Penalty Clause.

In addition to and without prejudice to such other remedies as may by law be applicable under the circumstances, DENR Officers and Personnel found guilty of culpable violation of these Rules, whether directly or indirectly, shall suffer such penalties as may be imposed by the Secretary in accordance with law.

Sec. 18. Repealing Clause.

This Order repeals DAO No. 59, Series of 1990, DAO Nos. 54 and 67, both Series of 1993, and DAO No. 19, Series of 1994. All orders, circulars and issuances which are inconsistent herewith are hereby repealed and/or modified accordingly.

Sec. 19. Transitory Provision

These Rules shall govern all administrative cases involving illegal forest products and the machinery, equipment, tools and conveyances used in connection therewith, initiated after the effectivity hereof, as well as to further proceedings in cases then pending, except to the extent that, in the opinion of the Secretary, or of the Court in appropriate cases, an application hereof would not be feasible or would occasion injustice, in which event the formerly applicable procedures shall be implemented.

Sec. 20. Separability Clause.

If any part of these Rules is declared unconstitutional or otherwise defective on any grounds, the remaining parts not affected thereby shall remain valid and effective.

Sec. 21. Effectivity.

This Order shall take effect fifteen (15) days after its publication once a week for three consecutive weeks in a newspaper of general circulation.

SO ORDERED.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-34
November 27, 1997

**SUBJECT : Guidelines on Tree Planting Near
Electric Power Line Systems**

Pursuant to the Memorandum of Agreement entered into by and among the DENR and other government and non-government agencies/organizations on 21 May 1997 hereto attached as Annex A, for the purpose of reducing non-technical losses particularly on electric power distribution, the following guidelines are hereby promulgated for the information and guidance of all concerned.

Section 1. Objectives

This Administrative Order shall have the following objectives:

- 1.1 to establish active linkages and proper coordination among agencies involved in the tree planting and electric power distribution;
- 1.2 to promote an organized and systematic tree planting activity within the electric power line system areas to reduce power distribution losses, particularly non-technical losses;
- 1.3 to ensure public safety and continuous electric services; and
- 1.4 to promote aesthetic surroundings.

Section 2. Definition of Terms

For the purpose of this Order, the following terms are defined:

- 2.1 Distribution line — power lines designed to distribute power within a populated area.
- 2.2 Infrastructure — a structure constructed in the project site, such as waiting sheds, roads, alleys and pathwalks, etc.
- 2.3 Non-technical losses — refers to wastages due to power interruptions caused by outside factors/element such as typhoons, overtopping trees, entangled kites, etc.
- 2.4 Program — the Tree Planting Activities within power line distribution systems.
- 2.5 Project Site — the designated area within power line distribution systems planted/to be planted with trees.
- 2.6 Transmission line — kind of electric/power lines designed to distribute power within a populated area.
- 2.7 Utility line — type of distribution/transmission line designed for a particular use/purpose.

Section 3. Procedures

3.1 Identification of Suitable Species

The species to be planted shall be determined by the DENR with the concurrence of the cooperating agencies/organizations based on the project site's size, location and climatic and edaphic conditions.

The following tree/plant species are recommended for the project sites:

- e. Ornamental Trees/Plants. These ornamental trees/plants can be planted along the side of the utility line using at least three (3) meters distance.

Candle Tree (*Parmentiera cerifera*)
Buttercup Tree (*Cochlospermum vitifolium*)
Hongkong Tree (*Bauhinia blakeana*)
Pencil Cedar (*Juniperus virginiana*)
Portuguese Cypress (*Cupressus lusitanica*)
McArthur Palm (*Actinophloeus macarthurii*)
Balitbitan (*Cynometra ramiflora*)
Bottle Palm (*Mascarena lagenicaulis*)
Palmera (*Chrysalidocarpus lutescens*)
Kalachuche (*Plumeria* spp.)
Pink shower (*Cassia nodosa*)
Katmon (*Dillenia philippinensis*)
Malakatmon (*D. luzoniensis*)
Dungo/Balete (*Ficus pubinervis*)

- b. Shrubs/Garden Plants. These can be planted along the line and on alleys and pathways.

Fireball (*Calliandra haematacephala*)
Buddha bamboo (*Bambusa ventricosa*)
Baston de San Jose (*Cordyline terminalis*)
Tigre (*Sansevieria prain* var. *laurentii*)
Yellow Plantain (*Heliconia bihai*)
Red Leaf Heliconia (*Heliconia metallica*)
False Bird of Paradise (*Heliconia platystachys*)
Narrow Leaf Heliconia (*Heliconia psittacorum*)
Poinsettia (*Euphorbia pulcherrima*)
Gumamela (*Hibiscus* spp.)
Yellow Bell (*Solandra pulcherrima*)
Bougainvilla spp.
Sampaguita (*Jasminium sampac*)
Rubia (*Rubia*)
Balatbat /B. bilog (*Licuala* spp.)

Trees/plants which are hosts to insects and diseases attacking crops and orchards should not be used as planting materials.

3.2 Spacing and Design/Manner of Planting

Spacing should be based on the species' full growth at maturity.

Ornamental trees may be planted along the utility line with at least 3 m distance. They should have a horizontal and vertical clearance of 3.1 meters (10 feet) from transmission lines by the time they reach maturity. Its side and over hang branches should have a clearance of 1.86 m.- 3.1 m (6-10 feet) from utility lines, its top branches about 1.24 to 1.86 m (4 to 6 ft).

Bamboos, coconuts and other high growing palms should not be planted under or within 6 meters distance opposite existing overhead lines.

Garden plants may be planted along electric lines and on alleys and pathways since they do not have primary branches and single woody stem.

For this particular purpose, planting should be in straight lines or rows to properly monitor the growth of the planted trees/shrubs and to facilitate the trimming/pruning activities to be conducted.

The Implementing Guidelines for Landscape Development in Metropolitan Manila, prepared and produced by the Metropolitan Manila Development Authority (MMDA) and the Department of Environment and Natural Resources (DENR) shall serve as guide for this Program.

Planting in designated areas within subdivisions shall adopt the Housing and Land Use Regulatory Board (HLURB) Administrative Order No. 2 dated April 12, 1994 re: Supplemental Rules and Regulations to Implement PD 953.

3.3 Protection and Maintenance

Each participating agency/organization shall be responsible for the protection and maintenance of their respective areas. However, trimming/pruning/cutting of trees including palms and shrubs which disrupt electric power distribution shall be conducted by the MERALCO for Metro Manila and by electric cooperatives/corporations for the provinces, with prior permit (for trees in public or forest lands or naturally growing trees) or certification (for trees within private lands) from the local DENR office concerned. In trimming/pruning, branches should be cut as close as possible to the outside of the branch collar. Trees should be earthballed and transferred to suitable place rather than cut or topped. Said activities shall be under the supervision of a technical DENR personnel.

As much as possible, cutting of trees in these areas shall be restricted and shall be allowed only under the following circumstances.

- 3.3.1 The tree is dead or defective and/or posing hazards to people

- 3.3.2 It poses barrier to unavoidable infrastructures being built or improved

3.3.3 Existing infrastructures such as pavements and/or fences show indications of being destroyed by the root systems of the subject tree

3.4 Sourcing of Planting Materials

The concerned DENR office shall be responsible for identifying/sourcing good quality planting stock. Participating agencies shall produce their own planting materials. When and where available, DENR shall provide tree seedlings.

3.5 Monitoring and Evaluation and Reporting

Monitoring and evaluation of project areas established/developed under the program shall be conducted periodically by the concerned DENR offices. Status report on the program implementation shall be submitted quarterly to DENR Secretary, copy furnished DOE.

Sec. 4. Roles of Involved Agencies/Organizations

4.1 The DENR shall be the spearhead of the Program. It shall provide technical assistance in the choice of suitable species, proper planting techniques, etc. and planting materials, when and where available. It shall likewise issue necessary permit to trim/prune/cut trees including palms and shrubs.

4.2 Each participating agency/organization shall be responsible for the protection and maintenance of their respective areas. Likewise, the concerned sectors shall protect naturally-grown trees found in their designated planting area. Appropriate silvicultural treatments and techniques shall be adopted to both planted and naturally-grown trees.

- 4.3 The MERALCO and the members of Philippine Rural Electric Cooperative Association (PHILRECA) and Philippine Electric Plant Owners Association (PEPOA) with the assistance of Department of Energy (DOE), National Electrification Administration (NEA), Department of Interior and Local Government (DILG), and Philippine Information Agency (PIA) shall conduct information campaign regarding this Tree Planting Guidelines. MERALCO and members of PHILRECA and PEPOA shall submit to the DOE quarterly status report pertaining to the implementation of the information campaign on the tree planting guidelines.
- 4.4 The DILG, with the assistance of the NEA, shall facilitate coordination between utilities and LGUs as well as mandate LGUs to circulate copies of this guidelines on the tree planting guidelines.
- 4.5 The DPWH shall endeavor to comply with this guidelines in the design and construction of national roads and other infrastructure project.
- 4.6 The Department of Education Culture and Sports (DECS), in coordination with DOE, NEA, PHILRECA, PEPOA and MERALCO shall give emphasis on the importance of citizen's cooperation/contributions for a "Safe Electricity Distribution Operations" in the teaching of relevant science subjects, as well as prepare modules for the ready use of elementary and secondary school teachers and students in the field.

Sec. 5. Penalty Clause

Any person who cuts, destroys, damages, injures naturally growing or planted trees of any kind, flowering or ornamental plants and shrubs, plants of scenic or aesthetic and ecological values within identified

established project sites shall be punished in accordance with Section 3 of PD 953, except when the cutting, destroying, damaging or injuring is necessary to enhance the beauty or as provided under Section 3.3 of this Order. If the offender is a public officer or employee, he shall in addition, be dismissed from the public service and disqualified perpetually to hold office.

Sec. 6. Repealing Cause

This Order supersedes all Department Orders, Circulars and/or Memoranda inconsistent herewith.

Sec. 7. Effectivity

This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

(Sgd.) VICTOR O. RAMOS
Secretary

**DENR Administrative Order
No. 97-35
December 8, 1997**

SUBJECT : Amending and Clarifying Certain Sections of DAO No. 97-08 Entitled "Governing the Entry and Disposition of Imported Logs, Lumber, Veneer, Plywood, Poles and Piles and Pulpwood Including Wood Chips"

Upon representation of the wood-based industry sector and in order to address the concern of the wood-based furniture industry which is also in dire need of wood for their furniture products and in order to provide a mechanism to facilitate the entry and disposition of imported wood materials alongside with the existing functions of the Bureau of Customs (BOC) and the Bureau of Plant Industry, Plant Quarantine Office, Department of Agriculture (BPI-PQO-DA), certain sections of DENR Administrative Order No. 97-08 (DAO 97-08) on the importation of logs, poles and piles, pulpwood, lumber, veneer, plywood and other wood-based panels, and wood chips, hereinafter referred to as imported wood materials, are hereby revised and/or amended accordingly:

Section 1. In order to address the concern of the furniture industry which is also in dire need of wood materials to be processed for their furniture products, Section 3 of DAO 97-08 is hereby revised to read as follows:

Sec. 3. Who may Import Logs, Lumber, Veneer, Plywood, Poles and Piles and Pulpwood including Chips. A holder of Timber License Agreement (TLA), Industrial Forest Management Agreement (IFMA), Wood Processing Plant Permit (WPP) or Certificate of Registration (CR) issued by DENR as

wood processor, agent, contractor or dealer of logs/lumber, may import wood materials; provided that, before availing the privilege to import, the holder of TLA, IFMA, and/or WPP shall have their existing local log and/or Lumber Dealer's permit stamped by the Office of the Regional Executive Director (RED) concerned as valid also to import wood materials without further undergoing separate registration processes called for under DAO 97-17. However, a prospective wood processor, agent, contractor, and dealer who are not holders of TLA, IFMA or WPP shall first secure the registration requirements specified under DAO 04-17.

Sec. 2. In line with the entry, discharge and transport requirements for imported wood materials Sections 5 and 6 of DAO 97-08 are hereby revised to read as follows:

Sec. 5. Entry and Discharge Requirements for Imported Wood Products. — The entry and discharge of imported wood materials shall be in accordance with the requirements and procedures of the BOC and BPI-PQO-DA, **provided**, that the Customs District Collector or his authorized agents shall require the importer or his authorized representatives to submit a copy of the Certificate of Registration validly issued by the DENR pursuant to DAO 94-17 and Section 3 of DAO 97-08; and the Plant Quarantine Officer concerned shall require the owner, agent master of the carrier, or said importer or his authorized representatives to submit the phytosanitary certificate pertaining to the imported wood materials issued by the country of origin as vital document in the issuance of inspection report **provided further**, that the services of qualified DENR-designated technical personnel shall be made available to BOC and/or BPI-PQO-DA, when officially requested by the latter.

Sec. 6. Transport Documents for Imported Wood Products. The Certificate of Registration to import wood materials granted by the DENR and the clearance of the imported commodities issued by BOC, shall be sufficient documents for the imported wood materials to be moved out of, and/or transport from the port of entry to his/her premises, consignee or consignor; provided,

that, the importer or his authorized representatives shall upon the arrival of the shipment at the port of destination, provide the CENRO concerned with photostatic copies of the following documents: (1) a Certificate of Registration or proof of authority to import; (2) the Phytosanitary Certificate indicating therein that the logs, poles and piles and/or pulpwood were properly debarked; (3) the Bill of Lading; and (4) the Summary of the Packing List.

One week after the end of each month, the CENRO concerned, through its Regional Office (RENRO), shall submit to the Director of Forest Management Bureau (FMB) the monthly report of importation on the aforesaid wood materials.

Sec. 3. With regard to storage, processing and disposition of imported materials, Section 7 of DAO 97-08 is hereby supplementary amended as follows:

Sec. 7. Storage, Processing and Disposition of Imported Wood Materials. The storage, processing and disposition of imported wood materials and reportorial procedures required thereof shall be governed by DAO 97-08 and pertinent regulations.

The **importer** who is qualified under Sec. 3 of DAO 97-08 may dispose of the imported materials or the processed or finished wood products; **provided** that their transport from the storage area or mill site to any point of consignment or sales within a given defined area allowed under existing regulations shall be accompanied by pertinent sales invoices and/or delivery receipts; provided further that the transport of said wood materials outside the defined area shall be accompanied, in addition to the corresponding sides invoice and/or delivery receipts, by photocopies of the Phytosanitary Certificate and corresponding Inspection Report, the Bill of Lading and the Summary of Packing List duly authenticated by the CENRO concerned and/or his authorized representatives.

Sec. 4. Authority to Issue Additional Instructions. The Undersecretary for Field Operations is hereby authorized to issue

additional/supplementary guidelines, circulars and/or instruction for the effective implementation of this Order and other pertinent related Orders.

Sec. 5. Effectivity. — This Order shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

(Sgd.) VICTOR O. RAMOS
Secretary

Published at:

Malaya - December 23, 1997 – page 15
Manila Standard - January 10, 1998-page 10

DENR Administrative Order
No. 97-37
December 22, 1997

SUBJECT : Declaring Certain Portions of the Public Forest as Forestland for Permanent Forest Purposes and as Alienable or Disposable for Cropland and Other Purposes, Under LC Project No. 39, Malvar and LC Project No. 40, Balete, Both of Batangas Province

Pursuant to Section 13 of PD 705, otherwise known as the Revised Forestry Code of the Philippines, as amended, I hereby declare as permanent forest the forestland block covering an area of 207 hectares and further declare and certify an aggregate area of 1,724 hectares, more or less, as alienable or disposable for cropland and other purposes under the Public Land Act, which parcels of land are located in the abovenamed municipalities and province and as shown and described in Map No. LC-3601, which is attached to and forms an integral part of this order, subject to the following conditions:

- a. In the area herein declared as alienable or disposable, a strip of 15 meters in width on each side of any public trail herein used as outlet for timber and other forest products if any there be, are reserved as forestland;
- b. The strip of 20 meters in width of land on each side of the water systems of the whole project covering an area of 107 hectares, more or less, are delineated and declared as forestland for stream bank protection and must be rehabilitated and maintained under permanent forest cover to sustain water within the project;

- c. The extraction and utilization of any forest products remaining in the area herein declared and certified as alienable and disposable land shall be subject to Forest and Internal Revenue Laws and Regulations and any present holder of timber and other forest products issued by this Department shall continue to enjoy the privileges extended under those licenses until the purpose for which they were issued shall have been achieved.

This Order is issued pursuant to the policy to delineate permanent forests from unclassified public forests and in accordance with the principles of environmental conservation and protection and ecological balance.

This Order shall take effect upon approval.

(Sgd.) VICTOR O. RAMOS
Secretary

**DENR Circular
No. 97-01
July 22, 1997**

**Subject : Regional Mini-Sawmill Rationalization
Plan Outline**

1. For purposes of uniformity in the preparation and submission of the Regional Mini-Sawmill Rationalization Plan (RMRP) required under Sec. 10 of DENR Memorandum Order No. 96-04, the following instructions are hereby issued for the information and guidance of all concerned:
 - 1.1 The outline herein provided, as shown in Annex "A" hereof, shall be used as a general guide in the preparation of the RMPP;
 - 1.2 In the absence of appropriate and applicable mill studies, the Annual Log Requirement (ALR) for a particular mini-sawmill shall be determined based on the declared daily rated capacity;
 - 1.3 The relative location of processing plants and the support plantations therefor shall be indicated in the map(s) accompanying the plan;
 - 1.4 At least three (3) copies of the RMRP shall be submitted to the Secretary, through the Undersecretary, through the Undersecretary for Field Operations, for proper review, evaluation and further action.
2. This Circular shall take effect immediately.

(Sgd.) VIRGILIO Q. MARCELO
Undersecretary

**Memorandum Circular
No. 97-01
January 2, 1997**

**SUBJECT : Implementing Guidelines on the
Conduct of Community Organizing (CO)
under the Forestry Sector Project (FSP)**

Section 1.0 Basic Policy

In accordance with the provisions of MC No. 20, Series of 1992 otherwise known as implementing Guidelines on Community Organizing Contracts for Forest Land Management Agreement, DAO 16 Series of 1993 otherwise known as Guidelines on the Implementation of the Forestry Sector Project, DAO 96-29 otherwise known as Community-Based Forest Management Program (CBFMP), and in order to effectively implement the Forestry Sector Project (FSP), the Department of Environment and Natural Resources (DENR) affirms the vital role of government and community partnership in the development and implementation of its programs and projects through the community-based approach. Community Organizing (CO) shall be employed as a strategy for mobilizing and facilitating people's participation in FSP subprojects

**Sec. 2.0 Objectives of Community Organizing under
FSP**

Community organizing under FSP is aimed at mobilizing communities and developing/strengthening their capabilities to implement subproject activities and become long-term resource managers using the community-based approach.

In specific terms, CO shall be undertaken to attain the following objectives:

- 2.1 Enhance the knowledge and awareness of the community in conducting a continuing and effective information, education and communication (IEC) activities;
- 2.2 Develop appropriate leadership and membership capabilities of the community that will mobilize them toward the attainment of the subproject objectives;
- 2.3 Based on the Subproject Appraisal Report, conduct training activities that are designed to socially and technically prepare the community in undertaking subproject activities;
- 2.4 Assist the community in the preparation of feasibility studies and implementation of viable livelihood projects within the subproject site;
- 2.5 Provide technical assistance to the community on various subproject activities; and
- 2.6 Develop the community into a viable entity that is capable of managing the subproject on a long-term basis, through the community-based approach.

Sec. 3.0 Operational Definition of Terms

The terms listed below shall be operationally defined as follows in the context of this Memorandum Circular:

- 3.1 **Appraisal Report** — the written document developed from the assessment and evaluation of the Survey, Mapping and Planning (SMP) report for each subproject. The Report is submitted to the funding agency for the subproject's approval and concurrence.

- 3.2 **Community** — people residing within or adjacent to the FSP subproject site who are willing and committed to participate in the implementation of the subproject and long-term community-based forest management of the site.
- 3.3 **Community Organizing (CO)** — the process and the set of activities aimed at mobilizing the community, developing and strengthening their capabilities to plan, implement and manage the subproject through the community-based approach.
- 3.4 **Comprehensive Site Development (CSD)** — refers to the activities identified in the subproject appraisal report to rehabilitate the site and provide direct material, financial and environmental benefits to the community and the surrounding areas.
- 3.5 **Information, Education and Communication (IEC)** — set of activities designed to create sufficient awareness of the community on the subproject and its relevance to the upliftment of their socio-economic well-being and the sustainable management of the forest and other natural resources.
- 3.6 **Livelihood Project** — refers to small medium scale income generating activities designed to provide additional source of living to the community.
- 3.7 **Non-Government Organization or Assisting Organization (NGO/AO)** — refers to a social development group or entity that has the capability and commitment to develop people's organization in the subproject through community organizing.
- 3.8 **Quarterly Commitment Plan (QCP)** — the quarterly set of activities and outputs which the NGO/AO is committed to

implement and attain within the indicated time period (See ATTACHMENT A for format).

- 3.9 **Site Coordinator/Designated DENR Personnel** — a personnel of the DENR assigned to FSP subproject on full-time basis to coordinate the activities of the subproject to DENR and other institutions.

- 3.10 **Training Activities** — set of social, technical and managerial preparation courses designed to enhance the capability of the community on specific matters based on the training needs assessment.

Sec. 4.0 Basic Requisite of Community Organizing

Under the FSP, Community Organizing shall only be undertaken in the subproject site after the approval of its Appraisal Report. It is required that the non-government organization (NGO) or assisting organization (AO) that will conduct CO has fully internalized the contents of this report to be able to effectively conduct the activity for the community(ies) within the subproject site.

Sec. 5.0 Duration of Community Organizing

Community Organizing for all subprojects under FSP shall be undertaken by the NGO/AO for two (2) years involving various activities covered in Section 6.0 of this Memorandum Circular.

Sec. 6.0 Scope of Community Organizing

Community Organizing under FSP shall be undertaken by the NGO/AO involving the following specific activities at suggested periods categorized below:

6.1 Core Activities

6.1.1 YEAR 1, First Quarter

- a. leveling off with DENR officials and subproject Site Coordinator/Designated DENR personnel
- b. courtesy calls and meetings with the LGU officials, traditional leaders and elders, and the different sectors of the community;
- c. NGO mobilization, putting up of field office and staff deployment in the community;
- d. information, education and communication (IEC) activities;
- e. validation and updating of socio-demographic and economic profile of the community with gender roles description;
- f. identification of participants, core groups and potential community leaders for the subproject with gender segregation;
- g. training needs assessment;
- h. development of training designs;
- i. training on initial CSD activities such as procurement of planting materials, nursery operations, plantation establishment and livelihood projects;
- j. CSD work and financial planning; and
- k. formation of the formal organization that will contract CSD and implement the subproject on a long-term basis.

6.1.2 YEAR 1, Second Quarter

- a. assistance on CSD contracting;
- b. preparation and approval of a detailed subproject implementation plan based on the appraisal report;

- c. conduct of continuing social, technical and managerial training activities;
- d. conduct of regular community meetings and continuing IEC activities;
- e. preparation of livelihood feasibility studies and assistance in the implementation of viable livelihood projects;
- f. assistance and supervision of participatory implementation of CSD activities, conflict resolution, cooperative operations and management and other subproject activities; and
- g. assistance in the establishment of strong and viable linkages with government and non-government institutions for the sustainable management of the resources by the community.
- e. preparation for the awarding of appropriate community-based forest management agreement

6.1.3 YEAR 1, Third Quarter

- a. conduct continuing social, technical and managerial training activities;
- b. conduct of regular community meetings and continuing IEC activities;
- c. continuing assistance and supervision of livelihood project implementation;
- d. continuing assistance and supervision of participatory implementation of CSD activities, conflict resolution, cooperative operations and management and other subproject activities;
- e. continuing activity on strengthening of local organization, institutions and social structures, and
- f. continuing assistance in the establishment of strong and viable linkages with government and non-

government institutions for the sustainable management of the resources by the community.

6.1.4 YEAR 1, Fourth Quarter

All activities (a to f) covered during the previous quarter (YEAR 1, Third Quarter) plus:

- a. assistance in the development, presentation and approval of the Community-based Resource Management Framework (CRMF)
- b. preparation of written CO Phase-out Plan

6.1.5 YEAR 2, First Quarter

All activities (a to f) covered in YEAR 1, Third Quarter plus:

Assistance in the awarding of appropriate community-based forest management agreement to the community.

6.1.5 YEAR 2, Second Quarter

All activities covered in YEAR 2, First Quarter except awarding of appropriate community-based forest management agreement if already completed during that period.

6.1.7 YEAR 2, Third Quarter

All activities covered in YEAR 2, Second Quarter.

6.1.8 YEAR 2, Fourth Quarter

All activities covered in YEAR 2, Third Quarter plus:

- a. preparation and approval of CO Phase-out Plan for the community organization to take over CO activities; and
- b. actual turn over of CO activities to the community organization and other phase-out activities.

6.2 Process Documentation

The NGO/AO shall undertake a continuing process documentation of the entire CO work in the subproject site. Under this activity, all significant processes related to the conduct of technical and socio-institutional development activities shall be monitored, analyzed and documented in text and photographs or audio-visuals. A quarterly written progress report describing the relevance of CO and CSD activities to the progress of the subproject, shall be submitted by the NGO/AO to DENR. At the end of the CO contract, a summarized process documentation report shall be written and submitted by the NGO/AO to the DENR.

6.3 CO under FSP Loan I

Community Organizing under Loan I of the Forestry Sector Project shall cover the same activities mentioned in Items 6.1 and 6.2 of this Section except those related to CSD contracting. Timing of implementation of CO activities shall be adopted to the phasing as provided in Section 9.0 of MC No. 20, Series of 1992.

Sec. 7.0 Expected Outputs

The following are the expected outputs from the NGO/AO after each quarter based on the activities identified under Section 6.0. All documents and outputs shall be submitted to the DENR for approval before they are accepted as official output of CO.

7.1 YEAR 1, First Quarter

7.1.1 Courtesy Calls, Meetings, IEC Assemblies, Training, Seminars, Workshops, Lectures and Cross-Site Visits

- a. copy of the design showing the title of the activity, schedule and place(s) conducted, purpose(s) and objective(s), methods or strategies employed and persons involved
- b. copy of signed attendance sheets of resource persons and participants with gender segregation
- c. copy of minutes and/or documented proceedings
- d. written evaluation result of the activity by the participants
- e. assessed impact of the activity on the community

7.1.2 NGO Mobilization, Putting up of Field Office and Deployment

- a. proof of establishment of NGO/AO office in the site
- b. proof of full-time appointment and immersion of the NGO/AO staff in the site

7.1.3 IEC Materials and Equipment

- a. list and proof of procurement and one sample each of the information materials used in the site such as but not limited to:
 - a.1 printed materials
 - a.2 audio-visual materials
- b. list and proof of purchase of information equipment procured and used in the project site such as but not limited to:

- b.1 audio-visual equipment
- b.2 gas or solar powered electric generator
- 7.1.4 Updated socio-demographic and economic profile of the community with gender roles description
- 7.1.5 Community training needs and training designs of identified training activities
- 7.1.6 Formation of Core Groups and Formal Local Organization
 - a. list of leaders and members of various core groups
 - b. list of officials and members of the formally organized or strengthened association or cooperative
 - c. complete set of registration and other required documents (by the LGU, BIR, DTI CDA, etc.) of the association or cooperative
- 7.1.7. CSD Work and Financial Plan
- 7.1.8 Quarterly written report summarizing the accomplishments during the quarter and the assessed impact on the community
- 7.1.9 Quarterly written report on process documentation including photographs and other documentation media
- 7.1.10 Quarterly Commitment Plan (QCP) of the specific activities scheduled for the next quarter

7.2 YEAR 1, Second Quarter

- 7.2.1 CSD Contract awarded to the association or cooperative including the necessary support documents
- 7.2.2 Detailed implementation plan of subproject activities prepared by the community and the NGO/AO and copy of community resolution approving the plan
- 7.2.3 Meetings, IEC Assemblies, Training, Seminars, Workshops, Lectures and Cross-Site Visits
 - a. copy of the design showing the title of the activity, schedule and place(s) conducted, purpose(s) and objective(s), methods or strategies employed and persons involved
 - b. copy of signed attendance sheets of resource persons and participants with gender segregation
 - c. copy of minutes and/or documented proceedings
 - d. written evaluation result of the activity by the participants
 - e. assessed impact of the activity on the community
- 7.2.4 Livelihood feasibility studies prepared and approved
- 7.2.5 Quarterly written progress report of each livelihood project being implemented by the community
- 7.2.6 Quarterly written report emphasizing the following:
 - a. assistance and supervision provided to CSD activities;

- b. summary of accomplishments during the quarter; and
 - c. assessed impact of the CO activities to the community
- 7.2.7 List of groups, agencies and institutions to which linkages have been established and description of the nature of linkages.
- 7.2.8 Quarterly written report on process documentation including photographs and other documentation media
- 7.2.9 Quarterly Commitment Plan (QCP) of the specific CO activities scheduled for the next quarter

7.3 YEAR 1, Third Quarter

The same as in YEAR 1, Second Quarter except CSD Contract (Item 7.2.1) and the detailed subproject implementation plan (Item 7.2.2).

7.4 YEAR 1, Fourth Quarter

The same as in YEAR 1, Third Quarter plus:

- a. Community-based Resource Management Framework (CRMF) for the subproject site duly concurred.
- b. Preparation of written CO Phase-out Plan

7.5 YEAR 2, First Quarter

The same as YEAR 1, Third Quarter plus:

Granting of appropriate Community-Based Forest Management Agreement by the DENR

7.6 YEAR 2, Second Quarter

The same as in YEAR 1, Third Quarter.

7.7 YEAR 2, Third Quarter

The same as in YEAR 2, Second Quarter

7.8 YEAR 2, Fourth Quarter

The same as in YEAR 2, Third Quarter, plus:

- a. Updated written CO Phase-out Plan;
- b. Written CO Terminal Report;
- c. Written Summary Report of CO Process Documentation

Sec. 8.0 Selection of NGO/AO to Undertake CO

The following general criteria shall be used in the selection of the NGO/AO that will conduct Community Organizing in FSP subproject sites:

1. At least one (1) year actual experience in community organizing;
2. DENR accreditation;
3. Sufficient track record in project development and management with technical and managerial capability;
4. NGO's/AO's financial capability which shall be gauged by: (a) its assets which shall be equal to at least ten percent (10%) of the total CO project cost as indicated in an audited financial statement for the year immediately preceding the CO contract being applied for; and (b) its financial capacity to finance CO activities for at least three (3) months.
5. Access to and linkages with other resource agencies and institutions;

6. Proximity to the subproject site or capability, commitment and willingness to immerse staff in the community;
7. Compatibility with the community; and
8. Availability of the following full-time staff and workers with minimum actual experience of one (1) year and/or educational background on:
 - a. Social Forestry, Forestry Extension and/or Community Organizing
 - b. Silviculture, Agroforestry and Forest Management
 - c. Cooperatives, Livelihood, Marketing, Financial Management and Enterprise Development
 - d. Social Work

Sec. 9.0 SELECTION AND AWARDING PROCESS OF CO CONTRACTS

Aside from the existing DENR policies and guidelines on awarding service contacts as stipulated in Section 6.0 of MC No. 20, Series of 1992, the following specific procedures shall be followed in selecting the NGO/AO to be contracted for conducting CO work in any of the Forestry Sector subproject sites:

- 9.1 The Regional Selection Committee shall be composed of the following:
 - 9.1.1 Chairperson: Regional Technical Director for Forestry (RTDF)
 - 9.1.2 Members:
 - PENRO concerned
 - CENRO concerned
 - RFDO Coordinator
 - Regional NGO Desk Officer
 - Barangay Captains covered by the Subproject
 - NFDO Representative

- 9.2 All NGO'S who passed the pre-qualification requirements as stipulated in Section 8.0 shall, at their own expense, photocopy the appraisal report and other pertinent information about the FSP subproject. These documents shall be studied and analyzed carefully by the NGO/AO applicant. They shall be required to visit the subproject site being applied for before preparing a detailed CO Proposal.
- 9.3 Within a certain period to be determined by the DENR, the NGO/AO shall submit the Proposal presenting all CO activities including the indicative schedule for 24 months. The Selection Committee shall review all proposals for assessment and evaluation.
- 9.4 The top three (3) NGO/AO applicants shall be invited to present their Proposal to DENR. They shall also be required to submit their Financial Proposal right after the presentation.
- 9.5 After thorough evaluation by the Selection Committee, the winning NGO/AO shall be awarded the CO contract.

Sec. 10.0 Cost of Community Organizing

10.1 Cost of CO under the FSP-ADB

Under the Asian Development Bank (ADB) component of the Forestry Sector Project where subproject areas are smaller (usually ranging from 200 to 1,000 hectares), CO shall be contracted at a ceiling cost of P3,850 per hectare. The contract amount shall be based on the actual area identified for comprehensive site development as reflected in the approved appraisal report.

10.2 Cost of CO under FSP-OECF

Under the Overseas Economic Cooperation Fund (OECF) component of the Forestry Sector Project where subproject areas are much bigger (minimum of 2,000 hectares), CO shall be contracted at a ceiling cost of P1,800 per hectare. Likewise, the contract amount shall be based on the actual area identified for comprehensive site development as reflected in the approved appraisal report.

For sites under FSP Loan I which are usually much smaller in hectareage, CO shall be contracted at a ceiling cost of P2,300 per hectare. The contract amount shall be based on the actual area developed through contract reforestation.

Sec. 11.0 Preparation and Signing of Contract

After notification of the selected NGO/AO by the Regional Selection Committee, the Regional Executive Director (RED) shall, within five (5) working days prepare a Contract. This Contract shall be subjected for review and signature by the NGO/AO within three (3) working days. The signing of the CO Contract shall be done in accordance with existing and pertinent DENR rules and regulations. A "pro-forma" CO contract is shown in Attachment B.

Sec. 12.0 Notice to Proceed

The DENR signatory to the CO Contract shall issue notice to proceed in favor of the NGO/AO Contractor within five (5) working days after availability of funds is certified by the appropriate DENR officer.

Sec. 13.0 Monitoring and Evaluation (M & E)

The progress of community organizing shall be regularly monitored and assessed to determine the preparedness of the community

to undertake specific subproject activities. Databanking of information gathered shall be integrated to the Forest Management Information System (FMIS) being developed by the Executive Committee and Technical Working Group organized under DENR Special Order No. 96-19. For NGO/AO Contractor's billing and payment purposes, CO shall be monitored and evaluated by the DENR using an appropriate M & E instrument.

The Monitoring and Evaluation procedure under Section 10.0 of Memorandum Circular No. 20, Series of 1992 shall be used as a procedural guideline in undertaking M & E of FSP subprojects.

Sec. 14.0 Performance Bond

The NGO Contractor shall post performance bond callable on demand equivalent to 10% of the contract price covering the two-year duration of the CO contract

Sec. 15.0 Disbursement of Funds

A mobilization fund equivalent to 15% of the total CO cost Year 1 shall be released to the NGO/AO upon approval of the Quarterly Commitment Plan for the first quarter. Succeeding payments shall be done on a quarterly basis upon receipt of the billing, favorable recommendation of the M & E Team based on its equivalent and assessment report and approval by appropriate DENR officials. The RED shall promptly disburse the approved amount in favor of the NGO/AO.

Sec. 16.0 Supplemental Rules and Regulations

The Undersecretary for Field Operations shall issue rules and regulations as may be necessary to actively carry out the objectives of this

Circular in accordance with existing and pertinent guidelines. Additionally, the RED may promulgate supplemental rules and regulations which apply to a particular region; *provided* such rules and regulations shall be in accordance with this Circular.

Sec. 17.0 Effectivity

This Memorandum Circular shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

Recommending Approval:

(Sgd.) VIRGILIO Q. MARCELO
Undersecretary for Field Operations

Memorandum Circular
No. 97-03
February 18, 1997

SUBJECT : Guidelines and Procedures in the Processing of Payments for Community Organizing and Comprehensive Site Development of Subprojects Under the Forestry Sector Project

Pursuant to Executive Order No. 263 s. 1995 and in accordance with the objective of the Forestry Sector Project of poverty alleviation in the countryside, these guidelines and procedures are hereby adopted.

ARTICLE I
Policy, Objectives and Definition of Terms

Section 1. Basic Policy. — Consistent with the objectives of Community Based Forest Management Project (CBFMP) for the efficient implementation of projects, it is the policy of the Department to process billings for payment of accomplishments of all CBFMP in the shortest and most efficient way. The Site Coordinators, CENROs, PENROs and REDs are responsible to enforce the process.

Sec. 2. Objectives. — The objectives of these guidelines and procedures are the following:

1. To streamline and facilitate the procedures of processing billings of assisting organizations and organized communities for the payment of accomplishments in the community organizing the comprehensive site development activities, respectively;

2. To ensure the efficient evaluation of reported accomplishments;
and
3. To ensure the speedy payment of billings.

Sec. 3. Definition of Terms

- a. **DEPARTMENT or DENR** — refers to the Department of Environment and Natural Resources
- b. **RED** — refers to the Regional Executive Director
- c. **PENRO** — refers to Provincial Environment and Natural Resources Office
- d. **CENRO** — refers to Community Environment and Natural Resources Office
- e. **COMPREHENSIVE SITE DEVELOPMENT (CSD)** — refers to plantation establishment which include, among others, construction of infrastructure; seedling production, site preparation, planting/replanting; maintenance and protection; and silvicultural treatments such as covercrop planting, income-enhancement planting enrichment planting and intercropping.
- f. **COMMUNITY ORGANIZING (CO)** — the process and the set of activities aimed at mobilizing the community, developing and strengthening their capabilities to plan, implement and manage the subproject through the community-based approach.
- g. **PEOPLES' ORGANIZATION (PO)** — a group of people living within or adjacent to DENR subprojects which was organized to form an association, cooperative or any other form of organization to implement comprehensive site development.

- h. **BILLING** — is the request for payment of accomplishment done with respect to developing the subproject site in accordance with the work and financial plan.
- i. **WORK AND FINANCIAL PLAN** — An approved schedule of activities with the corresponding budgetary requirements prepared by the AOs and POs to be used as basis for developing the subproject site.
- j. **FIELD VERIFICATION** — refers to the validation by actual field inspection and evaluation of reported accomplishments for which a billing has been made by the contracting PO.
- k. **SITE COORDINATORS** — is a technical personnel of the Department assigned in the project site to assist the community in the various phases of site development and in improving the social and economic condition of the community.
- l. **ASSISTING ORGANIZATION (AO)** — a non government organization contracted by DENR to do community organizing in the subproject site.
- m. **CBFMP Steering Committee** — refers to the inter-agency committee created under Executive Order 263 of 1995. Community Organizing (CO); Survey, Mapping and Planning (SMP); Resource Inventory (RI) Assisting Organization, Site Officer (S.O.).

ARTICLE II
INSPECTION OF ACCOMPLISHMENTS AND PROCESSING OF BILLINGS

Sec. 4. Coverage of Billings. — Only accomplishments under the community organizing (CO) and comprehensive site development (CSD) of the Forestry Sector Project, such as but not limited to infrastructures (bunkhouses and lookout towers), nurseries, seedling

production, site preparation, outplanting, maintenance and protection, are covered under this Circulars.

Sec. 5. Composite Inspection Committee (CIC). For the purpose of inspecting and validating the accomplishments at the subproject sites, the CENRO shall create a composite inspection committee (CIC) which shall be composed of three (3) technically competent CENRO personnel with at least two (2) alternates. The CENRO shall always coordinate with the municipal government unit (province) to make sure that a fourth member of the CIC from the LGU is always available. The team shall be headed by the most senior CENRO representative. In cases that a subproject is located under the jurisdiction of two (2) provinces, the CIC of the CENRO who has the bigger share of the area shall be the one to inspect.

Sec. 6. Field Inspection and Preparation of Report. Once every quarter, preferably during the last week of the quarter or the first week of the succeeding quarter, the CENRO shall order the CIC to schedule a visit to the subproject to inspect and validate the AO's/PO's accomplishments. The evaluation process shall be undertaken and finished within a maximum period of five (5) days. The CIC shall make sure that all field notes must have the concurrence and signature of PO's representative, noted by the site coordinator and the AO's representative. The inspection and validation report shall be finalized by the CIC at the CENRO within two (2) days (non-working days not included) after the field work. The original copy of the report together with the photographs and field notes shall be indorsed by the CENRO to and received by the Regional Office within five (5) days from the date of report. The CENRO shall see to it that copy of the report will be received by the PO (for billing purposes) and by the LGU (for planning and monitoring) within three days from the date of report.

The Site Coordinators shall make sure that inspection is conducted every quarter in their subprojects to ensure the continuous evaluation of the AO's/PO's accomplishments hence payment of their accomplishment.

Sec. 7. Preparation and Submission of Billing. — The AO/PO shall prepare their billings with the assistance of the site coordinator based on the furnished copy of report of inspection made by the CIC and in accordance with the approved work and financial plan of the project. The minimum documentary requirements that shall accompany the billings shall be but not limited to the following:

- 7.1 Letter request for payment duly signed by the authorized AO/PO representative;
- 7.2 A statement of account covering the total validated accomplishments being billed; and
- 7.3 Additional data which will further support the billing such as maps, inventory additional photographs, etc.

The billings shall be submitted by the AO/PO to the Regional Office through the fastest means possible.

Sec. 8. Processing of Billings. — The Regional Office, upon receipt of the billing, shall facilitate the speedy processing of payment by strictly implementing the following procedures:

- 8.1 The records section of the Regional Office, upon receipt of the billings, shall immediately (within the day) indorse the said documents to the office of the RTD for Forestry.
- 8.2 The RTD for Forestry shall assign to a technically competent team or individual from the FRDD/RFDO the review of billing documents. The said team or individual shall thoroughly review the billing base on reports submitted by the CENRO and existing

records/file on hand. Their evaluation shall be expected to be finished within two (2) days and submit their recommendation to the RTD for Forestry together with a prepared voucher and an accomplished copy of NFDO Form 2 (see attachment 1), Part 1 only, for his signature recommending approval.

- 8.3 The RTD for Forestry signs the voucher recommending approval and forward the same to the accounting office within the day for processing.
- 8.4 The accounting office evaluates the voucher and the supporting documents as to completeness and consistency of payment with existing government budgetary, accounting and auditing rules and regulations. Part 2 of NFDO Form 2 shall be filled up by the concerned accounting staff for inclusion in the Statement of Expenditures (SOE). The process shall be completed within the day and the processed voucher shall be forwarded to the cashier the following day for the preparation of checks.
- 8.5 The cashier, upon receipt of the processed voucher shall, within the day, prepare the checks (separate check for loan proceeds and GOP counterpart) and forward the same to the RED for his approval.
- 8.6 The RED shall give the highest priority to the speedy payment of claims and shall therefore, upon receipt of the checks, vouchers and all pertinent documents in connection with the billing, shall affix his signature to all spaces provided for his signature. The checks once approved, shall, within the day, be forwarded to the cashier for release to the authorized AO's/PO's representative.

**ARTICLE III
MONITORING AS CONTROL MEASURE**

Sec. 9. Regional Inspection Team (RIT). — As a tool for regular subproject monitoring, the RED shall, through the RIT for Forestry, Organize Regional Inspection Teams which will be tasked to validate reported accomplishment. The RIT shall conduct validation at least once every quarter.

**ARTICLE IV
ADMINISTRATIVE SANCTIONS**

Sec. 10. Penalties. — Delays in the payment of billings shall be ground for disciplinary action against the concerned DENR officials/employees, if not qualified pursuant to Rule IV, entitled Discipline Book V of EO 292 and Omnibus Rule of the Civil Service Law and Rules, Section 23.

Sec. 11. Grounds for Cancellation of Contract. — The AO and PO Contract maybe cancelled if found to have misrepresented itself in the billings for payment such as intentional billing of non-existent accomplishments without prejudice of filing a case against the erring AO/PO.

**ARTICLE V
TECHNICAL ASSISTANCE**

Sec. 12. Technical Assistance. — The DENR through the subproject site coordinators shall provide technical assistance to the AO/PO in preparing documents for billing purposes.

**ARTICLE VI
FINANCIAL ASSISTANCE TO PENRO AND CENRO**

Sec. 13. Financial Assistance. — To finance the travelling expenses of the CIC, the Regional Office shall provide cash advances to the CENRO chargeable against Forestry Sector Project fund in accordance

with the Memorandum of the Undersecretary for Field Operations dated March 25, 1996 (see attachment 2).

**ARTICLE VII
REPEALING CLAUSE AND EFFECTIVITY**

Sec. 14. Repealing Clause. — The provisions of any administrative orders, memoranda, circulars and other DENR issuances which are inconsistent with this circular are hereby repealed or amended accordingly.

Sec. 15. Effectivity. — This order takes effect immediately.

(Sgd.) VIRGILIO Q. MARCELO
Undersecretary for Field Operations

Recommending Approval:

(Sgd.) EVANGELINE C. CRUZADO
Program Director
National Forestation Development Office
ATTACHMENT 1

Memorandum Circular

No. 97-07

May 20, 1997

SUBJECT : Terms of Reference of Site Coordinators for the Forestry Sector Project

In the interest of the service and to promote effective and efficient implementation of the ADB/OECF Forestry Sector Project at the subproject site level, and pursuant to Section 7.6 of DAO No. 16, series of 1993, a full-time site coordinator shall be assigned for each FSP subproject site.

The objectives of this circular are the following:

- a. to ensure that there will be a closer supervision in the implementation of the different FSP subprojects sites; and
- b. to ensure that technical assistance is readily available for the Assisting Organizations and the People's Organizations.

The following are their duties and responsibilities of site coordinators:

A. Technical/Operational Aspects

He/she shall provide technical assistance to the People Organizations (POs) and Assisting Organizations (AOs) in project implementation by:

- Ensuring that the implementation is in accordance with the appraisal report, if not, proper documentation of the discrepancies should be made;
- Providing technical assistance to the community in understanding and implementing the appraisal report; and

- Reviewing and validating the accomplishments of the Assisting Organization, as well as, the Comprehensive Site Development activities for billing purposes.

B. Administrative Aspects

- Making sure that the AOs and POs have regular documentation of accomplishment and assisting them in their billings pursuant to Memorandum Circular No. 97-03 "Guidelines of Procedures in the processing of payments for CO & CSD of subprojects under Forestry Sector Project";
- Providing the Regional Office with periodic reports on the status of project implementation through the PENROs and CENROs; and
- Mediating between NGO-AOs and POs in solving problems arising during the project implementation covering CO and CSD activities.

C. Networking Aspects

- Linking the AOs/POs to other AOs and POs, DENR, LGUs and other agencies;
- Facilitating coordination with LGUs regarding status of subproject;

Site coordinators shall report directly to the CENROs or their authorized representatives. The subproject sites are their official station. As such, any travel outside of their official station shall require the appropriate travel order.

This order revises or amends all existing forestry rules and regulations which are inconsistent herewith.

This Circular takes effect immediately.

(Sgd.) VIRGILIO Q. MARCELO
Undersecretary for Field Operations

Recommending Approval:

(Sgd.) EVANGELINE C. CRUZADO
Program Director, NFDO

Memorandum Circular
No. 97-09
May 27, 1997

SUBJECT : Documentation of Tree Plantations in Private Lands

Pursuant to the tree plantation development program of the government, this guideline is hereby promulgated:

Section 1.0. Objectives

This guideline aims to (a) determine the tree plantations established within private lands; (b) facilitate the processing of documentation requirements for future harvests; and (c) set a means to recognize the participation of private land owners in the tree plantation development program of the government.

Sec. 2 Procedure

- 2.1 Each CENRO shall set a yearly schedule of private land tree plantation registration. He or She will invite all concerned private land owners to register with the CENR Office their tree plantations within their private lands. The CENRO shall require the registrants to bring authenticated copies of the land titles where the tree plantations were established. In doing this, the CENRO shall enjoin the participation of Local Government Units (LGUs).
- 2.2 The CENRO or his/her duly authorized representative shall verify the tree plantation and gather pertinent information. The inspector shall (a) fill-up the Tree Plantation Record Form attached as Annex A of this Circular; (b) sketch the area showing the plantation (s); (c) certify the Tree Plantation Record.

- 2.3 Upon completion of the field verification, the CENRO shall issue a Certificate of Registration following Annex B. The CENRO shall furnish copies of the Certificate to the concerned PENRO, RED, the Forest Management Bureau (FMB) Director, and the Undersecretary for Field Operations.

Sec. 3.0. Database and Submission of Reports

- 3.1 The CENRO shall create a database considering the information in the Tree Plantation Record Form and Certificate of Registration. The database shall form part of the Forest Management Information System (FMIS).
- 3.2 An annual report shall be submitted by the CENRO to the Secretary through channels, copy furnished the FMB Director and Undersecretary for Field Operations. The CENRO shall include in his or her report generated data from the database mentioned in Section 3.1 to include at least the total area planted by species, location and owners of the tree plantations, and volume harvested.

Sec. 4.0. Limitations and Privilege

- 4.1 The documentation of tree plantations through the issuance of a Certificate of Registration to private land owners, as herein provided, will in no way reverse the existing DENR policy deregulating the cutting of planted trees in private lands.
- 4.2 Holders of Certificate of Registration are entitled to incentives under R.A. 7161 exempting planted trees from forest charges, the Omnibus Investment Code pertaining to tree farmers and relevant future laws that may be enacted.

This Circular shall take effect upon publication in newspapers of general circulation.

(Sgd.) VICTOR O. RAMOS
Secretary

Memorandum Circular
No. 97-11
July 18, 1997

**SUBJECT : Operationalization of the CBFM Program
at the Regional, PENR and CENR Offices**

Pursuant to DAO No. 96-29 and other pertinent laws, rules and regulations and in order to fast-track the implementation of the CBFM Program, the following guidelines are hereby promulgated:

1. On the integration of all people-oriented programs and other DENR community-based forestry projects
 - 1.1 As defined under DAO No. 96-29 the following programs shall be fully integrated, administered and managed under the CBFM offices at all field levels, viz:
 - a. Integrated Social Forestry Program
 - b. Community Forestry Program
 - c. Coastal Environmental Program (Mangrove Rehabilitation Component)
 - d. Ancestral Domains Management Program
 - e. Regional Resources Management Program (ENR-SECAL)
 - f. Contract Reforestation Program (Loan 1)/Forest Land Management Program/Forestry Sector Project (Loan II)
 - g. Low-Income Upland Communities Program
 - h. Community Resources Management Program
 - i. NRMP — Forest Resources Management Component
 - 1.2 The Regional Offices are hereby tasked to organize an office under the RTD for Forest Management Services. The office to be organized shall be the recognized management structure to coordinate the implementation of the CBFM

Program in the region, until a new structure shall have been evolved and promulgated by this Office after the on-going organizational review being conducted by the CBFMO.

- 1.3 All personnel, equipment and other logistics shall be pooled in close coordination with other RTDs and/or program coordinators/project managers for cost-effective and efficient field implementation.
- 1.4 The CBFMO (Central Office) shall review all CBFM-related Technical Assistance (TA) with end view of coordinating these to complement each other in support of CBFM operations in the field.

2. On organizing CBFM Field Teams

- 2.1 The Regional CBFMO shall organize CBFM Teams at the CENRO level to undertake, monitor and support field implementation. The field teams shall be composed of at least three personnel well-trained on CBFM and shall be deployed full-time and field-based to ensure immersion in their respective areas of assignment. Priority assignment should be given to existing site/project coordinators of present CBFM-related programs/projects.
3. The Regional Executive Directors are hereby directed to immediately incorporate these guidelines in the Regional Strategic Action Plan. They are further directed to provide all the support mechanisms for the smooth implementation hereof.

4. This Order takes effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

RECOMMENDED BY:

(Sgd.) VIRGILIO Q. MARCELO
Undersecretary
for Field Operations

(Sgd.) DELFIN J. GANAPIN, JR.
Undersecretary
for Environment and Programs Development

**Memorandum Circular
No. 97-12
July 18, 1997**

**SUBJECT : Guidelines for the Formulation of
Community Resource Management
Framework and Annual Work Plan for
Community Based Forest Management
Areas**

Pursuant to DENR Administrative Orders No. 96-29 and 96-34, and other pertinent laws, rules and regulations, the following guidelines for the formulation of Community Resource Management Framework (CRMF) and Annual Work Plan (AWP for Community Based Forest Management Areas are hereby promulgated for the guidance of all concerned: ²

Section 1. Rationale.

The Community Based Forest Management Program (CBFMP) aims to promote socio-economic upliftment of forest-dependent communities, at the same time achieving sustainable management of forest resources. It recognizes and supports the capacities and indispensable roles of local communities (coastal, indigenous peoples and upland) to protect, rehabilitate, develop, utilize and manage forest lands and related resources. This recognition and support is formalized through a Community Based Forest Management Agreement (CBFMA), a long-term tenurial instrument that provides and ensures access by the communities to forest lands and the resources found therein, and, in the case of ancestral domains of indigenous peoples, the Certificate of Ancestral Domain/Land Claims (CADC/CALC) that recognizes the rights of Indigenous Peoples (IPs) to their ancestral domains and lands.

The Community Resource Management Framework (CRMF) is a strategic plan of the community on how to manage and benefit from the forest resources on a sustainable basis. It describes the community's long term vision, aspirations, commitments and strategies for the protection, rehabilitation, development and utilization of the forest resources. The CRMF is a document prepared by the community with the assistance of DENR CBFM staff, and LGU staff wherever agreements on cooperative support for CBFM exist between a DENR unit and its counterpart LGU. The CRMF is affirmed by the DENR Community Environment and Natural Resources Officer; such affirmation confirms that the CRMF has been prepared in a participatory manner (involving the community, the DENR, and other stakeholder parties), and that DENR commits to support the community in implementing its CRMF.

In the case of CADC, the IPs strategic plan is the Ancestral Domain Management Plan (ADMP), which shall be prepared in lieu of the CRMF, following the guidelines embodied in DENR DAO 96-34. The relationship between CRMF and ADMP is shown in Annex 2.

The PO's and IP's Annual Work Plan (AWP) shall describe how the community intends to implement their CRMF/ADMP vision during the year and shall indicate the key activities to be undertaken. The AWP describes the community's specific objectives, strategies, activities, and targets for the year on resource protection, rehabilitation, development, and utilization, organizational strengthening, financing, marketing and enterprise development, among others.

As a matter of principle, the CRMF should reflect the CBFM priority for the beneficial use by communities of resources that entail little or no extraction, especially of timber resources. Priority shall be given to the beneficial use with no extraction (e.g., ecotourism), followed by minimal extraction usage (e.g., of non-timber resources, water usage), with timber extraction being the last priority.

In case extraction shall be undertaken within the CRMF, the AWP shall include a Resource Use Plan (RUP). In the case of IPs, the exercise of traditional resource uses only requires affirmation of their ADMP, and does not require an AWP/RUP ². However, in the event that the CADC holder-group opts to extract and utilize forest resources along non-traditional lines, an AWP/PUP shall be prepared in the manner prescribed along the lines of the CRMF.

Once affirmed by the DENR CENR Officer, the AWP with its RUP also serves as the permit to utilize the resource.

Sec. 2. Objectives.

The objectives of formulating the CRMF and AWP are the following:

1. For the community to define its common visions, aspirations, strategies and plans for the protection, rehabilitation, development and use of resources of the CBFMA area on a sustainable basis;
2. To provide the basis for the community to access and benefit from forest resources in a sustainable manner;
3. To identify opportunities for the community to improve their sources of livelihood and attain socio-economic development;

² Traditional resource use systems to be firmly validated either at the time of the preparation of the ADMP, or during the implementation of the ADMP through anthropological studies and similar methods.

4. To identify priority areas for financial, technical, marketing and other assistance to the community by government, non-government and other assisting organizations in CBFM implementation; and,
5. To provide the basis for monitoring of environmental, social, and economic impact indicators of CBFM;

Sec. 3. Guiding Principles.

The formulation of the CRMF and the AWP shall be guided by the following principles:

1. **Participatory approach**. — The formulation and implementation of CRMF and AWP shall be PO-led and shall promote broad-based community participation and involvement. The concerns of the communities, LGUs, national agencies and other stakeholders shall be taken into consideration through democratic consultations and negotiations. These processes may involve resolution of conflicts arising from the use and management of forest resources.
2. **Multiple use forest management**. — The multiple uses of forests shall be promoted. In undertaking such opportunities, the complementarity of forest functions should be considered to attain a balance between economic and environmental concerns. As a matter of principle, the CRMF should reflect the CBFM priority for the beneficial use by communities of resources that entail little or no extraction, especially of timber resources. Priority shall be given to the beneficial use with no extraction (e.g., ecotourism), followed by minimal extraction usage (e.g., of non-timber resources, water usage), with timber extraction being the last priority.
3. **Resource sustainability**. — Community management of forests should lead to the protection and improvement of existing forest resources, rehabilitation of degraded ones, and conservation of soil, water, wildlife and biodiversity resources. This should result

in higher productivity and sustainability of the forest resources, and provide greater benefits to the steward-community.

4. **Integrated Planning.** — The CRMF should provide an integrated framework for the development, protection, and utilization of the forest resources. It should be consistent with, and forms an integral part of, the conservation and management of the larger watershed as well as the area development plans of the LGU concerned.

5. **Recognition of indigenous peoples' rights and practices.** — The management and utilization of forest resources shall promote the recognition and respect for the rights of indigenous peoples, and their indigenous knowledge, systems and practices including the protection of their intellectual property rights where these exist.

6. **Gender parity.** — The management and utilization of forest resources shall provide equal opportunities for men and women to participate and share in attendant responsibilities and benefits.

7. **Effective resource utilization.** — Utilization of existing resources shall be based on sound ecological and economic principles. Plantation timber species, non-timber forest products and lesser-used species shall be given priority in utilization and extraction activities within the CBFMA area. A portion of the income derived from the utilization of forest resources, which shall be by the community, shall be reinvested in the development of the community's CBFM area, e.g., capital build-up for the PO, community facilities such as water systems and infrastructure, and improvement of the forest resource base.

Sec. 4. Preparation of the CRMF .

The Peoples Organization (PO) shall prepare the CRMF with the assistance of the DENR CENRO CBFM staff and, where agreements on partnerships and cooperation exist between a DENR unit and its counterpart LGU, staff of such LGU. The PO may also call upon other government and non-government organizations for assistance. The CRMF shall contain the following (a suggested outline of the CRMF is given in Annex 3):

The PO may request the assistance of CENRO, LGUs concerned, Assisting Organizations and other governments agencies for technical and other assistance in formulating the plans.

1. A summary of the community socio-economic profile, present land uses in the CBFM area, including indicative mapping of the vegetative cover which may be presented in a community map.
2. The community's envisioned land use for the CBFM area, which shall also be shown on a community map base on materials submitted in support of their CBFMA.
3. The community's strategies to protect, rehabilitate, develop and utilize the CBFMA area and the resources therein on a sustainable basis.
4. Indicative plan on how the community will manage and finance their activities.
5. Indication of how the community will market the services and/or products from its CBFM area.

6. The community's own indicators on the impacts of their forest management activities, and indicators of progress and well-being in their own perspective;

The CRMF may be written in the community's own dialect to ensure full understanding by the members. The CENRO shall cause the translation of the CRMF into Pilipino and/or English for the understanding of groups external to the community.

To further integrate the concerns and generate the support of other sectors in the community the draft CRMF may be discussed in public consultations organized by the PO with the assistance of the CENRO and the LGU concerned.

Sec. 5. Preparation of the Annual Work Plan.

The PO/IP, assisted by the CENRO, shall prepare an Annual Work Plan that will describe the PO's/IP's activities and targets for implementing the CRMF or ADMP. These activities shall include, but are not limited to, forest protection, rehabilitation, development and utilization, organizational and community strengthening, and enterprise development. An outline of the AWP is attached as Annex 4.

The PO/IP shall prepare and submit its AWP for each succeeding year during the final quarter of the current year for affirmation by the DENR CENR Officer. In preparing its AWP, the PO/IP shall take into account the progress made in previous years and update the area where the community is working on the CBFMA/CADC community map, and ensure that the AWP is always consistent with their CRMF.

Where the PO/IP intends to harvest any of the forest products such as timber, rattan, resin, bamboo, etc., the PO/IP shall prepare a Resource Use Plan (RUP). In the case of IPs, no RUP needs to be prepared when the

harvesting done as an exercise of their traditional use rights within their certified ancestral domains claims.

The RUP shall indicate the resource to be harvested/utilized, the approximate area and location of the subject resource that will be harvested for that year (to be indicated in a copy of the CBFMA/CADC community map), and the expected approximate quantity to be harvested during the period. It shall also indicate the community's expected harvesting schedule and extraction methods to be employed, as well as plans on marketing the products.

Planned assistance by the CENRO staff to support PO/IP resource use planning shall be included in the AWP activity schedule affirmed by the CENR Officer as part of the AWP. Part of the assistance shall be in determining the extraction/harvest levels of the resource, based on allowable cut determination prescribed by existing rules and regulations on the matter. In the case of timber trees, the PO/IP shall be assisted by the CENRO staff concerned to inventory and mark those intended to be cut, and shall attach a Tree Marking List to the RUP Affirmation Form included in the AWP. This Tree Marking List which indicates the tree number, species, diameter and height, shall be the basis for PO/IP allowable cut embodied in the AWP/RUP.

Sec. 6. Affirmation of CRMF and AWP.

The CRMF and AWP shall be signed by the Head of the PO/IP on behalf of the community and affirmed by signature of the CENR Officer for and in behalf of the DENR. The affirmation by the CENR Officer is a confirmation of the DENR's active involvement in the preparation thereof, and serves as a statement of commitment to support the PO/IP in the implementation. Copies of the affirmed CRMF and AWP shall be

provided the municipal and provincial governments concerned, CENRO, PENRO, DENR Regional Office, and CBFMO.

Sec. 7. Interim Resource Use Permit.

POs/IP who are holders of CBFMA or CADC may be granted Interim Resource Use Permits (IRUP) at the beginning of their CBFM work in order to generate start-up resources needed for resource assessments, rural appraisals, planning, and similar preparatory activities. IRUPs shall be granted by the CENRO, upon request of the PO; it shall be granted only once, and it shall have a maximum effectivity of one year, and shall terminate upon the affirmation of the first AWP of the PO/IP group.

The quantity of resources that shall be granted for usage/extraction under the IRUP shall be determined judiciously by the CENRO, based on historical data in the locality with respect to the sustainable use/extraction rates for the particular resource. The CENRO CBFM staff shall conduct low intensity inventory of the resource availability in the area from which the quantity to be granted under the IRUP shall come from. The inventory shall serve to validate the historical data used as basis.

The CENRO shall ensure that, in the absence of more detailed resource information at the time of granting the IRUP, the allowed quantity to be used should be within a comfortable margin below over-extraction/over-use levels to preclude such over-extraction/over-use.

SECTION 8. Transitory provisions.

Sec. 8. Transitory Provisions

Existing approved Community Resource Management and Development Plans (CRMDP) at the time of issuance of this Circular shall remain valid and in force, and the implementation thereof shall be through

an AWP as herein provided. Approved CRMDPs shall be reviewed within one year, and shall be replaced by a CRMF.

Sec. 9. Effectivity.

This Memorandum Circular takes effect immediately and supersedes all other circulars inconsistent herewith.

(SGD.) VICTOR O. RAMOS
Secretary

Memorandum Circular
No. 97-13
July 18, 1997

SUBJECT : Adopting the DENR Strategic Action Plan for Community-Based Forest Management (CBFM)

1. Pursuant to DENR Administrative Order No. 96-29, DAO No. 96-34 and other pertinent laws, rules and regulations, the herein DENR Strategic Action Plan is hereby disseminated to all Regional Offices for guidance in the implementation of the Community-Based Forest Management Program.
2. All DENR Regional Offices shall immediately prepare their respective Regional Strategic Action Plans and the same shall be the basis for PENROs to prepare their respective Provincial Action Plans. The latter will, in turn, be the basis for the CENROs in the preparation of their respective CENRO Action Plans.
3. All field offices are enjoined to include refinements and innovations that assure relevance and appropriateness of the Regional, Provincial and Community Action Plans to the unique situation in their respective areas of jurisdiction.
4. The preparation of the plans shall be closely coordinated and validated with concerned stakeholders and non-government organizations.
5. The CBFMO shall assist the field offices in the preparation of their respective Strategic/Action Plans.
6. The Regional Strategic Action Plans shall be submitted to the CBFMO not later September 30, 1997.

This Circular takes effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

Memorandum Circular
No. 97-22
November 13, 1997

SUBJECT : Monitoring Forms for the Forestry Sector Project

In the interest of the service and promote efficient and effective implementation of the Forestry Sector Project, the monitoring forms were designed and developed to answer the requirement of the Project. The following forms are attached and are to be completed for both the ADB and OECF project components.

The frequency and the responsible staff to accomplish the forms are attached as Annex A. These shall be submitted to the Undersecretary for Field Operations attention the Program Director, NFDO every 25th of the month for consolidation and submission to the concerned offices/agencies involved in the monitoring of the Project.

This Circular shall take effect immediately.

(Sgd.) VIRGILIO Q. MARCELO
Undersecretary for Field Operations

Memorandum Circular
No. 97-23
November 27, 1997

TO : All REDs, RTDs for Forestry, PENRO, CENRO;
and All Concerned DENR Personnel

SUBJECT: Stopping the Issuance of Private Land Tree
Plantation Cutting Permits (PLTPCP) and/or
Private Land Tree Cutting Permits (PLTCP)

Our records have shown that some of our field offices are still issuing PLTPCP/PLTCP despite existing forestry regulations to the contrary.

As a reminder, DENR, in order to promote/encourage the planting of trees by owners of private land and give incentives to the tree farmers, had issued Ministry Administrative Order No. 04, Series of 1987 and other subsequent related issuances allowing the harvesting, transporting and sale of products from planted trees inside private lands covered with title or tax-declared A & D lands with approved application for title even without a PLTPCP or PLTCP. Instead, a Certificate of Verification issued by the CENRO would suffice our purpose.

The continued imposition of requiring owners of private land with planted trees on it to secure permit before cutting and transporting the harvested products deters the attainment of the objectives from which the DENR issuances on the matter have been promulgated.

In view hereof, you are hereby advised to abide with the instructions of MAO No. 87-04 and other subsequent related issuances, particularly:

- DAO No. 86, Series of 1988, - Deregulation of Tree Harvesting, Transporting and Sale of Firewood, Pulpwood or Timber planted in Private Lands;
- DAO No. 26, Series of 1990, - Amendment to DAO 88-86, Prescribing Rules on the Deregulation of Tree Harvesting, Transporting and Sale of Firewood, Pulpwood or Timber planted in Private Lands; and
- DAO No. 79, Series of 1990, - Amendment to DAO 90-26, Amending Further DAO 88-86, Prescribing Rules on the Deregulation of Tree Harvesting, Transporting and Sale of Firewood, Pulpwood or Timber planted in Private Lands.

Further, the number of Certification of Verification issued by the CENRO and all the pertinent statistical data such as species, volume, etc. must be reported in the prescribed Forestry Statistical Forms (i.e. FS1 — Log Production or FS2 — Fuelwood/Charcoal Production & FS11 — Issuances of Forestry Licenses/permits) pursuant to DAO No. 94-10. For immediate compliance.

(Sgd.) VIRGILIO Q. MARCELO
Undersecretary for Field Operations

Memorandum Order
No. 97-01
March 18, 1997

SUBJECT : Institutionalization of the Port Integrated Clearance Office (PICO) within the Forest Management Services of the DENR Regional Office

Memorandum Circular No. 129 issued by Office of the President, Malacañang, Manila on April 16, 1991, established the Port Integrated Clearance Office (PICO) in all major Ports of the country with the primary purpose of expediting the processing of entry and departure clearance of domestic vessels and cargoes. The PICO shall consist of the representatives from the following government agencies: (1) the Philippine Ports Authority (PPA), who shall act as the Officer-In-Charge and coordinator of the day-to-day operations of the office; (2) the Bureau of Customs (BC); (3) the Bureau of Quarantine (BQ); (4) the Bureau of Animal Industry (BAI); (5) The Bureau of Plant Industry (BPI); (6) the Postal Service Office (PSO); (7) the National Telecommunications Commission (NTC); (8) the Philippine Coast Guard (PCG); (9) the Philippine National Police (PNP); and (10) the Forest Management Bureau (FMB).

Therefore and in order to institutionalize the PICO within the Forest Management Services of the DENR, all Regional Executive Directors (REDs) are hereby instructed to undertake within fifteen (15) days upon receipt of this Order, the following task:

1. Identify all major ports within their area of jurisdiction and coordinate with the Philippine Ports Authority (PPA) to initiate steps towards the immediate establishment of a PICO in all ports within their area of jurisdiction where forest products are being loaded and/or unloaded;

3. Designate in writing, copy furnished the Undersecretary for Field Operations, attention: Director of the Forest Management Bureau (FMB), one (1) permanent and one (1) alternate representative to the PICO, whose designation shall be for an indefinite period. The Regional Executive Director shall have the power to recall and replace them anytime as he deems it fit. DENR representatives should be registered professional forester.

All DENR representatives to the PICO shall perform the following duties:

1. Check properly the completeness and accuracy of entries in the transport documents, and supervise the loading/unloading of the forest products at the point of origin/destination, as the case may be;
2. Be a co-signatory in the sealing process of all container vans containing forest products at the port of origin;
3. Request the Bureau of Customs (BC) to open and inspect closed container vans suspected to be loaded with illegally sourced forest products following existing laws, rules and regulations; and

All cases of confiscation/seizure made in pursuance to this Order shall be governed by pertinent provisions of DAO No. 54, Series of 1993 and/or other existing forestry regulation on the matter.

This Order takes effect immediately.

(SGD.) VICTOR O. RAMOS
Secretary

DENR Memorandum Order
No. 97-02
May 23, 1997

SUBJECT : Interim Guidelines in the Conduct of Watershed Characterization Survey and Preparation of Watershed Management Plan

Pursuant to PD 705 as amended and Executive Order No. 192 mandating the DENR to protect, rehabilitate/develop and sustainably manage the country's natural resources including watershed areas, and pending the formulation of final manual/guidelines by the Watershed Management Improvement Component of the Water Resources Development Project, this interim guidelines is hereby issued in watershed characterization and the preparation of corresponding Watershed Management Plans for the information and guidance of all concerned.

1. All proclaimed watershed reservations and identified critical watersheds shall be managed under the concept of sustained yield and multiple-use. For this purpose, comprehensive management plans shall be prepared based on the following guidelines:
 - a. The Watershed Characterization Survey shall be conducted by the concerned Community Environment and Natural Resources Office (CENRO). Watershed characterization (survey report) shall contain a thorough presentation of biophysical and socio-economic information describing the watershed and shall follow the attached outline marked as "Annex A" which forms part of this Order.
 - b. The Comprehensive Watershed Management Plan shall be composed of two (2) major parts, the watershed characterization/profile and the management plan proper

following the attached outline marked as "Annex B" which forms part of this Order.

- c. Watershed Management Strategies or Action Plan shall be formulated based on the analysis of the data presented in the watershed characterization report/watershed profile.
2. All orders or instructions inconsistent herewith are deemed repealed or modified accordingly.
3. This Memorandum Order takes effect immediately.

(Sgd.) VIRGILIO Q. MARCELO
Undersecretary

Recommending Approval:

BAYANIS. NERA
Assistant Director
In-Charge, Office of the Director

**MEMORANDUM ORDER NO.
97-05
July 18, 1997**

SUBJECT : Guidelines on the Protection and Management of Expired, Cancelled, and Expiring Timber License Agreements (TLAS)

In pursuance to the existing DENR policies, rules and regulations, and in order to effectively and efficiently preserve and sustain the remaining resources within the areas of expired, cancelled and expiring Timber License Agreements (TLAs), the following instructions are hereby issued for the information, guidance and compliance of all concerned.

1. The Regional Executive Director (RED) shall post-haste inform/notify the expired/cancelled TLA holder(s) to vacate and pull-out from the area including all its logging equipment within fifteen (15) days from receipt of notice;
2. In the interim, the RED concerned shall immediately prepare and promulgate an Action Plan for Forest Protection with corresponding budgetary requirements to be submitted on or before July 31, 1997 for the approval of the Office of the Secretary;

However, in case where the expired/cancelled or expiring TLA area falls under two (2) or more administrative regions, the REDs concerned shall prepare their respective plans following the political boundary of each administrative region;

3. The RED shall undertake consultations with the LGUs, POs, NGOs concerned relative to the protection and management of the area and whenever possible, execute multi-partite Memorandum of Agreement for joint protection and management thereof. Simultaneously, a rapid appraisal/assessment and land-use

planning shall be conducted in the area purposely to determine allocation of resources thereof;

4. With regard to expiring TLAs, the RED concerned shall cause the conduct of resource assessment, socio-economic survey and land-use planning in the area, and prepare a forest protection plan in consultation with the LGUs, POs, NGOs concerned at least six (6) months prior to expiration.
5. The RED may, from time to time, issue supplementary instructions consistent herewith for the successful execution and implementation hereof.

This memorandum order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

LANDS SECTOR

DENR Administrative Order
No. 97-41
December 29, 1997

SUBJECT : Structural Reorganization of the Lands Management Bureau (LMB) Amending for the Purpose DENR Administrative Order (DAO) No. 01, Series of 1988

In line with Executive Order (EO) No. 192 dated 10 June 1987 and in compliance with Presidential Memorandum Order No. 27 dated 13 August 1992, directing all departments, agencies and instrumentalities of National Government to streamline and improve their operations and organizations, the following structural reorganization of the LMB is hereby effected:

Section I. Legal Division. — The Legal Division is restructured to consist of three (3) operating sections, namely: Legislative and Research Section; Administrative and Investigation Section; and, Land Registration and Judicial Litigation Section.

Section II. Land Administration And Utilization Division (LAUD).

The Land Utilization and Disposition Division (LUDD) is re-named as the Land Administration and Utilization Division (LAUD) and is hereby reorganized into four (4) sections namely: Reservations and Deeds Section; Land Research and Policy Development Section; Land Resource Information Section; and, Urban Land Management Section. The Urban Land Management Section shall absorb the function of the former Real Property Management Division (RPMD) which is now merged with the LAUD. A Support Service to assist the Chief, LAUD is hereby created; the composition of which shall be determined by the LMB Director.

Section III. Geodetic Surveys Division. — The Geodetic Surveys Division (GSD) is hereby reorganized into the following five (5) sections namely: Project Control and Cartographic Section; Technical Services and Surveys Records Documentation and Maintenance Section; Technical Research, Policy and Standards Development Section; Survey Projects Technical Monitoring, Evaluation and Cadastral Database Section; and, Land Surveys Management and Information Section. A Support Service under the Chief, GSD is hereby created; the composition of which shall be determined by the LMB Director.

Section IV. Administrative Division. — The Administrative Division shall absorb the Finance Division and is hereby reorganized into the following five (5) sections: Human Resources Management Section; General Services Section; Cash Section; Accounting Section; and, Budget Section.

The following units are attached to the Office of the Chief, Administrative Division: Security; Public Assistance and Complaint Unit (PACU); Library; and, Media Affairs Unit.

Section V. Records Management Division. — The Records Management Division is hereby restructured into the following three (3) sections: Survey Records Section; General Public Land Records Section; and, Records Disposition Section. The Office of the Chief, Records Management Division shall be supported by a Receiving Unit and a Releasing Unit as Support Services; the composition of which shall be determined by the LMB Director.

Section VI Planning and Management Staff (PMS). — The Planning and Project Management Services Division (PPMSD) is hereby converted into a Support Staff under the Office of the LMB Director and Assistant Director and is hereby renamed as Planning and Management Staff (PMS). The PMS is re-structured into three (3) sections, namely: Planning and Land Economics Section; Policy Research and Studies

Section; and, Management Information System Section. The PMS shall be headed by a Chief and an Assistant Chief of Staff.

The Policy Research and Studies Section of the PMS shall be responsible in the consolidation, assessment and evaluation of all proposed policies formulated and prepared by the Policy Formulation Group (PFG) including those submitted for discussion and/or deliberation of the Policy Review Committee (PRC).

The Policy Review Committee created under LMB Special Order No. 2, Series of 1997 shall serve as the clearing house for all proposed policies before the same is signed and approved by the Director for transmittal to various Office of the Department.

Section VII. Security of Tenure. — The structural reorganization of the LMB shall not, in any manner, cause the removal or separation from the service of any LMB personnel except for causes which are in accordance with Civil Service laws, rules and regulations. However, in the exigency of the service, LMB employees may be re-assigned by the Director from one division to another.

Section VIII. Heads of Divisions. — All LMB divisions shall be headed by a Division Chief and a designated Assistant Division Chief to be determined by the LMB Director.

Section IX. Organization Chart. — The LMB organizational and functional charts of the reorganized divisions are included as attachment herein.

Section X. Repealing Clause. — All previous Orders or parts thereof which are inconsistent with this Order are hereby repealed or modified accordingly.

Section XI. Effectivity Clause. — This Order takes effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

Note: Organizational Chart Omitted

DENR Memorandum Circular

No. 97-02

January 8, 1997

**TO : All Regional Executive Directors, Bureau
Directors and Heads of Attached Agencies**

**SUBJECT: Requirements in the Issuance
of Proclamations/Reservations**

In order to expedite the processing of requests for Presidential Proclamations pursuant to Presidential Memorandum Circular No. 28 dated 19 January 1993, which provides for a checklist on request for Presidential Issuances, the following documents/requirements must be complied with for the information and guidance of all concerned:

1. Request for reservation by the reservee;
2. Comments/Recommendations of the following:
 - a.) Provincial Health Officer duly concurred or recommended by the Regional Health Director and Secretary of Health in case of Settlement, school, hospital and other reservation when it may affect the health of the people;
 - b.) District Engineer of DPWH, duly concurred or recommended by the Regional Director and Secretary of DPWH;
 - c.) District/City Superintendent of the school in case of school site reservation duly concurred or recommended by the Secretary of DECS;
 - e.) Provincial Commander or the Chief of Staff of the Armed Forces of the Philippines in case of military reservation duly concurred or recommended by the Secretary of DND.

- f.) Philippine Ports Authority in case the land abuts on the sea, lake or navigable river duly concurred or recommended by the Secretary of DOTC.
3. Survey of the land to be reserved duly approved by the Regional Technical Director for Lands concerned and Approved Plan;
4. Verified and certified correct Technical Descriptions;
5. Certified photographs (or visual documentation) showing panoramic view of the area subject of the proposed proclamation as well as adjacent areas/vicinities, improvements introduced, landmarks, identifying features, settlements, if any, etc.;
6. Land Classification or Municipal Index Map projecting the area covered by the proposed proclamation and land uses of the area and surrounding vicinities within two-kilometer radius;
7. Report pursuant to M.C. No. 28 dated January 19, 1993 following the tenets of Completed Staff Work (CSW). Draft memorandum should incorporate the justification, legal basis, coordination with concerned agencies and their comments and potential problem, if any. In the case of watershed reservation, the setting up of Watershed Management Councils is a requisite.
8. Narrative Report of Investigation with recommendation officially endorsed to the Secretary by the Regional Executive Director through the Undersecretary for Field Operations.

For strict compliance.

(Sgd.) ANTONIO G. M. LA VIÑA
Acting Secretary

**Memorandum Circular
No. 97-04
March 4, 1997**

SUBJECT : Adopting Sections 1 to 4, Article IV of the Implementing Rules and Regulations (IRR) of R.A. No. 4374, Regarding the Junior Geodetic Engineering Practices in the DENR Lands Management Services and Providing the Guidelines for its Implementation

The DENR supports the quality assurance program in surveying and mapping by adopting Sections 1 to 4, Article IV of the IRR of R.A. No. 4374 as regard the practice of Junior Geodetic Engineering, discouraging the common malpractices of erring Junior Geodetic Engineers, and providing guidelines for its enforcement.

Quoted hereunder are Sections 1 to 4, Article IV of the implementing rules and regulations (IRR) governing the practices of Junior Geodetic Engineering pursuant to R.A. No. 4374 (Geodetic Engineering Law) as amended by P.D. Nos. 202, and 335, as promulgated by the Board of Geodetic Engineers.

"Conditions and Limitations for the Practice of Junior Geodetic Engineering"

"Section 1. A person is deemed to be practicing junior geodetic engineering who shall, with or without fee, salary or other reward or compensation:

"(a) Execute original survey of residential, industrial, commercial or agricultural land not exceeding three lots with an aggregate area of not exceeding one hectare, or

"(b) Execute subdivision survey of simple subdivision, or consolidation-subdivision not exceeding three lots with an aggregate area of not exceeding one hectare, or

"(c) Conduct topographic and hydrographic surveys of areas not exceeding five hectares each; or

"(d) Prepare and sign location plan (LP), special (SP), and survey plans required under paragraphs (a), (b), and (c) hereof.

"Section 2. Lands or areas adjoining those covered under paragraphs (a), (b), and (c) of the preceding section shall not be surveyed within one year after the execution or approval of said plans by the same junior geodetic engineer.

"Section 3. Subdivision plans as provided for under paragraph (b) of section 1 hereof shall not be further subdivided by the same junior geodetic engineer within one year after its approval.

"Section 4. Junior Geodetic engineers who are working under the supervision of geodetic engineers either with the government or private firms, partnerships, or corporations registered prior to the effectivity of the Geodetic Engineering Law on June 19, 1965, can execute land surveys or phases thereof free from the above limitations, provided, that he shall sign only the field notes and the corresponding survey plan shall be signed by a geodetic engineer."

Violation of these provisions shall be deemed sufficient ground to deny the acceptance of the survey returns by the Lands Management Services and/or to initiate penal sanctions against the erring junior geodetic engineer.

The Regional Technical Director for Lands shall implement the strict observance of these regulations of the Board of Geodetic Engineering of the Professional Regulations Commission as well as the provisions of the Manual of Land Surveys (LAO No. 4).

For the effective implementation of these regulations, the Engineer's Survey Card shall be maintained for each geodetic engineer to show the survey number of each survey submitted by the geodetic engineer, the date of survey, survey claimant, location of survey, number of lots and area. Survey returns shall be screened against this Card and those found to be in violation of these rules shall be rejected outright.

Employees and officials involved in the processing and approval of surveys in violation of these regulations or who failed to observe this Order or conniving with the erring geodetic engineer shall be dealt with administratively in accordance with existing applicable laws on the matter.

This Order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

MINES SECTOR

**DENR Administrative Order
No. 97-06
March 6, 1997**

SUBJECT : Prescribing a Uniform Rate for Area Clearance Fees of DENR Sectors Other Than the Mines and Geosciences Bureau for Mining Rights Application

To ensure the uniform collection of area clearance fees for mining rights application, the following are hereby prescribed for DENR Sectors other than the Mines and Geosciences Bureau:

Mining Rights Application	Fees (PhP)
Exploration Permit Application	1,000.00/application
Financial or Technical Assistance Agreement Application	1,000.00/application
Mineral Agreements	500.00/application
Industrial Sand and Gravel Permit (more than 5 hectares but less than 20 hectares)	500.00/application
Mining Permits Issued by the Provincial/ City Mining Regulatory Board (Quarry, Sand and Gravel, etc.)	500.00/application

This Order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-07
March 11, 1997

**SUBJECT : Authorizing the Director of
Mines And GeoSciences Bureau
to Operationalize the Interim
Organizational Units**

In line with the full operationalization of the Mines and Geosciences Bureau (MGB) as a line agency pursuant to the Philippine Mining Act of 1995, Authority is hereby given to the MGB Director to operationalize the necessary interim functional units pending the issuance of the implementing rules and regulations providing for a line organization of said agency.

The personnel who shall constitute the said interim organizational units shall be drawn from the existing workforce of the MGB and the administrative and other support staff confirmed by the Regional Executive Directors to be transferred, as recommended by the Department of Budget and Management.

For immediate implementation.

(Sgd.) VICTOR O. RAMOS
Secretary

**DENR Administrative Order
No. 97-10
April 7, 1997**

**SUBJECT : Standard Costs and Fees for
Various Services of the Mines and
Geosciences Bureau**

Pursuant to Executive Order No. 192 and Memorandum Circular No. 121 of the Office of the President, the following fees and charges for services rendered by the Mines and Geosciences Bureau are hereby revised and/or updated:

**FEES/CHARGES
(In Pesos, unless otherwise indicated)**

1.0 MINING RIGHTS

1.1	Exploration Permit		
1.1.1	Application for Exploration Permit		
1.1.1.1	Filing Fee, per application	100.00	
	P.D. 1856	10.00	
1.1.1.2	Processing Fee, per application	5,000.00	
	P.D. 1856	10.00	
1.1.2	Clearance Fee (MGB), per application	5,000.00	
1.1.3	Issuance of Exploration Permit		
1.1.3.1	Registration Fee, per permit	100.00	
	P.D. 1856	10.00	
1.1.3.2	Occupation Fee, per hectare or fraction thereof per year		
	- For areas within mineral reservations	100.00	
	- For Non-Mineral Reservation Areas	10.00	
1.2	Mineral Agreements		
1.2.1	Application for Mineral Agreements		
1.2.1.1	Filing Fee, per application	500.00	
	P.D. 1856	10.00	
1.2.1.2	Processing Fee, per application	5,000.00	

	P.D. 1856	10.00
1.2.2	Clearance Fee (MGB), per application	5,000.00
1.2.3	Processing & Issuance of Special Mines Permit/Temporary Exploration Permit	
1.2.3.1	Processing Fee, per application	100.00
	P.D. 1858	10.00
1.2.4	Registration and Issuance of Mineral Agreements	
1.2.4.1	Registration Fee, per agreement	100.00
	P.D. 1856	10.00
1.2.4.2	Occupation Fee, per hectare or fraction thereof per year	
	- For areas within Mineral Reservation	100.00
	- For Non-Mineral Reservation areas	50.00
1.2.5	Conversion Fee (From MPSA to FTAA) per hectare or fraction thereof	5.00
1.2.6	Transfer/Assignment Fee per hectare or fraction thereof	5.00
1.3	Financial or Technical Assistance Agreements (FTAA)	
1.3.1	Application for FTAA	
1.3.1.1	Filing Fee, per application	100.00
	P.D. 1856	10.00
1.3.1.2	Procession Fees, per application or Phil. Peso equivalent	\$500.00
	P.D.1856	10.00
1.3.2	Clearance Fee (MGB), per application	5,000.00
1.3.3	Processing and Issuance of Temporary Exploration Permit	
1.3.3.1	Processing Fee, per application	100.00
	P.D.1856	10.00
1.3.4	Registration and Issuance of FTAA	
1.3.4.1	Registration Fee, per agreement	100.00
	P.D.1856	10.00
1.3.4.2	Occupation Fee, per hectare or	

	fraction thereof per year	
	- For areas within Mineral Reservation	100.00
	- For Non-Mineral Reservation areas	50.00
1.3.5	Conversion Fee (From FTAA to MPSA), per hectare or fraction thereof	5.00
1.3.6	Transfer/Assignment Fee, per hectare or fraction thereof	5.00
1.4	Quarry Resources, Sand and Gravel Permit/License under MGB Jurisdiction	
1.4.1	Filing Fee, per application	100.00
	P.D. 1856	10.00
1.4.2	Processing Fee, per application	500.00
	P.D. 1856	10.00
1.4.3	Occupation Fee, per hectare or fraction thereof per year	50.00
1.4.4	Registration, per permit	1,000.00
	P.D. 1856	10.00
1.5	Mineral Processing Permit	
1.5.1	Filing Fee, per application	100.00
	P.D. 1856	10.00
1.5.2	Processing Fee, per application	500.00
	P.D. 1856	10.00
1.5.3	Registration, per permit	1,000.00
	P.D. 1856	10.00
1.6	Accreditation of Traders, Dealers and Retailers in the Trading of Minerals/Mineral Products/ By-Products	
1.6.1	Filing Fee, per application	100.00
	P.D.1856	10.00
1.6.2	Processing Fee, per application	500.00
	P.D. 1856	10.00
1.6.3	Registration, per permit	1,000.00
	P.D.1856	10.00

1.7	Registration of Mining Documents	
1.7.1	Per Power of Attorney	100.00
1.7.2	Transfer or Other Assignments	150.00
1.7.3	All Other Instruments Affecting Mining Rights	150.00
1.7.4	P.D. 1856	10.00
1.7.5	Letter Request for Certification	50.00
1.7.6	Docketing Charges	
1.7.6.1	For filing a protest, adverse claim or any other opposition including P.D. 1856	210.00
1.7.6.2	For filing of counter-adverse claims, counter-protests or counter-opposition including P.D. 1856	210.00
1.7.6.3	Appeal fee including PD 1856	210.00

2.0 PROCESSING OF APPLICATION FOR SURVEY ORDER, VERIFICATION OF SURVEY RETURNS AND FIELD VERIFICATION/INVESTIGATION OF MINING/CONTRACT AREA AND OTHER MINERAL LANDS

2.1	Application for Survey Order	
2.1.1	Processing Fee or 81 hectares plus P20.00 for the succeeding blocks or a fraction thereof P.D 1856	50.00/block 10.00
2.1.2	Projection Fee for the first 100 hectares, plus P20.00 for the succeeding 100 hectares or a fraction thereof	100.00
2.1.3	Filing Fee, P.D. 1856	100.00 10.00
2.1.4	Surety Bond /ha. but not less than P500.00	10.00
2.2	Verification of Survey Returns	
2.2.1	P250.00 per application, plus P5.00 per prescribed set of original and duplicate computation sheets of not more than 15 stations per sheet.	

2.2.2	For resubmitted (correction) and/or additional survey returns with fieldnotes and/or computation, P5.00 per new set of original and duplicate prescribed computation sheets of not more than 15 stations per sheet; Provided, that the minimum charges shall be P300.00 for the first resubmittal, plus P350.00 for every subsequent resubmittal.	
2.3	Survey Fees For Mineral Land Survey	
2.3.1	For MPSA and other mining applications covering more than 20 hectares. Perimeter Boundary Survey of P25,000.00/line kilometer (km.), provided that the minimum charge shall be P50,000.00 for a contract area of fifty (50) hectares or less.	
2.3.2	Application for Small Scale Mining Permit (ASSMP) maximum for 20 hectares, per ASSMP	20,000.00
2.3.3	Application for Sand and Gravel Permits	
2.3.3.1	Commercial Permit Application, maximum of 1 hectare, per application	5,000.00
2.3.3.2	Industrial Permit Application (Individual) maximum of 8 hectares, per application	15,000.00
2.3.3.3	Industrial Permit Application (Corporation) maximum of 20 hectares, per application	20,000.00
2.3.4	Tie Line Survey, per kilometer	10,000.00

In addition to the above charges, the applicant or interested party shall pay for the transportation of bureau personnel from official station to the area and return and other incidental expenses incurred therein. The precision of survey control shall be in accordance with the Land Surveys Manual of the Philippines.

3.0 GEOLOGICAL/MINING INVESTIGATION AND VERIFICATION AND OTHER CHARGES

3.1	Geological, Geochemical, Geophysical Investigation /man/day provided that the minimum charge is P3,000.00	1,000.00
3.2	Verification/Evaluation of Mining Contract Area /man/day provided that the minimum charge is P3,000.00	1,000.00
3.3	Verification/Field Investigation of mining conflicts, boundary or other mineral lands survey, renewal or extension of mineral agreements, permit or licenses /man/day provided that the minimum charge is P3,000.00	1,000.00
3.4	Verification of ore stockpile and umpiring of ore shipments /man/day provided that the minimum charge is P3,000.00	1,000.00
3.5	Verification of exploration work done by permittees within government reservations /man/day provided that the minimum charge is P3,000.00	1,000.00
3.6	Verification/Field Investigation of Mineral Processing Plant /man/day provided that the minimum charge is P3,000.00	1,000.00
3.7	Verification of explosives magazines and blasting schemes /man/day provided that the minimum charge is P5,000.00	1,000.00
3.8	Technical and Financial Evaluation of Mining Companies Applying for a Registration/Licensing of Securities as referred by the Securities and Exchange Commission, per application	1,500.00

In addition to the above charges, the applicant or interested party shall pay for the transportation of bureau personnel from official station to the area and return and other incidental expenses incurred therein.

3.9	Rock Mechanics Laboratory Services (subject to availability of equipment)	
3.9.1	Unconfined compressive (rock ore)	
	3.9.1.1 Without Strain Measurements	200.00
	3.9.1.2 With Strain Measurements	400.00
3.9.2	Discontinuity shear strength (Rock Cores or Chunks of Size NX or 6 cm x 6 cm)	1,000.00
3.9.3	Triaxial	
	3.9.3.1 NX	1,000.00

3.9.3.2	AX	1,000.00
3.9.4	Tensile (Brazilian)	200.00
3.9.5	Cutting Charges, per square decimeter	50.00

3.10 Processing of Applications

3.10.1	License to Possess Explosive	250.00
3.10.2	Amendment to License to Possess Explosives	250.00
3.10.3	Purchase/Transfer/Import Explosive	100.00
3.10.4	Foreman's (Blaster's) License	250.00
3.10.5	Temporary Safety Inspector's Permit (including renewal)	250.00
3.10.6	Temporary Safety Engineer's Permit (including renewal)	250.00
3.10.7	Permanent Safety Inspector's Permit (including renewal)	250.00
3.10.8	Permanent Safety Engineer's Permit (including renewal)	250.00
3.10.9	Alien's Local Employment	2,000.00
3.10.10	Electrical Wiring Installation	125.00
3.10.11	Machinery Installation	125.00
3.10.12	Mine, Quarry and Mill Permits	150.00

4.0 LEASE OR DRILLING EQUIPMENT

4.1 Schedule of rent or lease of drill machines, pumps and drilling accessories enumerated below, the lessee shall pay monthly rental fee to the Mines and Geosciences Bureau (MGB), as follows:

4.1.1	Drilling Machine	
4.1.1.1	X-Ray Drill	3,500.00
4.1.1.2	Longyear Model "24" Wireline Drill	7,500.00
4.1.1.3	Longyear Model "24" Conventional Drill	6,000.00
4.1.1.4	Longyear Model "34" Wireline Drill	9,500.00
4.1.1.5	Longyear Model "34" Conventional Drill	8,000.00
4.1.1.6	Longyear Model "38" Wireline Drill w/ automatic chuck	10,500.00
4.1.1.7	Longyear Model "44" Wireline Drill w/ Automatic Chuck	12,000.00

4.1.2	Drill Pumps	
4.1.2.1	Longyear Model 315 Pump	1,000.00
4.1.2.2	Longyear Model 535 Pump	4,000.00
4.1.2.3	Longyear Model 520 Pump	3,500.00
4.1.3	Drill Rods	
4.1.3.1	One (1) pc. AQ Rod, 10 ft.	100.00
4.1.3.2	One (1) pc. BQ Rod, 10 ft.	130.00
4.1.3.3	One (1) pc. NQ Rod, 10 ft.	150.00
4.1.3.4	One (1) pc. HQ Rod, 10 ft.	200.00
4.1.3.5	One (1) pc. AW Rod, 10 ft.	100.00
4.1.3.6	One (1) pc BW Rod, 10 ft.	130.00
4.1.3.7	One (1) pc NW Rod, 10 ft.	150.00
4.1.3.8	One (1) pc HW Rod, 10 ft.	200.00
4.1.3.9	One (1) pc ELW Rod, 10 ft. (smaller than AQ)	80.00
4.1.3.10	One (1) pc. XRT Rod, 10 ft (smaller than EWL)	60.00
4.1.4	Casings	
4.1.4.1	One (1) pc. AW Casing, 10 ft.	100.00
4.1.4.2	One (1) pc. BW Casing, 10 ft.	130.00
4.1.4.3	One (1) pc. NW Casing, 10 ft.	150.00
4.1.4.4	One (1) pc. HW Casing, 10 ft.	200.00
4.1.4.5	One (1) pc. EWL Casing, 10 ft	80.00
4.1.4.6	One (1) pc. RW Casing, 10 ft.	60.00
4.1.5	Miscellaneous Accessories	
4.1.5.1	One (1) set Tripod Sheave Wheel, 24"Ø with clevis and bolt	1,000.00
4.1.5.2	One (1) set Tripod Sheave Wheel, 18"Ø with clevis and bolt	800.00
4.1.5.3	One (1) pc. Heavy Duty Water Swivel Assy. with lifting hail	500.00
4.1.5.4	One (1) pc. Lifting Plug with rod box adapter	200.00
4.1.5.5	One (1) pc. Snatch Block 6" Ø	100.00
4.1.5.6	One (1) set BX Casing Clamp	100.00
4.1.5.7	One (1) set NX Casing Clamp	100.00

4.1.5.8 One (1) set HQ Safety Foot Clamp Assy.
complete with clamp jaws 500.00

4.2 Bond

To guarantee the faithful compliance with the terms and conditions of the lessee, and to answer for any loss and/or damages of the equipment during the term of the lease, the lessee shall file with the Mines and Geosciences Bureau a bond which may either be in Cash, Manager's/Treasurer's Check or Surety Bond drawn from the GSIS, the amount of which shall be as follows:

400,000.00	For X-Ray Diamond Drill, Pump and Accessories
500,000.00	For Longyear Model "24" Drill (Conventional), Pump and Accessories
550,000.00	For Longyear Model "24" Wireline Drill, Pump and Accessories
750,000.00	For Longyear Model "34" Drill Machine (Conventional), Pump and Accessories
800,000.00	For Longyear Model "34" Wireline Drill, Pump and Accessories
950,000.00	For Longyear Model "38" Drill (Automatic Chuck, Wireline), Pump and Accessories
1,500,000.00	For Longyear Model "44" Drill (Automatic Chuck, Wireline), Pump and Accessories
100,000.00	For Additional Longyear 535 Pump
90,000.00	For Additional Longyear 520 RQ Pump
50,000.00	For Additional 315 RQ Pump

4.3 Cash Deposits

The Lessee shall replace and/or repair all parts rendered unusable thru breakage, loss or abnormal wear during the term of the lease. All parts missing at the time the equipment is returned shall be replaced within one month from the time such equipment are returned. For this purpose, the Lessee shall make the cash deposit at the rates specified as follows:

20,000.00	For X-Ray Diamond Drill, Pump and Accessories
35,000.00	For Longyear Model "24" Drill (Conventional), Pump and Accessories
40,000.00	For Longyear Model "24" Wireline Drill, Pump and Accessories
45,000.00	For Longyear Model "34" Drill Machine (Conventional), Pump and Accessories
50,000.00	For Longyear Model "34" Wireline Drill, Pump and Accessories
60,000.00	For Longyear Model "34" Drill (Automatic Chuck, Wireline), Pump and Accessories
70,000.00	For Longyear Model "44" Drill (Automatic Chuck, Wireline), Pump and Accessories
10,000.00	For Additional Longyear 535 Pump
8,000.00	For Additional 520 RQ Pump
6,000.00	For Additional Longyear 315 RQ Pump
30,000.00	For Demobilization of Drilling Equipment and Accessories

5.0. PETROLOGICAL, MINERALOGICAL, GEOCHRONOLOGICAL AND OTHER SERVICES

		<u>Cost per Sample</u> <u>(in Pesos)</u>
5.1	Sample Preparation and Gemology Unit	
5.1.1	Rock cutting and polishing	
5.1.1.1	Soft rocks (as soft as or softer than marble), per sq. dm. or a fraction thereof	
	- cutting	90.00
	- polishing	100.00
5.1.1.2	Hard rocks (harder than marble), per sq. dm. or a fraction thereof	
	- cutting	110.00
	- polishing	140.00
5.1.2	Thin section preparation	
5.1.2.1	unmounted rocks and minerals	200.00
5.1.2.2	mounted rock and mineral grains	200.00
5.1.2.3	mounted cutting/ditch samples	250.00
5.1.3	Polished section preparation	
5.1.3.1	unmounted rocks and minerals	200.00
5.1.3.2	mounted rocks and minerals	250.00
5.1.4	Polished-thin section preparation	
5.1.4.1	unmounted rocks and minerals	250.00
5.1.4.2	mounted rock and mineral grains	250.00
5.1.4.3	mounted cutting/ditch samples	300.00
5.1.5	Doubly polished wafer preparation for fluid inclusion analysis	400.00
5.1.6	Sample preparation (drying, crushing, grinding, sieving and splitting) of geological materials for sedimentological/mineralogical analysis, per kilogram or fraction thereof	
5.1.6.1	oven drying	10.00
5.1.6.2	crushing using jaw crusher	30.00
5.1.6.3	grinding using vibrating disc mill	30.00
5.1.6.4	sieving	
	5.1.6.4.1 coarse (14-150 mesh)	
	- dry sample	20.00

	- wet sample	30.00
	5.1.6.4.2 coarse (170-400 mesh)	
	- dry sample	30.00
	- wet sample	40.00
5.1.7	5.1.6.5 splitting using Jones riffle splitter	10.00
	Sample preparation (drying, crushing, and grinding, up to -200 to -300 mesh) of geological materials for x-ray bulk analysis	50.00
5.1.8	Sample preparation (drying, crushing and grinding, sieving and splitting) for chemical analysis	50.00
5.1.9	Sample preparation for paleomagnetic analysis	
	5.1.9.1 mounting	100.00
	5.1.9.2 coring	200.00
	5.1.9.3 cutting	150.00
	5.1.9.4 grinding	150.00
	5.1.10 Sample preparation for paleontological analysis	
	5.1.10.1 thin section	200.00
	5.1.10.2 washing, per 200 grams	100.00
	5.1.10.3 polished block (3 x 2 x 2 cm.)	250.00
	5.1.10.4 chemical treatment, washing and smear slide preparation for radiolarian analysis	500.00
5.1.11.	Gemstone preparation, per piece	
	5.1.11.1 Preparation of cabochon with oval, round, triangle, square, pear and four-sided forms	
	5.1.11.1.1 Mohs' hardness up to 7	
	- 7 to 18 mm. diameter	70.00
	- 19 to 32 mm. diameter	110.00
	5.1.11.1.2 Mohs' hardness between 7 and 9	
	- 7 to 18 mm. diameter	160.00
	- 19 to 32 mm. diameter	200.00
	5.1.11.2 Preparation of cabochon with heart, clover, star, cross, hexagon, octagon and more than four-sided forms	
	5.1.11.2.1 Mohs' hardness up to 7	
	- 7 to 18 mm. diameter	110.00
	- 19 to 32 mm. diameter	160.00
	5.1.11.2.2 Mohs' hardness between 7 and 9	

	- 7 to 18 mm. diameter	200.00
	- 19 to 32 mm. diameter	250.00
5.1.11.3	Preparation of other shapes and forms such as teardrop, half-moon, shark's tooth, sphere, cone, cylinder, etc. for materials with Mohs' hardness up to 7	
	- 7 to 18 mm. diameter	200.00
	- 19 to 32 mm. Diameter	300.00
5.1.11.4	Faceting (64 index gear)	
	Standard brilliant cut (round)	
	- with Mohs' hardness up to 7	200.00
	- with Mohs' hardness bet. 7 & 9	320.00
	Brilliant oval cut, emerald cut	
	- with Mohs' hardness up to 7	210.00
	- with Mohs' hardness bet. 7 & 9	400.00
	Gemstone drilling	
	- first 10 mm.	30.00
	- per 1 mm. or a fraction thereof, in excess of 10 mm.	15.00
5.1.11.5	Preparation of tumbled stones, per kg.(minimum of three kg.)	700.00
5.2	Megascope/Microchemical Testing Laboratory Unit	
5.2.1	Megascope description of minerals including mineral name, color, streak, form, hardness and uses/recommendation for further analysis	100.00
5.2.2	Megascope description of rocks including mineral composition, texture, rock name and uses/recommendation for further analysis	100.00
5.2.3	Qualitative microchemical test, per element	100.00
5.2.4	Qualitative chemical stain test, per mineral	100.00
5.3	Sedimentology Laboratory Unit	
5.3.1	Sample preparation for grain size analysis	
	- dilution and chemical treatment with H ₂ O ₂	400.00
	- pipetting	400.00
	- determination of weight loss	80.00
5.3.2	Mineral separation per 100 gram sample or a fraction thereof	

	- using hand magnet	80.00
	- using isodynamic magnetic separator	120.00
	- using heavy liquid medium, per mineral	400.00
5.3.3	Grain size analysis including description of grains	150.00
5.3.4	Identification of transparent and translucent detrital minerals, with qualitatively estimated mineral abundances	
	- as received	250.00
	- polished/thin section	200.00
5.3.5	Identification of transparent and translucent detrital minerals, with quantitatively estimated mineral abundances by point counting, per mineral	
	- as received	100.00
	- polished/thin section	80.00
5.4	Clay Mineralogy Laboratory Unit	
5.4.1	Differential thermal analysis (DTA)	350.00
5.4.2	Physical tests	
5.4.2.1	Water plasticity test	70.00
5.4.2.2	Pyrometric cone equivalent (PCE) test	300.00
5.4.2.3	Swelling test	
	5.4.2.3.1 unactivated	70.00
	5.4.2.3.2 activated with soda	100.00
5.4.2.4	Oil bleaching test (inclusive of oil)	
	5.4.2.4.1 unactivated	150.00
	5.4.2.4.2 activated	175.00
5.5	Petrography Laboratory Unit	
5.5.1	Thin section analysis	
5.5.1.1	Standard petrographic description including rock name, textures, qualitatively estimated mineral abundances and interpretation of alteration assemblages and/or paragenesis	350.00
5.5.1.2	mineral identification and rock name only, with qualitatively estimated	

	mineral abundances	250.00
5.5.1.3	mineral identification only, with quantitatively estimated mineral abundances by point counting, per mineral	80.00
5.5.1.4	Grain size determination only, per mineral	100.00
5.5.2	Polished section analysis	
5.5.2.1	Standard petrographic description of ore minerals including textures, qualitatively estimated mineral abundances and interpretation of paragenetic sequence	350.00
5.5.2.2	Mineral identification only, with qualitatively estimated mineral abundances	250.00
5.5.2.3	Mineral identification only, with quantitatively estimated mineral abundances by point counting, per mineral	80.00
5.5.2.4	Grain size determination only, per mineral	100.00
5.5.3	Photomicrography (exclusive of costs of film, developing and printing), per exposure	25.00
5.6	Fluid Inclusion Laboratory Unit	
5.6.1	Inspection of samples for presence of fluid inclusions	100.00
5.6.2	Petrographic description of fluid inclusions, including abundance, size, shape, nature of inclusion, etc.	250.00
5.6.3	Measurement of homogenization temperatures of as many inclusions as practical within the sample	400.00
5.6.4	Measurement of freezing temperatures of as many inclusions as practical within the sample (exclusive of cost of liquid nitrogen) for salinity determination	700.00
5.6.5	Measurement of salt dissolution	

	temperatures of as many inclusions as practical within the sample for salinity determination	400.00
5.6.6	Photomicrography (exclusive of costs of film, developing and printing), per exposure	25.00
5.7	X-Ray Laboratory Unit	
5.7.1	X-ray diffraction (XRD) analysis	
5.7.1.1	Sample preparation for orientation of clay minerals	
	- air drying	20.00
	- heating	50.00
	- glycolation	30.00
5.7.1.2	XRD scan (2°-41°) and qualitative mineral identification	500.00
5.7.2	X-ray fluorescence (XRF) spectrometric analysis	
5.7.2.1	Sample preparation	
	- briquetting of powdered sample	50.00
	- glass bead/fused sample preparation	150.00
5.7.2.2	Qualitative XRF analysis	
	- using LIF analyzing crystal (scan 10°-116°)	800.00
	- using EDDT analyzing crystal (scan 10°-146°)	1,000.00
5.7.2.3	Quantitative XRF analysis, per element (charge varies according to cost of standards)	
5.7.3	Electron Probe Microanalysis (EPMA)	
5.7.3.1	Sample preparation, per section	
	- carbon coating	150.00
	- ion coating (charge varies according to cost of element to be used for coating and surface area to be coated)	
5.7.3.2	Electron Microcopy/Photography	
	- high magnification aeroview, back scattered electron image, secondary	

	electron beam image, characteristic x-ray, per photograph, per element	800.00
	- per additional photograph of same element	200.00
5.7.3.3	Line profile analysis	
	- per 10 mm line, per element	900.00
5.7.3.4	Qualitative point analysis	
	- per point, per element	800.00
5.7.3.5	Quantitative point analysis	
	- per point, per element	1,000.00
5.8	Isotope Laboratory Unit	
5.8.1	14c age determination (charges subject to the discretion of the Director of Mines and Geosciences)	
5.8.2	K-Ar age determination (charges subject to the discretion of the Director of Mines and Geosciences)	
5.9	Paleomagnetic Laboratory Unit	
5.9.1	Paleomagnetic analysis	
	5.9.1.1 Demagnetizing (thermal alternating field)	300.00
	5.9.1.2 Magnetic declination	200.00
	5.9.1.3 Magnetic inclination	200.00
	5.9.1.4 Magnetic moment	200.00
	5.9.1.5 Magnetic susceptibility	200.00
	5.9.1.6 North, east and vertical component	160.00
	5.9.1.7 Bedding correction	160.00
	5.9.1.8 Sample orientation correction	160.00
	5.9.1.9 Virtual geomagnetic pole	240.00
5.10	Paleontology Laboratory Unit	
5.10.1	Standard paleontological analysis of sedimentary rock samples, including picking/isolation of fossils, faunal identification and listing, and age and paleoecology determination	300.00

- 5.10.2 Photomicrography (exclusive of costs of film developing and printing)
 - 5.10.2.1 Thin section, per exposure 25.00
 - 5.10.2.2 Whole specimen, three exposures for three positions 150.00

5.11 Petrochemistry Laboratory Unit

- 5.11.1 Chemical analysis of rocks, minerals, soils stream sediments and similar materials
 - 5.11.1.1 Minor and trace element analysis, after partial decomposition
 - 5.11.1.1.1 Flame atomic absorption spectrometry
 - using aqua regia, hydrochloric acid and nitric acid digestion methods

<u>Element</u>	<u>Detection Limit</u> (ppm)	
Ag	1)	P60.00
Cd	1)	(first element)
Co	3)	P20.00
Cu	2)	(each additional element)
Fe	50)	
Mn	50)	
Ni	3)	
Pb	10)	
Zn	2)	
Mo	2	65.00
Mo(with organic extraction)	0.4	130.00

- using hydride and vapor generation method

<u>Element</u>	<u>Detection Limit</u> (ppm)	
As	1	120.00
Bi	0.1	120.00
Sb	0.1	120.00

Hg 0.1 120.00

- using acidic fusion method

<u>Element</u>	<u>Detection Limit</u> (ppm)	
Cr	100)	80.00
Li	1)	(first element)
Ni	10)	50.00
	(each additional element)	

- using NH₄I fusion method

<u>Element</u>	<u>Detection Limit</u> (ppm)	
Sn	1	200.00

- using cold extraction method

<u>Element</u>	<u>Detection Limit</u> (ppm)	
Cu	20)	60.00
Pb	40)	(first element)
Zn	20)	40.00
	(each additional element)	

5.11.1.1.2 Graphite furnace atomic absorption spectrometry

- using organic extraction method

<u>Element</u>	<u>Detection Limit</u> (ppm)	
Ag	0.1)	400.00
Cd	0.1)	(per element)
Se	0.2)	800.00
Te	0.1)	(all five elements)
TI	0.1)	

5.11.1.1.3 Calorimetry, using dithiol method

<u>Element</u>	<u>Detection Limit</u> ppm)	
W	4	200.00

5.11.1.2 Major, minor and trace element analysis, after
total decomposition (whole rock analysis)

5.11.1.2.1 Flame atomic absorption spectrometry

- complete silicate analysis

Oxide

SiO ₂	120.00
Al ₂ O ₃	120.00
TiO ₂	120.00
Fe ₂ O ₃ T	120.00
MnO	120.00
MgO	120.00
CaO	120.00
Na ₂ O	120.00
K ₂ O	120.00
FeO	120.00
P ₂ O ₅	140.00
LOI	40.00
H ₂ O-	40.00
H ₂ O+	105.00
all of the above except FeO and H ₂ O+	980.00

- minor and trace element analysis
= using hydrofluoric and perchloric

acid digestion method

<u>Element</u>	<u>Detection Limit</u> (ppm)	
Ag	1	120.00
Be	1	120.00
Cd	10	120.00
Co	5	120.00
Cr	5	120.00
Cu	2	120.00
Li	1	120.00
Ni	10	120.00
Mo	10	120.00
Pb	10	120.00
Rb	10	120.00
Zn	2	120.00
Ba	25	120.00

Sr	20	120.00
V	10	120.00

= using hydride and vapor generation method

<u>Element</u>	<u>Detection Limit</u> (ppm)	
As	1	120.00
Be	0.1	120.00
Sb	0.1	120.00
Hg	0.1	120.00

= using MIBK extraction method

<u>Element</u>	<u>Detection Limit</u> (ppm)	
Au	0.02	235.00
Ga	0.02	235.00
Pt	(qualitative)	260.00

5.11.1.2.2 Graphite furnace atomic absorption spectrometry

- using organic extraction method

<u>Element</u>	<u>Detection Limit</u> (ppm)	
Au	0.001	390.00
Pd	0.002	390.00
Te	0.1	390.00
Tl	0.1	390.00
Se	0.2	390.00

- using fire assaying method

<u>Element</u>	<u>Detection Limit</u> (ppm)	
Au	0.002)	1,040.00
Pt	0.005)	(first element
Pd	0.003)	130.00
Rh	0.0005)	(next element in the same button)

5.11.2 Chemical analysis of ground and surface water

5.11.2.1 Major cation and anion analysis

5.11.2.1.1 Flame atomic absorption spectrometry

Ion

Na 90.00

K 90.00

Mg 90.00

Ca 90.00

Si 90.00

5.11.2.1.2 Wet chemical methods

Ion

SO₄⁻² 90.00

HCO₃⁻¹ 90.00

Cl⁻ 90.00

5.11.2.1.3 Ion selective electrode method

Ion

F⁻ 130.00

I⁻ 130.00

CN⁻ 700.00

5.11.2.1.4 Spectrophotometry

Ion

NO₃⁻¹ 130.00

HPO₄⁻² 130.00

5.11.2.2 Water property determination

Property

pH 40.00

Total dissolved solids 65.00

Total hardness 90.00

Total alkalinity 90.00

Total acidity 90.00

Turbidity (NTU) 90.00

Suspended solids 65.00

5.11.2.3 Trace element analysis using atomic absorption spectrophotometry

Element Detection Limit (mg/L)

Ag 0.05 80.00

Ag 0.002 110.00

Ag	0.0002	260.00
As	0.005	120.00
Al	1.0	90.00
Au	0.005	235.00
Ba	1.0	105.00
Be	0.02	105.00
Bi	120.00	
Cd	0.02	105.00
Cd	0.002	110.00
Cd	0.0002	260.00
Co	0.05	105.00
Cr	0.05	105.00
Cu	0.02	105.00
Fe	0.05	105.00
Hg	0.0001	120.00
Li	0.01	105.00
Mn	0.03	105.00
Mo	10.0	105.00
Mo	0.01	260.00
Ni	0.05	120.00
Pb	0.2	105.00
Pb	0.005	110.00
Pb	0.0005	260.00
Rb	5.0	105.00
Se		260.00
Sb		120.00
Sr		105.00
Te		260.00
V	1.0	105.00
Zn	0.1	105.00

Discount rates:

15	elements/sample	10%
22	elements/sample	15%
44	elements/sample	30%

6.0 FIRE ASSAYS, METALLURGICAL TEST AND CHEMICAL ANALYSIS

6.1 Fire Or Wet Assay of Rocks, Ores, Sands or Concentrates, Bullions, Alloys Including Liquids or Solutions

6.1.1 Fire-Assays — Ore samples submitted for fire assays should weigh at least one (1) kilogram. Bullion drillings in excess of three (3) grams shall be returned to the owner upon request.

6.1.1.1	Gold or silver in ores, sands or concentrates, per sample	220.00
6.1.1.2	Gold & Silver in ores, sands or concentrates, per sample	250.00
6.1.1.3	Fineness determination for gold, in bullion or alloys, per sample	450.00
6.1.1.4	Fineness determination for silver, in bullion or alloys, per sample	300.00
6.1.1.5	Fineness determination for gold and silver in bullions, per sample	550.00
6.1.1.6	Certification of weight of gold or silver bullions	75.00

6.1.2 Wet Assays (Per element submit at least one (1) kilo sample

6.1.2.1	Aluminum	90.00
6.1.2.2	Antimony	100.00
6.1.2.3	Barium	90.00
6.1.2.4	Bismuth	100.00
6.1.2.5	Calcium	85.00
6.1.2.6	Available Lime	85.00
6.1.2.7	Chlorine (as Cl-)	90.00
6.1.2.8	Chromium	350.00
6.1.2.9	Cobalt	90.00
6.1.2.10	Copper	90.00
6.1.2.11	Iron (Total)	85.00

6.1.2.12	Iron (Metallic, Fe ⁰)	100.00
6.1.2.13	Iron (Ferrous, Fe ++)	100.00
6.1.2.14	Iron (Ferric, Fe +++)	185.00
6.1.2.15	Lead	90.00
6.1.2.16	Magnesium	85.00
6.1.2.17	Manganese	90.00
6.1.2.18	Molybdenum	100.00
6.1.2.19	Nickel	90.00
6.1.2.20	Phosphorous	90.00
	P2O5, water soluble	90.00
	P2O5, Citrate soluble	90.00
6.1.2.21	Potassium	80.00 (AA)
6.1.2.22	Silica	100.00
	Free Silica	100.00
	Insolubles	60.00
6.1.2.23	Sodium	80.00 (AA)
6.1.2.24	Sulfur	90.00
6.1.2.25	Tin	100.00
6.1.2.26	Titanium	90.00
6.1.2.27	Zinc	90.00
6.1.3	Specific Gravity	
	6.1.3.1 True	60.00
	6.1.3.2 Apparent	40.00
	6.1.3.3 Bulk Density	40.00
6.1.4	Moisture, oven dried (105°)	50.00
6.1.5	Moisture, as received only	80.00
6.1.6	Combined H2O	70.00
6.1.7	Loss on Ignition	40.00
6.1.8	Determination of Atomic Absorption Spectrophotometry and Flame Photometry of copper, iron, lead, manganese, sodium, potassium, zinc, per element	80.00
6.2	Metallurgical Tests on Ores, Minerals, Mill or Industrial Plant By-Products, Etc.	

(Note: A maximum of fifty (50) kilograms may be accepted for testing)

6.2.1	Sample Preparation
6.2.1.1	Crushing

	6.2.1.1.1	First 5 kg sample	100.00
	6.2.1.1.2	For each additional 1 kg	5.00
6.2.1.2	Grinding		
	6.2.1.2.1	First 5 kg sample	150.00
	6.2.1.1.2	For each additional 1 kg	10.00
6.2.2	Particle Size Determination (using sieves)		
	6.2.2.1	Dry sample, coarse (coarser than 100-mesh) per fraction, per kilo	20.00
	6.2.2.2	Dry sample, fine (150-mesh to 400 mesh) per fraction, per kilo	30.00
	6.2.2.3	Wet sample, coarse (coarser than 100 mesh) per fraction, per kilo	30.00
	6.2.2.4	Wet sample, fine (150 to 400 mesh) per fraction, per kilo	40.00
6.2.3	Classification Test:		
	6.2.3.1	Air Classification, per test	120.00
	6.2.3.2	Hydroclassification, per test	170.00
	6.2.3.3	Sedimentation/Elutriation/Scrubbing, per test	40.00
6.2.4	Gravity Concentration Test		
	6.2.4.1	Heavy Media Separation, per specific gravity, per test	180.00
	6.2.4.2	Jigging, per test	170.00
	6.2.4.3	Tabling, per test	170.00
6.2.5	Flotation		
	6.2.5.1	Bulk Flotation, per test	200.00
	6.2.5.2	Differential Flotation, per test	350.00
6.2.6	Magnetic Separation		
	6.2.6.1	Dry, per test	100.00
	6.2.6.2	Wet, per test	150.00
6.2.7	Leaching		
	6.2.7.1	Cyanidation, per test	700.00
	6.2.7.2	Percolation leaching, per test	450.00
	6.2.7.3	Acid curing/agitation leaching, per test	300.00
	6.2.7.4	Leaching-precipitation-flotation, per test	600.00
6.2.8	Amalgamation, per test		450.00
6.2.9	Calcination		
	6.2.9.1	up to 800°C	

	- one sample only	300.00
	- 2 or more samples per sample	250.00
	6.2.9.2 Up to 1050°C	
	- one sample only	350.00
	- 2 or more samples, per sample	300.00
6.2.10	Roasting/Sintering	
	6.2.10.1 Using Electric Furnace (batch),	
	- one sample only	300.00
	- 2 or more samples, per sample	250.00
	6.2.10.2 Using small rotary kiln (continuous),	
	per test	400.00
6.2.11	Chiddy Method (Sponge), per test	400.00
6.2.12	Smelting, per test	700.00
6.2.13	Pelletizing	
	6.2.13.1 Using pelletizing drum (batch),	
	per test	150.00
	6.2.13.2 Using pelletizing disc (continuous)	
	per test	250.00
6.2.14	Work Grindability Index	900.00
6.2.15	Swelling Test (Bentonite)	40.00
6.2.16	Oil Bleaching	50.00
6.2.17	Acid/Sodium Activation	180.00
6.2.18	Cation Exchange Capacity	120.00
6.2.19	Settling Rate	40.00
6.2.20	Recovery of Chrysotile Asbestos, per kg	350.00

(Note: The Metallurgical Laboratory is also accepting samples for pilot testing on flotation, classification, roasting & magnetic separation (dry). Charges will be estimated for each case and job performed on contractual basis).

6.3	Analysis of Water	
6.3.1	pH	30.00
6.3.2	Dissolved Oxygen	30.00
6.3.3	Bicarbonate	70.00
6.3.4	Carbonate	70.00
6.3.5	Total Solids	50.00
6.3.6	Total suspended solids	50.00
6.3.7	Total dissolved solids	50.00
6.3.8	Total acidity	70.00

6.3.9	Total alkalinity	70.00
6.3.10	Total hardness	70.00
6.3.11	Sulfate	70.00
6.3.12	Chloride	70.00
6.3.13	Silica	70.00
6.3.14	Iron	80.00
6.3.15	Lime	70.00
6.3.16	Magnesia	70.00
6.3.17	Sodium	70.00
6.3.18	Potassium	70.00

7.0 MARINE GEOPHYSICAL AND GEOLOGICAL INVESTIGATION AND VERIFICATION

7.1	Marine Geophysical Survey	
7.1.1	Single-Channel seismic reflection, per km	2,000.00
7.1.2	Single-Channel seismic reflection + echo sounder, per km	2,500.00
7.1.3	Echo sounder, per km	750.00
7.1.4	Side Scan Sonar, per km	2,000.00
7.1.5	Side Scan Sonar+Echo Sounder, per km	2,500.00
7.1.6	Survey Vessel (RPS Explorer) mobilization/demobilization, per day	34,000.00
	actual survey, per day	24,000.00

(Note: Including Radio Positioning (Mini-Ranger), excluding fuel and scientific staff)

7.2	Marine Geological Survey		
7.3			
7.2.1	Piston Coring, per sample	1,000.00	
7.2.2	Grab Sampling, per sample	500.00	
7.3	For Geophysical Services		
		Man/Day Rate	
		Total Daily Rate	
7.3.1	Induced Polarization	1,300.00	9,100.00
7.3.2	Resistivity Survey	1,300.00	9,100.00
7.3.3	Self Potential		
7.3.3.1	Vertical Loop	1,300.00	9,000.00

7.3.3.2	Potable Soil	1,300.00	9,000.00
7.3.4	Seismic Surveys		
	7.3.4.1 12-Channel refraction)	2,000.00	12,000.00
	7.3.4.2 12-Channel (reflection)	2,000.00	12,000.00
7.3.5	Magnetics		
	7.3.5.1 Precision Type	1,100.00	8,000.00
	7.3.5.2 Fluxgate	1,300.00	8,000.00

(In addition to the charges under item 7.3.1, the applicant or interested party shall pay for transportation of Bureau personnel from official station to the area and return as well as the expenses for freight, labor, materials and analysis of the samples.)

7.4	Certification of Documents		
	7.4.1 For each certification of correctness		20.00
	7.4.2 Letter certification		40.00

8.0 **MGB FORMS (P 2.00/page)**

No. 5-1	Application for Exploration Permit
No. 5-2	Exploration Permit
No. 5-3	Outline of Project Feasibility Study
No. 5-4	Exploration Work Program
No. 6-1	Application for Mineral Agreement
No. 6-2	Three-year Work Program
No. 7-1	Application for Financial or Technical Assistance
	Agreement
No. 8-1	Application for Industrial Sand and Gravel (SAG) - (MGB)
No. 8-1A	Application for Industrial SAG (LGU)
No. 8-2	Industrial Sand and Gravel Permit (MGB)
No. 8-2A	Industrial Sand and Gravel Permit (LGU)
No. 8-3	Quarry or Sand and Gravel Permit Application
No. 8-3A	Commercial Permit Application
No. 8-4	Quarry or Sand and Gravel Permit
No. 8-4A	Commercial Sand and Gravel Permit
No. 8-4B	Exclusive Sand and Gravel Permit

No. 8-5	Application for Guano Permit
No. 8-6	Guano Permit
No. 8-7	Application for Gemstone Gathering Permit
No. 8-8	Gemstone Gathering Permit
No. 11-1	Mineral Processing Permit
No. 11-2	Application for Mineral Processing Permit
No. 12-1	Ore Transport Permit
No. 12-2	Sworn Statement of the Apprehending Officer
No. 12-3	Affidavit of Witness
No. 13-1	Application for Accreditation of Traders, Dealers and Retailers in the Trading of Minerals/Mineral Products and By-Products
No. 13-2	Certificate of Accreditation of Traders, Dealers and Retailers in the Trading of Minerals/Mineral Products and By-Products
No. 15-1	Permanent Safety Engineer's Permit
No. 15-2	Temporary Safety Inspector's Permit
No. 15-3	Permanent Safety Inspector's Permit
No. 15-4	Monthly Employer's Report of Accident or Sickness
No. 15-5	Monthly General Accident Report
No. 15-6	License to Possess Explosives
No. 15-7	Monthly Report of Explosives Transactions
No. 15-8	Explosives and Accessories Consumption Report
No. 16-1	Environmental Work Program (EWP)
No. 16-1A	Environmental Work Program for Offshore
No. 16-2	Environmental Protection and Enhancement Program (EPEP)
No. 16-3	Annual Environmental Protection and Enhancement Program Outline (AEPEPO)
No. 18-1	Semi-Annual Report On Mine Waste and Mill Tailings
No. 18-2	Application for Compensation for Damages
No. 18-3	Field Investigations and Assessment of Claims For Damages
No. 25-1	Application for Order of Survey
No. 25-2	Order of Survey
No. 25-3	Survey Plan (21 + 17 CM)
No. 25-4	Field Notes
No. 25-5	Azimuth Computations from Astronomical Observations

No. 25-6	Topographic Survey Computations	
No. 25-7	Traverse Computations	
No. 25-8	Area Computations	
No. 25-9	Coordinate Conversion-Geographic to Grid	
No. 25-10	Coordinate Conversion-Grid to Geographic	

9.0 PUBLICATIONS

9.1	Technical Information Series	
1-83	Production Cost: Philippine Copper Mining Firms 1975-1981	20.00
5-79	Preliminary Report on the Hydrogeological Survey of Ilocos Norte	20.00
17-80	Preliminary Report on the Groundwater Geology of Southern Quezon Province	25.00
21-80	Quarry Resources for Concrete Aggregate in Cavite Province	15.00
28-80	Report on the Regional Geological Mapping and Mineral Canvassing of Abra de Ilog Quadrangle, Occidental Mindoro	15.00
32-80	Geochemical Survey of the Pandocondocon-Maranonarea Bgy. Suso, Hinoba-an Negros-Occidental	10.00
37-81	Perlite in the Philippines	30.00
43-81	Pumice and Other Pumiceous Materials in the Philippines	20.00
56-82	Some Planktonic Foraminifera from the Guimbal Mudstone Member, Tarao Formation, Iloilo, Panay	20.00
67-86	Orbitolina from Tuburan, Cebu	20.00
68-86	Notes on the Paleontology of Northern Marinduque	15.00
69-86	Larger Foraminifera from St. Paul's Limestone Northern Palawan	20.00
70-86	Geology of the Exposed Ophiolite and Surrounding Rocks in Puerto Galera Mindoro	15.00
71-86	Preliminary Report on the Fossil Findings in Comagaycay River Alibuag, San Andres Calolbon Catanduanes	20.00

72-86	Fuller's Earth of the Sampiro-Calatagan Prenza Area Batangas Province	20.00
73-86	Studies on the Growth of Globorotalia Mernardii Parker, Jones and Brady in Tablas Island, Romblon	15.00
74-86	The Occurrence of Bentonitic Clay Deposit in Barrio Homapon Legaspi City	15.00
75-86	The Geology of Unconsolidated Sediments in Central Palawan	50.00
76-87	A Re-Evaluation of the Cretaceous-Paleogene Sediments Of A Portion Of The Sierra Madre in the Baras Quadrangle, Rizal	25.00
77-87	Preliminary Interpretation of RPS Explorer's Seismic Data in Bohol Sea	25.00
78-87	Notes on the Size Variation of Globocassidulina Subglobosa (Brady) from Tablas Island, Romblon	15.00
79-87	Paleontology and Stratigraphy of Mabinay and Nearby Areas, Negros Oriental	25.00
80-87	Inventory and appraisal survey of Marble Resources in Northern Luzon and part of Quezon Province in Connection with the Stone Industry Resources Development Project	50.00
X-1-82	Progress Report on the Reconnaissance Geologic Mapping and Stream Sediment Sampling of Gingo-og quadrangle, Misamis Oriental	30.00
X-5-82	Geology of Malita and Mabayawa Quadrangle Davao del Sur	30.00

9.2 UNDP (Strengthening the Government Capability in Gold Operation)

UNDP Report #

1	Geology and Mineralization in the Panganiban Tabas and Bulala Areas, Camarines Norte	165.00
2	Geology and Hydrothermal Alteration of the Amian-Okoy River Pamplona and Ayungon Areas, Eastern Negros	205.00

3	Geology and Mineralization in Northwestern Bohol	120.00
4	Geology and gold Mineralization of Surigao Del Norte	140.00
5	Geology and Mineralization in the Baguio Area, Northern Luzon	160.00
6	Geochemical Nature of Epithermal Gold Mineralization and related Anomalies in the Philippines	185.00
7	Reconnaissance Geochemical Surveys in the Philippines	110.00
8	Geology of Southwestern Panay	137.00
9.3	TECHNICAL REPORT	
2	Geology of Northern Agusan, Mindanao	80.00
3	Stream Sediments and Soil Orientation Survey in Taysan and Asiga Prospects Philippines	50.00
6.	Geology of Central Palawan	85.00
9.4	INFORMATION CIRCULAR	
I.C.#		
21	Geochemical Prospecting by Determination of Gold-Extractable Copper in Stream-Silt and Soil	15.00
23	Analytical Procedures Adapted by the Bureau of Mines	15.00
27	Feldspar in the Philippines	30.00
28	Gypsum in the Philippines	20.00
31	Gravimetric Determination of Zinc	15.00
9.5	REPORT OF INVESTIGATION	
R.I. No.#		
57	Volumetric Analysis of Titanium	10.00
58	Report on the Discovery of Pusslininds in the Phil. Notes on the Occurrence of a Giant Numulite in the Philippines	10.00
59	Blending Carbonization of Foreign & Local Coals	15.00

60	Geology of the Barlo Mine and Vicinity Dasol, Pangasinan, Province, Luzon Philippines	15.00
62	The Geology and Mineral Resources of Catanduanes province	15.00
63	Preliminary Report on the Geology of the Laur-Dingalan Fault Zone, Luzon Philippines	15.00
64	Washability Characteristic of Some Philippine coals	30.00
65	Beneficiation of a Complex Lead-Zinc Copper Sulfide Ore from Ayala District, Zamboanga	10.00
67	Geological Study of the Effects of the August 1968 Series of Earthquakes	15.00
68	The Use of Local Binders in Exploratory Pelletizing Tests	20.00
69	Faunal Successions in the Eastern Luzon Central Valley	15.00
72	Formation of Dowsonite by Decomposition of Sodium Aluminate Solution with Carbon Dioxide	10.00
73	Mineral Resources of Kalinga-Apayao Province	10.00
74	Geology and Mineral Resources of Nueva Viscaya Prov.	15.00
75	Technology and Mineral Resources of Pangasinan Prov.	15.00
76	Geology and Mineral Resources of Sorsogon Province	20.00
78	Geology and Mineral Resources of Mindoro Province	30.00
79	Geology and Mineral Resources of Isabela Province	35.00
80	Geology and Mineral Resources of Nueva Ecija	20.00
81	Geology and Mineral Resources of South Cotabato Province	15.00

87	Rapid Methods of Water Analysis	10.00
88	The Phosphotungstate Method of Determining Vanadium in Magnetic sands	15.00
89	Bauxite Deposits of Samar	15.00
91	Geology and Mineral Resources of Agusan Province	15.00
92	Refractory Raw Materials in the Philippines	70.00
94	Determination of Copper Lead and Zinc	70.00
98	Silicate Rock Analysis	25.00
100	The Geology and Mineral Resources of Aklan-Capiz Province	15.00
102	Geology and Mineral Resource of Surigao del Norte	15.00
103	Mineral Resources of Cavite	10.00
105	Geology and Mineral Resources of Camarines Sur	35.00
108	Geology and Mineral Resources of Catanduanes Prov.	25.00
109	Comprehensive Report on "Coal Chemical from Low-Grade Coal"	25.00
110	Preliminary Interpretation of the Marine Geophysical Data in Leyte Gulf, Surigao Strait and Dinagat Sound	15.00
111	Foraminefora of Lucena 1 Iloilo basin, Panay	15.00
114	Geological Interpretation of Landsat Imageries of Luzon Central Cordillera	15.00
115	Geology and Mineral Resources of Davao del Norte	15.00
117	Geology and Groundwater Resources of Batangas	35.00

9.6 BOOKS AND OTHER PUBLICATION

Standard Analytical Procedures of the Bureau of Mines and Geosciences Laboratories	125.00
Geology and Mineral Resources of the Philippines Vol. 11	1,000.00
Philippine Mining Operations Copper Mining Methods Mineral Investment Data (1)	55.00

Compilation of Environmental Laws and Regulations Pertinent to the Philippine Mining Industry	100.00
Revised Mines Safety Rules and Regulations	200.00
Mineral News Service # 84	50.00
Mineral News Service # 85	50.00
Proceedings of the Annual Mines and Geosciences Technical Seminar	100.00

All other rules and regulations or parts thereof, which are in conflict or inconsistent with any of the provisions of this Administrative Order are hereby repealed or modified accordingly.

This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

(SGD.) VICTOR O. RAMOS
Secretary

Published at:

Philippine Star April 15, 1997 pages 45-46

DENR Administrative Order
No. 97-11
April 11, 1997

SUBJECT : Providing for a Line Organization of the Mines and Geosciences Bureau and for Other Purposes

Pursuant to Section 100 of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995 and DENR Administrative Order No. 96-40, Series of 1996, the Revised Implementing Rules and Regulations of the said Act, the following organizational structure of the Mines and Geosciences Bureau central, regional, district and other pertinent offices as a line bureau is hereby provided and defined.

Sec. 1. Mandate. The Mines and Geosciences Bureau shall be the primary government agency under the Department of Environment and Natural Resources (DENR) responsible for the sustainable exploration, development, utilization and conservation of all mineral resources in public and private lands within the territory and exclusive economic zone of the Republic of the Philippines. Toward this end and in accordance with DENR policies and plans, it shall be primarily responsible for the rational administration and disposition of mineral lands and resources, development of mining, geological, metallurgical, chemical and related technologies thru basic and applied researches, and inventory of mineral resources.

Sec. 2. Objectives. To accomplish its mandate, the Bureau shall be guided by the following objectives:

2.1 General Objectives — To promote the rational exploration, development, utilization and conservation of mineral resources under a new regime of mining that is pro-people and pro-

environment in sustaining wealth creation and improved quality of life.

- 2.2 Specific Objectives — To enhance the contribution of mineral resources utilization to national economic development, with emphasis on the direct benefits of mining to local governments and affected communities.

To promote participation of the private sector in the sustainable exploration, development and utilization of mineral resources.

To ensure the economic viability of mineral resources utilization in the context of efficiency of operations, clean technology and sustained productivity of post-mining land use.

To promote equitable access to economically viable mineral resources.

Sec. 3. Organizational Structure. Consistent with its transformation from a staff to line agency, the Bureau's organizational structure shall consist of the central and regional offices, as well as district and other pertinent offices that may be hereinafter created.

It shall exercise supervision and control over its regional, district and other field offices, which shall, in turn, constitute the operating arms of the Bureau for the direct implementation of plans and programs in accordance with approved policies and standards.

The Chief Executive of the Bureau is the Director who has the prime authority and responsibility to carry out the mandate of the Bureau, and discharge its powers and functions.

The Regional Director, with a rank equivalent to that of a Regional Technical Director, shall discharge the mandate of the Bureau at the regional level and be directly responsible to the Bureau Director.

The different organizational subdivisions and their major functional responsibilities are as follows:

Central Office

3.1. Office of the Director

The Director shall exercise supervision and control over all divisions and other units, including regional offices, under the Bureau; establish policies and standards for the operations of the Bureau pursuant to DENR plans and program; promulgate rules and regulations necessary to carry out the Bureau objectives; and perform such other duties and functions as may be assigned by the DENR Secretary and/or provided by law.

In particular, the Office of the Director shall take direct charge in the administration and disposition of mineral lands and mineral resources; manage Mineral Reservations; recommend to the DENR Secretary the granting of mining rights and the adoption of policies on matters relating to mineral resources management and geosciences development; provide legal services and manage the overall operations of the Bureau.

This office shall exercise supervision over the following Divisions:

3.1.1 **Planning and Policy Division**

The Planning and Policy Division shall undertake planning, programming and monitoring and evaluation of programs/projects/activities; coordinate and assist in the formulation of policies, plans and programs for both central and regional operations; and take charge of project development in coordination with the various divisions of the Central and Regional Offices.

This Division shall be composed of the following Sections:

3.1.1.1 Planning and Programming

3.1.1.2 Policy Studies

3.1.2 **Administrative Division**

The Administrative Division shall administer the Bureau's human resources development, records, property/supply management and general services.

This Division shall be composed of the following Sections:

3.1.2.1 Human Resource Management

3.1.2.2 Records

3.1.2.3 General Services

3.1.2.4 Property

3.1.3 Finance Division

The Finance division shall undertake the budgeting, cashiering and accounting operations of the Central Office and integrate the budgeting and accounting procedures of the entire Bureau operations.

This Division shall be composed of the following Sections:

3.1.3.1 Budget and Fiscal

3.1.3.2 Accounting

3.1.4 Mineral Economics Division

The Mineral Economics Division shall develop strategies for mining investment promotions; formulate policies on mineral economics; undertake statistical functions relating to mineral production and other related mineral statistical data, including micro-forecasting and trend analysis; undertake macro-forecasting of mining industry trends; and establish benchmarks in mining economics, including the conduct of socio-economic surveys.

This Division shall be composed of the following Sections:

3.1.4.1 Mineral Statistics

3.1.4.2 Mining Economics

3.1.4.3 Investment Promotion

3.1.5 Mining Environment and Safety Division

The Mining Environment and Safety Division shall provide scientific and technological foundations in establishing environmental standards, guidelines and procedures for mining operations, including small-scale mining, in particular mine rehabilitation and mine-related pollution thresholds; undertake mine environmental audit and research, develop strategies for a comprehensive environmental protection program for mining operations; promote the adoption of best practice in mining environmental management, undertake mine safety and health audit and coordinate the national program on safety and health in mining operations; and provide technical support services to the Regional Offices, other Government agencies, mining contractors/permittees/permit holders and the general public.

This Division shall be composed of the following Sections:

3.1.5.1 Mine Safety and Health

3.1.5.2 Mine Rehabilitation

3.1.5.3 Mine Environmental Management

3.1.5.4 Small Scale Mining Environmental Protection

3.1.6 Mining Tenements Management Division

The Mining Tenements Management Division shall undertake final evaluation/review of all mining rights applications forwarded by the Regional Offices; perform systems audit in the administration of operations of mining contractors and permittees; and manage the Mineral Rights Management System.

This Division shall be composed of the following Sections:

3.1.6.1 Evaluation

3.1.6.2 Systems Audit and Development

3.1.6.3 Mineral Rights Management System

3.1.7 Public Information and Publication Division

The Public Information and Publication Division shall take charge of the I.E.C. Campaign of the Bureau, including public affairs; provide printing, publication, photographic, binding and reproduction services, including the publication of the Mineral Gazette as mandated by Republic Act No. 7942; operate and maintain the national Mineral Resources Database System as likewise mandated by the said Act; and undertake information technology functions for systems development in support of the I.E.C. Campaigns and publication functions.

This Division shall be composed of the following Sections:

3.1.7.1 Information

3.1.7.2 Library

3.1.7.3 Publication

3.1.8 **Marine Geological Survey Division**

The Marine Geological Survey Division shall conduct marine and coastal geological and geophysical surveys and promote marine mineral resources and geosciences development; operate and maintain the Bureau's marine survey vessel (RPS Explorer); and provide technical support services to the Regional Offices, other government agencies and mining contractors/permittees in connection with marine and coastal geological surveys.

This Division shall be composed of the following Sections:

3.1.8.1 Marine Mineral Exploration

3.1.8.2 Marine Geophysics

3.1.8.3 Coastal and Marine Geology

3.1.8.4 Marine Technology

3.1.9 **Lands Geological Survey Division**

The Lands Geological Survey Division shall formulate, develop and coordinate the adoption/implementation of national geological mapping programs, field survey and laboratory research technologies and geostandards and georeference materials; conduct specialized researches in geology, petrology, ore genesis mineralogy and other related scientific disciplines, including the

conduct of hydrogeological, geohazards and geo-environmental site assessments; operate and maintain a GIS-based geo-information and remote sensing facilities for geological applications; and provide technical support services to the Regional Offices, other government agencies, mining contractors/permittees and the general public.

This Division shall be composed of the following Sections:

3.1.9.1 Geological Survey Research

3.1.9.2 Environmental Geology and Hydrogeology Research

3.1.9.3 Mineral Deposits and Ore Genesis Research

3.1.9.4 Geological Database and Information Systems

3.1.9.5 Geological Laboratory Services

3.1.10 Mining Technology Division

The Mining Technology Division shall document and develop database systems on mine planning and design, exploration drilling and mine feasibility evaluation in support of mining technology development within a sound environmental framework; develop standards, guidelines and procedures in mine feasibility evaluation; conduct laboratory researches, in particular rock mechanics and safety of personal protective equipment pertinent to ground stability and safety of mine personnel; and provide and coordinate on a national level technical support

services to Regional Offices and mining contractors/permittees in the fields of mine feasibility evaluation and laboratory research.

This Division shall be composed of the following Sections:

- 3.1.10.1 Mine Engineering
- 3.1.10.2 Mine Feasibility Evaluation
- 3.1.10.3 Exploration Drilling
- 3.1.10.4 Mining Technology Laboratory Services

3.1.11 Metallurgical Technology Division

The Metallurgical Technology Division shall develop metallurgical processes of extracting minerals from ores; provide and coordinate on a national level metallurgical and analytical services to Regional Offices, mining contractors/permittees and the general public; undertake metallurgical batch tests for the technical and economic feasibility of mineral extraction from ores, including pilot testing and flowsheet preparation; conduct analysis of metallurgical products and develop substitute analytical procedures and chemical reagents; and operate and maintain metallurgical and chemical laboratories, including part fabrication and modification.

This Division shall be composed of the following Sections:

- 3.1.11.1 Metallurgical Research
- 3.1.11.2 Metallurgical Services
- 3.1.11.3 Mechanical & Electrical Services
- 3.1.11.4 Chemical Laboratory Services

Regional Office

3.2 Office of the Regional Director

The Regional Director shall implement the pertinent laws, policies, rules and regulations; implement the Bureau's programs in the region; exercise the management functions of planning, organizing, directing and controlling; and perform such other duties and functions as may be provided by law or further delegated by the Director.

In particular, the Office of the Regional Director shall take charge of mineral lands administration and geosciences services; provide staff services on planning, mineral economics, community development in relation to mining activities, information/education/communication campaign and legal matters; and render staff and technical support to the Panel of Arbitrators and the Provincial/City Mining Regulatory Board.

This Office shall exercise supervision over the following Divisions:

3.2.1 Administrative and Finance Division

The Administrative and Finance Division shall provide general administrative services pertaining to human resource management, records, property and other forms of support to operations; and render budgeting, cashiering and accounting services.

This Division shall be composed of the following Sections:

3.2.1.1 Administrative

3.2.1.2 Finance

3.2.2 Mine Management Division

The Mine Management Division shall undertake processing/initial evaluation of mining rights applications and manage the issuance of mining rights and operations in mining tenements; take charge of the operationalization of the mineral rights management system and provide technical services to other Government agencies, mining contractors/permittees and the general public.

This Division shall be composed of the following Sections:

3.2.2.1 Mining Rights Licensing

3.2.2.2 Monitoring and Technical Services

3.2.2.3 Mineral Land Survey

3.2.3 Mining Environment and Safety Division

The Mining Environment and Safety Division shall be responsible for the enforcement and monitoring of compliance with the environmental and safety provisions of Republic Act No. 7942 and its Implementing Rules and Regulations pertaining but not limited to the Environmental Work Program, Annual Environmental Protection and Enhancement Program, Mine Decommissioning Plan, Mine Waste and Safety and Health Program.

This Division shall be composed of the following sections:

- 3.2.3.1 Mine Safety and Health
- 3.2.3.2 Mining Environment
- 3.2.3.3 Small-Scale Mining Environmental Protection

3.2.4 **Geosciences Division**

The Geosciences Division shall conduct geological, geoenvironmental and mineral exploration surveys; complement the Mine Management Division in the evaluation of mining rights applications; and provide geological and geo-scientific information and geo-technical services to other Government agencies, mining contractors/permittees and the general public.

This Division shall be composed of the following Sections:

- 3.2.4.1 Geological Survey Section
- 3.2.4.2 Mineral Exploration
- 3.2.4.3 Laboratory Services

3.3 **District and other Pertinent Offices**

The District Office, as may be hereinafter created by the Secretary upon recommendation by the Director shall be an extension of the Regional Office, particularly in the I.E.C. campaign and provision of technical services.

Other pertinent offices as may be likewise hereinafter created shall be responsible for other specific functions as may be warranted later on.

Sec. 4. Administrative Relationships. — The DENR Secretary shall have supervision and control of the Bureau. For this purpose, the Director shall report directly to the DENR Secretary thru the Undersecretary for Field Operations.

The Bureau Regional Director and the DENR Regional Executive Director shall be co-equal in terms of the implementation of their respective functions and duties in the region; Provided, that the DENR Regional Executive Director shall exercise coordinate authority over MGB Regional Director under circumstances where the program, project and/or activity in the region is the primary responsibility of the former, and in times of non-mining-related emergencies, natural calamities, disasters, social disorders and other fortuitous events, the DENR Regional Executive Director shall exercise operational control and supervision over MGB in the area. In such cases the respective heads of offices or units retain administrative control over their respective personnel.

Sec. 5. Geographical Jurisdiction of the Regional Office.
- With the transformation of the then Mines and Geosciences Development Service into the Mines and Geosciences Bureau Regional Office, the geographical jurisdiction of the latter shall conform with that of the former; provided, that there shall only be one Regional Office in Region IV; provided, further that the Bureau Central Office shall absorb the former Mines and Geosciences Development Service of the National Capital Region.

In effect, there shall be fourteen (14) Regional Offices, each for Region I to XIII and the Cordillera Administrative Region.

Sec 6. Staffing. — The Mines and Geosciences Bureau Central Office shall be initially complemented with additional ninety six (96) positions to be created on top of its existing plantilla positions.

The fourteen (14) Mines and Geosciences Bureau Regional Offices shall be initially complemented with a total additional five hundred sixty four (564) positions to be created on top of their existing plantilla positions, which shall be allocated in accordance with their respective staffing patterns.

The appropriate staffing pattern, position classification and organizational structure in accordance with the preceding premises are shown in Annexes A and B and shall be implemented upon issuance of the necessary order or approval by law. The positions shall be filled in accordance with Civil Service rules and regulations.

Sec 7. Transitory Provision — Pending the approval of the new staffing pattern and position classification, all permanent and casual employees of the Bureau shall continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits due them, unless otherwise separated from government service.

The Bureau shall also internally adopt the new organization in the interim, by reassigning its personnel, including those of the then Mines and Geosciences Development Service of the National Capital Region, but without necessarily allocating additional funds for Personal Services and subject to existing rules and regulations on reassignment or transfer of personnel.

In addition, the Office of the Regional Executive Director shall also provide the budgeting, accounting, cashiering and other support services necessary for the Regional Office in the same interim period, as may be necessary.

Sec. 8. Repealing Clause. — All Orders, Circulars, or Instructions of the DENR inconsistent herewith are hereby repealed or amended accordingly.

Sec 9. Effectivity. — This Order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

Published at:

The Philippine Star – May 17, 1997 – page 26

DENR Administrative Order
No. 97-30
September 11, 1997

**SUBJECT : Small-Scale Mine Safety Rules
and Regulations**

Pursuant to the provisions of Sec. 7 (c) of Executive Order No. 192, Sec. 8 of Presidential Decree 1899, Sec. 24 (d) of Republic Act No. 7076, the following health, sanitation and safety rules and regulations are hereby promulgated for the guidance and compliance of all concerned.

CHAPTER I
Scope and Coverage

This Order shall govern all contractors, associations, processors, permittees, operators, workers, individuals and other entities engaged in any form of small-scale mining and commercial, foreshore, gratuitous and special sand and gravel extraction in the Philippines except small-scale coal mines to effect a safe and accident-free operation in small-scale mining areas.

CHAPTER II
Title and Definitions

TITLE: This Order shall be known and maybe cited as the "SMALL-SCALE MINE SAFETY RULES AND REGULATIONS."

DEFINITION OF TERMS: As used in, and for the purpose of this Order, the following terms, whether in singular or plural form, shall have the following meanings:

1. "Accident" — an undesired event in which the contact, the exposure or the movement of a person to objects, equipment, machineries, substances, conditions or other persons may or may not cause personal injury, damage to property and delay in the operation.
2. "Accident Frequency Rate" — the total fatal and non-fatal lost-time accidents per million manhours worked, and may be expressed in the following formula:

$$\begin{array}{lcl} \text{Frequency} & & \frac{\text{No. of Lost-Time Accidents} \times 1,000.000}{\text{Manhours Worked}} \\ \text{Rate} & = & \end{array}$$

3. "Accident Severity Rate" — the days lost per million manhours worked and may be expressed in the following formula:

$$\begin{array}{lcl} \text{Severity} & & \frac{\text{No. of Days Lost} \times 1,000.000}{\text{Manhours Worked}} \\ \text{Rate} & = & \end{array}$$

4. "Adit" — a main horizontal or near horizontal underground opening with single access to the surface.
5. "Association" — a group of people duly registered by the concerned Local Government Unit.
6. "Board" —the provincial/city mining regulatory board.
7. "Bureau" — the Mines and Geosciences Bureau.
8. "Contract" — co-production, joint venture or mineral production sharing agreement between the State and a small-scale mining contractor for the small-scale utilization of a plot of mineral land under Republic Act No. 7076.
9. "Contractor" — an individual or cooperative of small-scale miners, registered with the Securities and Exchange Commission or other

appropriate government agency which has entered into an agreement with the State for the small-scale utilization of a plot of mineral land within a people's small-scale mining area under Republic Act No. 7076.

10. "Cooperative" — a group of people duly registered by the Cooperative Development Authority.
11. "DENR" — the Department of Environment and Natural Resources.
12. "Development" — systematic work of reaching a mineral deposit as precursor to actual mining through site clearing, stripping overburden, excavating opening, etc.
13. "Director" — the Director of Mines and Geosciences Bureau.
14. "Electrical Installations" — include but not limited to electrical supply equipment, electrical utilization equipment, electric generating plant, electric supply line and substation.
15. "Electrical Supply Equipment" — any equipment which produces, modifies, regulates, controls or safeguards the supply of electric energy.
16. "Excavation" or "Mine Working" — any or all parts of active or inactive mine, including; shafts, tunnels, drifts, crosscuts, raises and winzes.
17. "Exploration" — the examination and investigation of lands and offshore areas supposed to contain valuable minerals by drilling, trenching, shaft sinking, tunneling, test pitting and other means for the purpose of probing the presence of mineral deposits, its value and the extent thereof.

18. "Heavy Equipment" — off-the-road equipment such as but not limited to bulldozers, hauling trucks and payloaders.
19. "Hydraulicking" — a method of surface mining using high pressure water to disintegrate placer deposits.
20. "Local Government Unit" — the concerned Barangay, Municipality, City or Province.
21. "Lost-Time Accident, Non-Fatal" — lost-time accident that will prevent the injured person from reporting to work on the working day following the day of injury, fails to continue his normal work due to complications and accidents resulting to permanent injuries or disabilities as listed in Appendix B. Counting of days lost shall start from the time the injured person fails to report for work. cdll
22. "Lost-Time Accident, Fatal" — lost time accident that results in the death of the injured person.
23. "Mechanical Equipment, Machinery or Processing Equipment" — crushers, mills, mixers, pumps, compressors, cranes, hoists, line-shifting or other non-sophisticated equipment suitable to small-scale mining operation which shall not include motor vehicles, street cars, and similar machinery used as means of transportation.
24. "Mine" — includes all excavations or workings for the purpose of searching for or finding minerals as well as the workings of mineral deposits whether abandoned or actually being worked on the surface or underground together with all buildings, premises, installations, and appliances belonging or appertaining thereto.
25. "Miner" — any individual who is actively engaged in the development, extraction and/or utilization of minerals.

26. "Non-Lost Time Accident" — those that will not prevent the injured person from reporting to his designated work on the working day following the day of injury and thereafter.
27. "Open Pit", "Open Cut", or "Surface Mines" — include all excavations or workings for the purpose of searching for or finding and extracting mineral deposits whether abandoned or actually being worked on the surface.
28. "Operator" — any person or entity who has an agreement duty registered with the Board or its equivalent to undertake a special job related to small-scale mining and sand and gravel operations.
29. "Order" — the Small-Scale Mine Safety Rules and Regulations.
30. "Permit" — small-scale mining permit issued under Presidential Decree No. 1899, commercial, sand and gravel, foreshore, gratuitous and special permits.
31. "Permittee" — any person or entity to whom a permit is duly granted by the concerned LGU/DENR.
32. "Pillars" — the unmined portion of the mineral deposits or host rocks in underground working areas left in place for support purposes.
33. "Plant" — includes mineral processing plant, beneficiating plant, power plant, motor pool, foundry shop, laboratory and the like.
34. "Processor" — a person and/or entity issued a license by the concerned LGU/DENR to engage in the treatment of minerals or ore bearing materials such as by gravity concentration, leaching, beneficiation, cyanidation, cutting, sizing, polishing and other similar activities.

35. "Producing Mine" — any mine presently involved in the development and utilization of mineral deposit/s.
36. "Prospecting" — the search for mineral deposits through aerial photography, geophysics, borehole logging, etc.
37. "Raise" — vertical or near vertical opening driven upward from one level to another.
38. "RED" — Regional Executive Director.
39. "Regional Director" — Mines and Geosciences Bureau Regional Director.
40. "Regional Office" — Mines and Geosciences Bureau Regional Office.
41. "Shaft" — primary vertical or near vertical opening connecting the surface with underground workings for purposes of men, material, ore and mine waste passage and ventilation.
42. "Small-Scale Mining" — mining activities which rely heavily on manual labor using simple implements and methods and do not use explosives or heavy mining equipment.
43. "Stope" — large underground opening, usually inclined or vertical, but may also be horizontal.
44. "Supervisor" — any person to whom the contractor/permittee has delegated authority and responsibility for the direction and control of workmen.
45. "Traffic Control" — patrol vehicles, traffic lights, signs, barricades, detours, flagmen, or other techniques and devices used to regulate movement of vehicles according to prevailing circumstances.

46. "Tunnel" — main horizontal or near horizontal underground opening with access to the surface at both ends.
47. "Underground Mines" — include all workings for the purpose of searching for or finding minerals as well as the workings of mineral deposits in sub-surface area.
48. "Underwater Mining Nearshore" — all excavations or workings for the purpose of finding/exploiting of minerals under bodies of water such as seas, lakes, rivers, etc.
49. "Winze" — vertical or near vertical underground opening driven downward from one level to another.

CHAPTER III

General Provisions

- Rule 1 - A record shall be kept by the permittee/contractor/operator of all Non-Lost Time and Lost Time Accidents occurring at any mining property in a form prescribed by the Board or its equivalent (Appendix A).
- Rule 2 - Whenever an accident occurs at a mine resulting in the death of, or in serious physical injury to one or more persons, the permittee/contractor/mining operator/association or his duly authorized representative shall immediately by the quickest possible means available, give notice thereto in writing, or by telegraph or telephone where practicable, to the Board or its equivalent association, copy furnished the Regional Office concerned within five (5) working days. Detailed report shall be submitted to the Board or its equivalent, copy furnished the Regional Office concerned, within twenty (20) days after notice of knowledge by the contractor/operator/permittee of the accident.

Rule 3 - For the purpose of any inquiry or inspection related to safety, health and sanitation, the Board or its equivalent shall:

- a. require the operator/contractor/permittee during reasonable business hours to produce any work, paper, report and document related to the accident.
- b. require the operator/contractor/permittee to present any of his workers/miners to be investigated or examined and be made to sign under oath a declaration from him during the examination.

Rule 4 - Monthly report of accident or sickness on Safety form prescribed in Appendix A shall be submitted to the Board or its equivalent, copy furnished the Regional Office concerned and the Department of Labor and Employment, within the first twenty (20) days of the subsequent month.

Rule 5 - Monthly statistical data on accident shall be accomplished and submitted to the Board or its equivalent copy furnished the Regional Office concerned and the Department of Labor and Employment, within the first twenty (20) days of the subsequent month in Safety Form (Appendix C).

Section 1. CLASSIFICATION OF MINES

Rule 6 - For the purpose of this Order, mines shall be classified as follows:

- a. Surface Mines.
- b. Underground Mines.
- c. Underwater Mining Nearshore.

Section 2. SAFETY ORGANIZATION

Rule 7 - For Surface Mines, a Safety Inspector shall be required for every fifty (50) workers/miners or less.

Rule 8 - For Underground Mines, a Safety Inspector shall be required for every twenty-five (25) workers/miners or at least one (1) Safety Inspector for every opening with less than twenty-five (25) workers/miners.

Rule 9 - For Underwater Mining Nearshore, a Safety Inspector shall be required for every operation.

Rule 10- A single or group of small-scale mining Operators/Permittees/Contractors shall be required to establish a safety organization which shall be responsible for effective implementation of safety and health program in mining operation.

Rule 11 - A Safety Organization shall be headed by Safety Inspector duly accredited by the appropriate government agency.

Section 3. QUALIFICATION OF SAFETY INSPECTOR

Rule 12 - A Safety Inspector must be a Filipino citizen, of legal age, good moral character, mentally and physically healthy and possess the following minimum qualifications/requirements:

1. Safety training conducted by the Regional Office or other Bureau accredited safety organizations.
2. Involvement in small-scale mining operation for at least six (6) months.

Section 4. DUTIES AND RESPONSIBILITIES OF SAFETY INSPECTOR

Rule 13 - The safety inspector shall:

1. Conduct a daily routinary inspection of the mine and its premises.
2. Make a daily report of inspection and inform the permittee, contractor and operator concerned the places inspected as to ventilation, sanitation, unsafe acts/conditions and working procedures.
3. Receive oral or written reports of workers/miners about unsafe and unhealthy conditions in the mine area and recommend remedial/mitigating measures to the permittee/operator/contractor/association, and supervise its implementation.
4. Instruct/train workers/miners on accident prevention, first aid and sanitation and emergency disaster evacuation procedures.
5. Recommend suspension of mining operation to the permittee/operator/contractor/association when imminent danger so requires.
6. Investigate and report all mine accidents and promulgate ways and means of preventing their recurrence.
7. Keep a record of all accidents and safety inspection reports.
8. Maintain a logbook which shall be placed on the collar/portal anytime of the day of all workers/miners working underground.

Section 5. Duties and Responsibilities of Permittee/Operator/Contractor/Association

Rule 14 -The permittee/operator/contractor/association shall:

1. Take every reasonable precaution necessary to ensure the safety and health of the workers/miners while on duty;

2. Adopt all necessary facilities for a safe, sanitary and healthful working conditions.
3. Make available safety paraphernalia in accordance with the type of work performed.
4. Comply with the existing labor, SSS health rules and regulations.
5. Maintain a fully equipped first aid station or stations at strategic points in the mine.
6. Provide for the training of persons in first aid, fire fighting, mine rescue and recovery operations and other safety measures.
7. Provide a pool of rescuers to attend to emergency cases in the area.
8. Submit to the duly accredited Association, if any, written reports of unsafe working conditions.
9. Adopt and enforce a set of safety rules and regulations applicable to each particular area and possibly with translation in the dialect understandable to the workers of the mine. A copy shall be distributed to every worker/miner including the Board or its equivalent or the Association concerned.
10. Conduct at least one (1) day period for orientation of newly hired workers/miners which shall be in the form of lecture and/or actual observation of the safety rules and regulations and working place where they will be assigned.
11. Plan and arrange all processes of operation with careful attention to safety.
12. Maintain a system of inspection to detect all hazards of operations and report or inform all concerned of any safety and health hazards that may affect or endanger the latter's job and operation.
13. Organize a safety and health committee.
14. Maintain a continuous and regular safety and health meetings for all workers/miners.

15. Submits to the Board or safety organization a monthly report of safety and health meetings.
16. Provide medical and physical examination of its workers/miners at least once a year.
17. Ensure that this Order is complied with.

CHAPTER IV UNDERGROUND MINING RULES

SECTION 1. General Provisions

Rule 15 - Working areas shall have at least two (2) interconnected, properly maintained openings to the surface for ventilation purposes and escapeway in case of emergency.

Rule 16 — Underground workings shall be provided with adequate supply of fresh air. In case where natural ventilation is inadequate, an artificial ventilation system should be installed.

Rule 17 — All miners shall be required to wear protective safety gadgets such as hard hat, rubber boots, etc.

Rule 18 — When first entering a working place, the ground shall be examined for any loose rocks and tested for drummy ground. Loose rocks or drummy ground shall always be barred down and/or supported before any work is started.

Rule 19 — All underground workings shall be adequately and effectively supported.

Rule 20 — Distance between two (2) underground openings shall not be less than twelve (12) meters or 39 feet and 4 inches apart to maintain an adequate pillar. Any deviation of the rule will be subject to the approval of the Board or its equivalent.

Rule 21 — Shafts, raises (vertical or inclined sinkings) and winzes exceeding 20° inclination shall be provided with ladder ways.

- Rule 22 — A miner shall not be allowed to work alone underground where he could not be seen or heard in case of emergency.
- Rule 23 — Workers shall not be assigned to work at a working place that has been abandoned for a considerable time unless the safety inspector has surveyed it and deemed it safe.
- Rule 24 — All abandoned working areas shall be barricaded and a "Danger" sign shall be posted or back-filled when necessary.
- Rule 25 — Underground workings shall not be allowed to encroach or cross each other.
- Rule 26 — All underground openings such as, main opening/access/principal passage ways, whether horizontal or inclined, shall at least have an effective height of 1.5 meters (4 ft. 6 in.) and an effective width of 1.3 meters (3 ft. 11 in.).
- Rule 27 — Combustible and flammable materials shall not be allowed underground.
- Rule 28 — Cutting of trees within the immediate vicinity of the mine workings shall be prohibited to maintain ground stability.
- Rule 29 — Individuals other than the duly registered and/or authorized miners shall be strictly prohibited from extracting ore from an opening.
- Rule 30 — Unlawful entry in any underground working shall be strictly prohibited.
- Rule 31 — During and right after rains, all mining operations may be suspended by the licensed/registered safety inspector if the conditions warrant such an action. Before operations could resume, there shall be a general safety inspection to defect any ground movement or impending cave in.
- Rule 32 — When men are working one above the other or in any position where they might be injured by falling rocks or debris of any

kind, they shall notify each other and take the necessary precaution before work is started.

- Rule 33 — Waste dump area of each working shall be provided with permanent retaining structures/stoppers to prevent downslope movement of the unconsolidated waste materials.
- Rule 34 — An updated control map indicating the directions of all underground working shall be maintained.
- Rule 35 — All underground miners shall be properly equipped with adequate lighting devices such as flashlight, cap lamp, carbide lamp and the like.
- Rule 36 — All accesses to working areas shall be cleared and properly maintained.
- Rule 37 — All excavations found along the access route shall be properly indicated and marked. If abandoned, they must be sealed or backfilled.
- Rule 38 — Sleeping underground is strictly prohibited.
- Rule 39 — Safety ropes or lifelines of appropriate length and size shall be used in areas where there is danger of persons falling.
- Rule 40 — Where there is danger of a sudden inrush of water, additional safety precautions such as doors, dams, and the like, shall be constructed.
- Rule 41 — To ensure public safety, no underground opening shall be allowed within a radius of fifty (50) meters (151 ft. 5 in.) from roads, cemetery, buildings, watersheds and other structures.
- Rule 42 — Old deffective timber support shall be replaced and/or reinforced immediately.

SECTION 2. HORIZONTAL OPENINGS

- Rule 43 — Horizontal access openings shall have at least an effective height of 1.5 meters (4 ft. 6 in.) and an effective width of 1.3 meters (3 ft. 11 in.).

- Rule 44 — At any given time during the shift, the maximum number of miners in one working face shall be three (3).
- Rule 45 — Tools shall be limited to hand tools such as moils, sledge hammers, cold chisels, wheel barrows, picks, shovels, etc. and light equipment such as rock breakers, chippers, jack hammers, etc.
- Rule 46 — In running ground, booms, stulls and spilings shall be erected to project ahead from the last set of support.
- Rule 47 — Mining in loose or heavy ground shall be closely supervised and shall follow the accepted standard methods of support.
- Rule 48 — In areas where ground support is necessary, adequate supply of support materials shall be maintained and made available. Loose ground shall be barred down, stulled before regular support is installed.
- Rule 49 — If for any cause, the necessary support material is not available and the working place presents a hazard, the work at such place shall be suspended.
- Rule 50 — It shall be prohibited to remove or modify supports which are in place except under instructions and supervision.
- Rule 51 — It shall be prohibited to remove or modify floorings, roofings, mattings, laggings or support of any kind if it will create a dangerous opening, except when under proper supervision.
- Rule 52 — Fractured and broken roof or walls of mine workings shall be provided with closely installed laggings of at least five (5) centimeters thick or minimum of eight (8) centimeters diameter round hard wood timber and shall be tightly blocked.
- Rule 53 — Distance between timber sets shall be not more than 1.7 meters (5 ft. 6 in.).

SECTION 3. VERTICAL OPENINGS AND INCLINED OPENINGS

Rule 54 — Vertical and Inclined openings shall have a dimension of at least 1.5 meters (4.92 ft.) by 1.3 meters (4.27 ft.).

Rule 55 — In sinking or raising, the allowed maximum number of miners shall be three (3).

Rule 56 — In running ground or weak ground (gougy formation), support shall be installed as early as possible and shall project ahead of the last set of support.

Rule 57 — In sinking or raising in running or weak grounds, all openings shall be adequately supported.

Rule 58 — In breakthroughs, winzes and openings where there is danger of falling and slipping, adequate covers shall be provided. Where such openings are used as waste or ore passages it shall be provided with grizzlies, guard rails or the like.

Rule 59 — When using a manway, always face the ladder.

Rule 60 — Manways and ladderways shall have proper signs or notices indicating whether they are passable or not. Entrances or passable manways or ladderways shall be kept clean and in good condition at all times. Unpassable manways or ladderways shall be provided with appropriate bulkheads and signs.

Rule 61 — All ladders shall be staggered so that no section is directly in line with the next adjacent section. The ladders shall be constructed of adequately strong materials with rungs placed at equal intervals of thirty-five (35) centimeters apart and securely fastened and maintained in good condition at all times.

Rule 62 — All shafts or winzes (sinking) shall be provided with standard ladders (2" x 2" x 18" rungs spaced 12" apart). The ladders shall be installed in staggered pattern every three (3) timber sets and shall be provided with landing platforms.

Rule 63 — It shall be prohibited to drop tools or any materials down a vertical opening.

Rule 64 — It shall be prohibited to follow a person who is carrying tools, timber, drill steel or other materials up a ladder.

Rule 65 — All ladders shall project at least sixty (60) centimeters above every platform of the ladderways unless convenient and sufficient hand holds are provided.

Rule 66 — Raises shall be provided with an overhead protection while in the process of advancing.

Section 4. STOPES

Rule 67 — In broken grounds, the maximum dimension of stopes shall be as follows:

Width - 1.50 meters (4 ft. 11 in.)

Height - 2.00 meters (6 ft. 6 in.)

Length - 2.00 meters (6 ft. 6 in.)

Pillars between stopes shall have a maximum dimension of 1.5 meters (4 ft. 11 in.) width, 2 meters (6 ft. 6 in.) height and 2 meters (6 ft. 6 in.) length. If stope is timbered, the dimension may be increased as safety permits.

Rule 68 — In grounds that are competent, the maximum dimension of stopes shall be as follows:

Width - 2 meters (6 ft. 6 in.)

Height - 6 meters (19 ft. 8 in.)

Length - 6 meters (19 ft. 8 in.)

Pillars between stopes shall have a minimum dimension of one (1) meter width, one (1) meter height, one (1) meter length.

Rule 69 — All open spaces and high openings above timbers must be cribbed to the back.

Rule 70 — All stope brows must be stulled especially off raises.

Rule 71 — Loose or drummy slabs that cannot be barred down must be stulled up using a good stull with a head board and a secure hitch for the base of the stull.

Rule 72 — Never place a stull under rocks that need barring down.

SECTION 5. HOISTING, LOADING AND HAULING

Rule 73 — The hoisting facility (rope and pulley assembly) shall always be kept in good operating condition.

Rule 74 — Men shall stay away from suspended load during the hoisting of materials in sinking areas.

Rule 75 — It shall be prohibited to use the hoisting facility as a means of conveyance of miners.

Rule 76 — Tools and other similar materials to be brought in or out of a sinking area shall be handled properly thru the hoist facility.

Rule 77 — The minimum diameter of prescribed hoisting rope shall be ten (10) mm. (0.4 in.) and sixteen (16) mm. (0.64 in.) for other kinds of hoisting ropes.

Rule 78 — Proper signal must be given and properly acknowledged by the hoistman before any hoisting activity commences.

Rule 79 — Hoisting ropes shall be replaced as soon as there is evidence of undue weakness or other conditions that indicate failure.

Rule 80 — Where there is sudden decrease in the diameter of the rope, the same shall be replaced.

Rule 81 — When marked corrosion appears, the rope shall be replaced.

Rule 82 — Loop the timber chain or rope over the end of the bundle to secure materials while hoisting.

Section 6. DRAINAGE

Rule 83 — Portals, collars and other mine entrances shall be provided with drainage canals to prevent entry of surface run-off in underground workings.

Rule 84 — Horizontal openings shall be provided with ditches to direct water to the sump or to the surface.

Rule 85 — Drain pipes shall be installed in a manner that will not cause obstruction to passageways and mainlines.

Section 7. CAVE MINING

Rule 86 — Before entering the caves, miners shall have adequate lighting devices.

Rule 87 — Thorough inspection of the roof shall be conducted first before any work is undertaken.

Rule 88 — Check for any other hazard that may be encountered such as snakes, bats, scorpions, poisonous gas, etc.

Rule 89 — All workers shall be provided with lifeline and personal protective equipment such as rubber boots, hard hat, dust mask, etc.

Rule 90 — Miners shall always have a first aid kit while working inside the cave.

Rule 91 — All underground rules applicable shall be adopted.

Section 8. PROTECTION AGAINST WATER

Rule 92 — No underground opening shall be driven or caused to be driven under rivers, sea or any known accumulation of standing or running water on the surface with less than ten (10) meters (32 ft. 9 in.) of back or thickness from the true river bed and the roof of the mine working in massive, unbroken or unfractured igneous rocks nor be less than fifty (50) meters (164 ft) back or thickness when the roof of the mine working is broken or fractured rocks. The true depth of the river bed shall be

determined at different points. Deviations from the above requirement shall be subject to the approval of the Board.

Rule 93 — Daily inspection shall be conducted of the mine workings located under rivers, sea or any known accumulation of standing or running water on the surface.

Rule 94 — No mine workings shall be allowed to approach nearer than eight (8) meters (26 ft. 3 in.) to any part of a shaft or any other openings where there is known or suspected accumulation of water.

Section 9. Protection Against Subsidence And Cave-Ins

Rule 95 — All underground workers shall be instructed to recognize signs of impending ground collapse or subsidence. In such cases, the responsible mine officials/ contractors/ permittees/ associations shall be notified immediately to determine the course of action to be taken. In cases of imminent collapse, alarms shall be sounded and all personnel withdrawn.

CHAPTER V SURFACE RULES

Section 1. GENERAL PROVISIONS

Rule 96 — All workers of surface mines shall be required to wear safety boots/shoes and head protector.

Rule 97 — Burning of vegetation for clearing purposes shall be strictly prohibited.

Section 2. PROSPECTING AND EXPLORATION

Rule 98 — All test pits and trenches shall be provided with safety cover/fence/barricade and shall immediately be backfilled if not to be used thereafter.

Rule 99 — Test pits and trenches deeper than two (2) meters (6 ft. 6 in.) shall be governed by safety rules and regulations for shaft sinking.

Rule 100 — Minimum size of the opening of test pits shall be one (1) meter (3 ft. 3 in.) by 1.5 meters (4 ft. 11 in.).

Rule 101 — Minimum width of trenches shall be one (1) meter (3 ft. 3 in.).

Rule 102 — All test pits and trenches shall be provided with appropriate drainage along the peripheries.

Section 3.DEVELOPMENT

Rule 103 — Waste dump areas of each working area shall be provided with retaining structure/stoppers to prevent movement of waste materials.

Section 4. PRODUCTION

A. Open Pit/Quarrying

Rule 104 — Bench height shall be limited to 1.5 meters (4 ft. 3 in.).

Rule 105 — Minimum allowable berm for working area shall be two (2) meters (6 ft. 6 in.).

Rule 106 — Miners working directly under the sun/rain shall be provided with necessary protection.

Rule 107 — Miners shall be provided with eye protection when doing rock chipping.

Rule 108 — When working in an area where there is danger of falling, lifelines or platform/scaffold shall be provided.

- Rule 109 — Tampered tools shall not be struck together due to the great possibility of flying chips. Mushroomed tools shall be dressed or repaired at once.
- Rule 110 — Trails and access to working areas shall be properly maintained.
- Rule 111 — All excavations found along the trails shall be properly identified and marked, and if abandoned shall be sealed or backfilled.
- Rule 112 — Proper drainage system shall be constructed and be properly maintained.
- Rule 113 — The slope of benches shall be governed by the competence and stability of the ground such that the danger of sudden slide may be minimized.
- Rule 114 — When resuming excavations after heavy rains, all banks shall be inspected for cracks or ground movement which may indicate the beginning of a slide or rock sloughing and that proper warning signs shall be placed thereat.
- Rule 115 — It shall be prohibited to work on or under any overhanging bank. The overhang shall be brought down first before any kind of work is started.
- Rule 116 — All workers shall be instructed/trained to recognize signs of impending collapse or subsidence. In such cases, all concerned shall be notified and proper course of action shall be undertaken.
- Rule 117 — When two or more miners are working on different levels or in any position where there is danger of falling rocks or debris of any kind, they shall notify each other and take the necessary precaution before work is started.

B. Dredging and Sluicing Operation

- Rule 118 — Float, raft, pontoon or any place where workers are employed on or above water shall be provided with life jackets, lifelines, buoys and other similar gadgets.

Rule 119 — Float, raft, pontoon shall be properly anchored to the river bank.

Rule 120 — Float, raft, pontoon, boom, rope and anchor shall be regularly inspected and maintained in good working condition.

Rule 121 — Dredging operation shall be strictly prohibited during inclement weather.

Rule 122 — Workers engaged in loosening soil materials on steep slope surface or in conditions where there is possibility of falling shall be provided with lifelines.

Rule 123 — During the process of washing down of loosened materials, no worker shall be allowed near the channel ways.

C . Hydraulicking Operation

Rule 124 — The area within which hydraulicking is being carried out shall be marked with warning signs conspicuously posted around to prevent unauthorized entry.

Rule 125 — Before any hydraulicking monitor is put into operation, all persons within the radius of the water jet shall leave the area. Only workers directly involved shall be allowed in the area.

Rule 126 — All works involving shifting or repairing the monitor, replacement of the nozzle, as well as any work done within the radius of the water jet, shall be carried out only after the stop/check valve of the water line has been shut off.

Rule 127 — The supply of water to the monitoring device shall be shut-off at each pause in operation, and the nozzle of the jet fixed in a position safe for all the persons working around it.

Rule 128 — The belts of the joints in a pipeline shall never be tightened while pressure is on.

- Rule 129 — It shall be prohibited to leave an operating hydraulic monitor without an operator.
- Rule 130 — It shall be prohibited to place hands, or any other part of the body, or any other object in contact with the jet stream.
- Rule 131 — No water supply pump shall be started until the operator of the hydraulic installation gives the order.
- Rule 132 — Each high pressure hydraulic installation shall have a stop/check valve in its main water supply line at a distance not greater than fifty (50) meters (164 ft.) from the monitor.
- Rule 133 — To ensure that the hydraulic installation will not burst under the pressure of water, the installation shall be provided with a safety pressure and relief valve. During operation, the pressure of the water shall be checked from time to time.
- Rule 134 — It shall be prohibited to go near a steep slope.
- Rule 135 — Distance from the hydraulic monitor to the face shall not be less than the height of the face. When working a dense ground liable to cause falls of large lumps, distance shall be at least 1.2 times the height of the face.
- Rule 136 — When working a face upwards, overhang that starts to develop shall be cut down in time with the water jet.
- Rule 137 — Precaution shall be observed when washing down loose rocks along slopes.

Rule 138 — Movement over water deposited banks shall be prohibited until compactness and strength of the ground has been confirmed by thorough checking.

CHAPTER VI Health and Sanitation

Section 1. General Provisions

Rule 139 — Proper housekeeping shall always be maintained within the small-scale mining area, such as systematic arrangement of tools, proper disposal of garbage, etc.

Rule 140 — Unauthorized persons are prohibited to handle, possess, take out and use corrosive, poisonous or obnoxious substances.

Rule 141 — Oil, grease and greasy materials of any kind shall be kept away from compressed gas cylinder.

Rule 142 — Water and other liquids in the mill and laboratories shall be considered poisonous except those labelled "DRINKING WATER".

Rule 143 — Timbers and similar materials shall be piled neatly at a safe distance from any passageway so as not to pose danger or impede traffic.

Rule 144 — The "No Smoking" regulation shall be strictly enforced and complied with at all times.

Rule 145 — Routes leading to exits or outlets shall be cleared and freed from obstructions which may endanger and hinder the orderly passage of workers.

SECTION 2. SANITATION

Rule 146 — Any rubbish, scraps, or inflammable materials shall never be thrown anywhere within the contract area.

Rule 147 — Employees especially underground workers shall be required to use only the toilets which have been provided for.

Rule 148 — Work areas, including walkways, platforms and stairways shall be kept clean of rubbish, materials and spillages at all times to prevent slipping and tripping.

Rule 149 — The contract area shall be provided with drinking facilities, washrooms, showers, toilets, eating areas and first aid station/s.

Section 3. VENTILATION

Rule 150 — The contractor/permittee/association shall provide and maintain in all active underground workings an adequate supply of fresh air containing not less than 20% oxygen and not more than 0.5% carbon dioxide.

Rule 151 — The quantity of fresh air, including compressed air, supplied underground in any ventilated district, area or system, at any time at which the number of workers employed is at its maximum shall not be less than two (2) cubic meters per minute per man (2.0 cu.m./min./man) during the full period of work exclusive of the quantity requirement of equipment.

Rule 152 — Where toxic and explosive gases of any nature, which concentration will endanger the workers, are detected in mine workings, the Board or its equivalent shall be immediately notified by the quickest means of communications if condition persists.

Rule 153 — a. Allowable limits of gases in the mine air as follows:

Carbon monoxide (CO)	Not more than 0.005%
Methane (CH ₄)	Not more than 0.25%
Carbon dioxide (CO ₂)	Not more than 0.50%
Oxygen (O ₂)	Not less than 20.0%

Hydrogen Sulfide (H2S) Not more than 0.10%
 Sulfur Dioxide (SO2) Not more than 0.0005%

b. Allowable limits of dusts:

	THRESHOLD (mppcf)	UNITS (mg/m3)
High Silica (50%), asbestos	5	
Medium Silica (5-50%), talc, mica	20	
Low Silica (5%), cement, slate, nuisance	50	
Total, all dusts	50	
Coal Dusts		
Average Shift Exposure	20	
Single Operations Exposure	40	
Toxic or nuisance compound		
Mercury		0.10
Lead		0.20
Antimony, arsenic, barium		0.50
Manganese		6.00
Iron, zinc, magnesium oxide, molybdenum		15.00
Radioactive Compounds		
Uranium (insoluble)		0.25
Vanadium (VO) 0.50		

Rule 154 — No internal combustion engine shall be allowed underground.

Rule 155 — When workers feel the symptoms of oxygen deficiency such as dizziness, vomiting, fainting, ringing sensation in the ears or presence of toxic or explosives gases, they shall immediately retreat and report such unventilated places to the safety inspector.

Rule 156 — Workers shall wear dust-foe respirator while working in dusty areas or in areas in which the dust cannot be immediately controlled.

Rule 157 — Waste, old timber or any form of refuse shall not be accumulated underground.

Section 4. HOUSEKEEPING

Rule 158 — Proper housekeeping shall always be maintained within the mine, i.e:

- a. Protruding nails shall be bent down or pulled.
- b. Oil, rags, wastes and the like must be placed in containers provided for.
- c. Spilled oil or grease and chemicals shall be cleaned up at once.
- d. Any rubbish, scraps or inflammable materials shall never be thrown anywhere within the mine except in designated trash areas.

SECTION 5. ILLUMINATION

Rule 159 — Places where winding, driving, pumping or other machinery is erected, in the proximity of which workers are working or moving about, shall be properly illuminated while in operation such that machinery can be distinguished clearly.

Rule 160 — Working areas shall be adequately illuminated. Provided, that torches, petroleum based lamps and other open flame lighting facilities shall be used only when there is adequate ventilation.

CHAPTER VII

Emergency Preparedness

Section 1. Fire Protection

- Rule 161 — It shall be prohibited for anybody to tamper and/or play with any fire protection equipment.
- Rule 162 — Any defect on any part of the fire protection system shall be reported and repaired at once.
- Rule 163 — All places shall be provided with approved fire fighting equipment of adequate number and suitable types. Fire fighting equipment shall be frequently inspected/tested, properly maintained and prepared for immediate use.
- Rule 164 — Fire fighting equipment shall be used exclusively for fighting fire.
- Rule 165 — Adequate fire alarm device shall be provided.
- Rule 166 — Any leak, breakage, or any defect on any part of the fire protection system like the water line, standpipe, fire extinguishers, and the like shall be reported and repaired at once.
- Rule 167 — Every contract area shall have a properly trained central fire fighting brigade. Fire drills shall be conducted at least once a month.
- Rule 168 — In the event of a fire, all personnel within the immediate vicinity shall be required to extinguish the fire with any available fire extinguishing device until the fire fighting crew arrives.
- Rule 169 — Gate valves for fire waterlines from the source or reservoir leading to standpipe shall be locked to the open positions.
- Rule 170 — Fire plans showing positions of the different fire fighting equipment and fire exits shall be conspicuously posted at strategic places.

- Rule 171 — Fire fighting equipment shall be strategically located in such a way that these are easily accessible and can be used with full effectivity in time of emergency.
- Rule 172 — All workers shall be made familiar with the location and operation of fire fighting equipment in their respective assignment.
- Rule 173 — Adequate fire escape approved by the safety inspector shall be provided in all working places and in other places where people converge. Exits leading to fire escape shall be as direct as possible and shall be kept clear at all times.
- Rule 174 — Main doors of building where people converge, whether inside or outside, shall open outward and shall not be locked or bolted, especially those leading to fire escape when there are people inside.

CHAPTER VIII

PLANT OPERATIONS

Section 1. GENERAL PROVISIONS

- Rule 175 — Other safety rules and regulations cited elsewhere in this Order which are found applicable to plant operations are hereby embodied.
- Rule 176 — Handling of hot or molten materials shall require fire proof body coverings.
- Rule 177 — Workers assigned to work in bin or tank shall be required to wear a life line attached to a permanent support. Provided further, that life lines used have been tested for strength and suitability and approved by appropriate government agency.
- Rule 178 — Workers assigned to work in confined space shall be closely supervised and required to wear the necessary personal protective equipment.

Rule 179 — Tailings pond in leaching operations shall be properly provided with adequate enclosures to prevent unauthorized entry. Warning signs shall be posted in conspicuous places.

Section 2. MOVING EQUIPMENT

Rule 180 — No workers shall be permitted to work or undertake repairs on any mill machinery while it is in operation.

Rule 181 — Operations, adjustments and repairs of mill machineries and equipment shall be undertaken by experienced and trained personnel only.

Rule 182 — Before starting any equipment for feeding, crushing, and grinding, the machinery/equipment operator shall see to it that the working area is cleared of men, materials and other obstacles.

Rule 183 — Drives and belts shall be adequately guarded and the self-draining floor shall be washed frequently to prevent accumulation of oil, grease and other waste materials.

Rule 184 — Passing beneath moving belts shall be prohibited.

Section 3. NON-MOVING EQUIPMENT

Rule 185 — It shall be prohibited for any person to enter through openings located below the bin containing hang-up materials. Adequate measures shall be provided for barring down hang-up materials.

Rule 186 — It shall be prohibited for any person to bathe or swim in the mill water reservoir, head tanks, water reclamation thickeners or tailings pond.

Rule 187 — Platforms and railings shall be kept in safe conditions.

Rule 188 — It shall be prohibited to direct stream water to electric power lines, electrical motor, panelboard, welding machine or piece of any electrical equipment.

Rule 189 — It shall be prohibited to store personal belongings on panelboards/circuit breakers.

**Section 4. PROTECTION AGAINST THE HANDLING OF
CHEMICALS AND OTHER LABORATORY
HAZARDS**

Rule 190 — Extra precautions shall be exercised in handling concentrated lime pulp and reagent solution.

Rule 191 — Workers handling and mixing mill reagents such as acids, frothers, collectors, cyanides, etc. shall be required to wear respiratory protective equipment and gloves.

Rule 192 — Cyanide and other toxic chemical spillages shall be removed immediately.

Rule 193 — Mill workers shall be required to know the antidotes for poisoning from cyanide and dangerous chemicals.

Rule 194 — Only authorized personnel shall be allowed to handle chemicals.

Rule 195 — Bottles containing acid or dangerous chemicals shall be clearly labelled.

Rule 196 — When diluting an acid with water, the acid shall always be poured slowly into the water with constant stirring of the mixture. Water should never be poured into the acid.

Rule 197 — Before breaking any line or container that has held a liquid or gas under pressure, it shall be isolated on either side of the break and that the area shall be cleared of other persons.

Rule 198 — Containers, pipes or hoses which had been used in handling and conveying poisonous materials shall either be destroyed or clearly marked, in accordance with Republic Act No. 6969 and its implementing rules and regulations.

- Rule 199 — In area where corrosive liquid, gases, fumes, mists or vapors disperse, adequate measures shall be taken to prevent damage to structural parts of the equipment or apparatus.
- Rule 200 — Receptacles shall be kept securely closed except during extraction of the contents.
- Rule 201 — Floor of rooms where corrosive liquids are handled or used shall be maintained as dry as possible.
- Rule 202 — Spillage or escaping corrosive acids and alkalies should never be allowed to be absorbed by sawdust, waste or other organic materials but shall be flushed out with water or neutralized with appropriate solutions.
- Rule 203 — Where corrosive liquids are handled or used, clean running water shall be readily accessible to all employees.
- Rule 204 — Certain red-label chemicals, like chlorates, nitrates and peroxides for laboratory use which are apt to cause violent explosions and produce fire shall be handled with caution and such chemicals shall be covered with a Permit for Possession and Purchase issued by the Philippine National Police upon proper indorsement of the Board or its equivalent.
- Rule 205 — Toxic chemicals used in mineral beneficiation process shall be covered with a Permit for Possession and Purchase issued by the concerned government agency upon indorsement from the Board or its equivalent.
- Rule 206 — Fuel systems of furnaces and burners shall be properly located and proper shut-off valves shall be installed.
- Rule 207 — Assay furnace shall be provided with appropriate chimney connector pipes for its entire length.
- Rule 208 — Water shall be prohibited within the immediate vicinity where molten metals are handled.
- Rule 209 — Floor area shall be kept clean and clear of obstruction if working near or carrying molten metal.
- Rule 210 — Quenching hot materials shall be done carefully.

- Rule 211 — Molds for molten metals shall be kept dry or preheated before using.
- Rule 212 — Personnel working with molten metal shall be required to wear spats, asbestos gloves, apron, goggles and full face protection.
- Rule 213 — The workers shall be encouraged to use retort system during separation of gold from mercury prior to blow torching/refining.

CHAPTER IX ELECTRICAL AND MECHANICAL RULES

Section 1. GENERAL PROVISIONS

- Rule 214 — For all electrical installations and equipment, the current provisions of the Philippine Electrical Code, Parts I and II as approved by the Institute of Integrated Electrical Engineers shall be followed.
- Rule 215 — For all mechanical installations and equipment, the latest provisions of the Philippine Mechanical Engineering Code shall be followed unless specified otherwise.
- Rule 216 — Operations and maintenance of mechanical and electrical machineries and equipment shall, in all cases, be done by duly authorized persons.
- Rule 217 — Necessary inspection, test and maintenance records of mechanical and electrical machines shall be compiled and kept in a form prescribed by the Board or its equivalent.
- Rule 218 — Safety device, tools and other apparatus used on any electrical or mechanical equipment or machineries shall be of the approved standard.
- Rule 219 — Machinery, equipment and tools shall be maintained in such condition that workers shall not be endangered.
- Rule 220 — Safety valves, governors, overspeed trips, automatic cut-outs, fuses and other similar safety protective device shall be

installed to protect equipment from damage. Such device shall not be tampered with or altered and shall not be repaired or adjusted at any time without authorization.

- Rule 221 — Machineries and equipment shall be equipped with appropriate guards which provide adequate protection for workers against contact with moving parts, or which prevents access by employees to the dangerous areas during operation.
- Rule 222 — Loose clothings, long sleeves shall not be worn near or around revolving/rotating machineries, equipment and parts.
- Rule 223 — An updated plan shall be kept at the mine/office showing the location of all installed electrical/mechanical machinery and apparatus.
- Rule 224 — No person shall be allowed to work on or with electrical equipment of any kind unless he has been previously instructed by an authorized person in connection with the performance of his duties.
- Rule 225 — All machineries/equipment shall be constructed or installed in a stable ground/foundation.
- Rule 226 — Warning signs shall be posted at points where there are possibilities of contact with live wires or moving parts.
- Rule 227 — Only authorized workers shall be allowed to operate the electrical apparatus.

Section 2. ELECTRICAL SAFETY RULES

A. GENERAL SAFETY PRECAUTIONS

- Rule 228 — Ground circuit shall be checked by the team leader before the start of every shift.
- Rule 229 — Power lines that are no longer in use shall be removed or disconnected and properly secured from accidental connection.

- Rule 230 — All electrical apparatus shall have adequate safeguard against fire and electrical shocks in case of failure of insulations.
- Rule 231 — All electrical construction and/or installations shall be made in accordance with the plans/specifications duly approved by the Board or its equivalent and shall be under the supervision of a competent electrical engineer and/or licensed master electrician.
- Rule 232 — Installations of generators, meters, control equipment conductors, exposed live wires and moving parts shall be properly insulated and guarded.
- Rule 233 — Cover guards, warning signs and other safety devices shall be temporarily provided before leaving an unfinished job.

B. CONTROL CENTERS

- Rule 234 —centers. Adequate illumination shall be provided both at the front and rear side of switchboards.
- Rule 235 — Entrances to the backspace of any switchboards with exposed live parts shall be provided with barriers that are kept locked.
- Rule 236 — Insulating mats or platforms shall be provided in front of switchboards.
- Rule 237 — Only duly authorized persons shall be allowed to work on switchboards. Warning signs shall be posted.
- Rule 238 — Passageways and working spaces shall be cleared of any physical barrier that will prevent easy access to it.
- Rule 239 — Good housekeeping shall always be maintained in control

C . MOTORS, GENERATORS, AND CONTROLLING DEVICES

- Rule 240 — Switch control shall be installed within sight of the motor operator and the equipment he operates.

- Rule 241 — The control device of motors shall be placed at a safe distance from combustible materials.
- Rule 242 — Motors shall be of the type that accords with the conditions where these are installed.
- Rule 243 — Overload device and starting controls shall not be used as circuit breakers.
- Rule 244 — Controls shall be identified or labelled and shall be equipped with indicating lights or meters to show when the motor loads are energized.

D. WORKING ON ENERGIZED EQUIPMENT

- Rule 245 — Electrical rubber gloves, shields and other necessary safety equipment shall be used by employees working on energized electrical conductors or equipment operating at more than one hundred ten (110) volts to ground.
- Rule 246 — In tunnels and manholes, no work shall be done on any energized electrical conductor operating at one hundred ten (110) volts to ground unless two or more experienced workers are present.

E. TESTING AND ENERGIZING ELECTRICAL EQUIPMENT

- Rule 247 — The circuit shall be checked completely by a competent electrician before power is applied for the first time.
- Rule 248 — Before starting to test-run electrical equipment, branch circuit protective device and circuit grounding system shall be checked if properly installed and any waste materials and tools shall be removed.
- Rule 249 — Before energizing the power line of an equipment, the protective device and controllers shall first be checked for proper setting and operation.

Rule 250 — Testing and energizing shall be carried out with proper instruments and tools such as megger, ammeter, voltmeter, insulating stick, insulation gloves, and the like for protection against electrical hazard, accidental damage or injury.

Rule 251 — The capacity of motors and testing instruments shall be checked before use.

Rule 252 — Approved tester shall be used in testing grounded or faulted windings and commutator segment assembly.

Rule 253 — Circuits shall be tested with an approved testing equipment before energizing.

Rule 254 — Before breaking the circuit of current transformer secondaries, the loads shall be grounded and effectively short-circuited between the transformer coil and the points at which the circuit is to be broken.

F . REPAIRS AND MAINTENANCE

Rule 255 — Power shall be shut off when making examinations, repairs or alterations of electrical installations.

Rule 256 — Warning signs shall be posted in a conspicuous place when repairing and working on electrical circuits, equipment and other electrical installations.

Rule 257 — Repairs and maintenance shall be made in accordance with standard procedures and manufacturers' specifications.

Rule 258 — Removal and replacement of fuses shall be done with a fuse holder or with approved rubber gloves. Fuses and disconnectors shall not be pulled out unless loads on the circuit are removed. Only fuse in a cartridge shall be used.

Rule 259 — During storm, it shall be prohibited to work or stay under any high voltage distribution lines or transmission lines.

Rule 260 — Workers shall be prohibited from wearing rings, watches or metal chains and such other articles which may be caught by moving parts of machineries or which may come in contact with electrical circuits.

Rule 261 — Covers of protective device of electrical circuits and machinery such as enclosed-type switches, circuit breakers and starters shall always be closed before switching "on". 1

G. WORKING ON ELECTRIC POSTS OR POLES

Rule 262 — All electrical posts shall be of good quality.

Rule 263 — Before starting to work on live circuits in electric posts, rubber blankets or shields shall be placed over adjacent ground wires for protection while working on defective wires.

Section 3. MECHANICAL SAFETY RULES

A. GENERAL SAFETY PRECAUTIONS

Rule 264 — Machines having grinding, shearing, punching, cutting, rolling, mixing or similar action shall be properly guarded to prevent persons from accidentally coming into contact with them.

Rule 265 — All machineries shall not be operated unless properly guarded and in good working condition.

Rule 266 — No person shall be permitted to operate machines or tools unless duly authorized and equipped with appropriate personal protective devices.

Rule 267 — Safety and indicating devices/s shall be properly maintained and checked periodically for damage and deterioration.

B. MECHANICAL EQUIPMENT

Rule 268 — On cutting machines:

- a. The table shall be moved with the work as far away from the cutter as possible while making adjustments/preparations;
- b. Heavy cut or feed shall be avoided when using a vertical cutting machine;
- c. The speed shall be checked and feeding shall be done against the direction in which the cutter is rotating;
- d. Hands shall be kept away from the cutter when cutting;
- e. The operator should never reach over a revolving cutter, especially at the side of the cutter which cuts into the work;
- f. Brush shall not be used in removing chip; and
- g. Use water during cutting operations.

Rule 269 — On pumps:

Exposed rotating couplings of pumps shall be adequately guarded and after repair/maintenance the guard shall be re-installed before putting into operation.

Rule 270 — On compressors:

- a. All gasoline or diesel engine driven compressors shall be provided with suitable length of exhaust pipe.
- b. Header valves shall be closed and all relief valves shall be opened when undertaking repairs or adjustments on compressor. Starting equipment shall be tagged and locked out.

Rule 271 — On other stationary equipment:

No repairs or adjustments shall be made on any machinery until the power has been cut off and the machinery securely blocked against all motion.

Rule 272 — On Internal Combustion Engine:

The American Society of Mechanical Engineers (ASME) and Philippine Mechanical Engineering Code shall govern the inspection and installation of internal combustion engines.

C . RAILINGS AND TOEBOARDS

Rule 273 — On construction:

1. Railing guards:
 - a. Railing guards of wood, pipe metal structure or other material of sufficient strength shall be constructed in a permanent and secure manner.
 - b. Sharp corners of railing guards shall be rounded and smoothed;
 - c. Standard railing guards shall be at least one (1) meter (3 ft. 3 in.) in height; and
 - d. Standard railing guards shall have posts not more than two (2) meters (6 ft. 6 in.) apart and an intermediate rail halfway between top rail and the floor.

2. Toeboards:

Toeboards shall be at least fifteen (15) centimeters (5.9 in.) in height, made of wood, steel or other suitable materials and securely fastened in place.

Rule 274 — On locations and equipment:

Standard railings and toeboards provided for in the preceding rules thereof shall be placed in proper locations or in such other locations as may be prescribed by the enforcing authorities.

1. Overhead walks, runways and platforms:

- a. Walkways; runways, working platforms and open side floor two (2) meters (6 ft. 6 in.) or more above floor or ground level, except small platform used for motors and similar equipment which do not afford standing space for persons, shall be guarded on all open sides by standard railings and toeboards; and
- b. Where railings may induce workers to take "shortcuts" from long detour, additional railing components shall be provided where stairway is not possible.

2. Agitators, Mixing Machines and Drum Mixers:

- a. When the top of an open agitator tank, heater tank or paddle tank is less than one (1) meter above the floor or working level, adequate standard railings shall be installed on all open sides.

- b. Service walkways for access drives or valves, or for taking samples shall be provided on both sides with standard railings and toeboards.

3. Crushers, Grinding Mills and Pulverizers:

All moving parts of crushers, grinding mills and pulverizers, which constitute a hazard, shall be surrounded by standard railing when enclosure is impractical.

4. Ball, Rod Tube and Compartment Mills

Both sides of the ball, rod, tube or compartment mills with bottoms less than two hundred forty (240) centimeters (7 ft. 10 in.) above the floor level shall be provided with guards or railings.

5. Vats and Tanks

Vats, pans and open tanks containing hot, corrosive or poisonous liquid with openings on top less than one (1) meter (3 ft. 3 in.) above the floor or working level shall be guarded on all sides by enclosure or standard railings.

6. Furnace, Kilns and Ovens

- a. Pits or floor openings in furnaces and kilns shall be protected either by covers or by railings and toeboards.
- b. Platforms, walkways and stairways on furnaces, kilns and ovens shall be provided with standard railings and toeboards on all sides.

7. Other machines not especially mentioned such as classifier, flotation cells, etc. shall be properly guarded to prevent workers and materials from accidentally falling into or getting in contact with the moving parts of the machine.

CHAPTER X TRAFFIC SAFETY RULES AND REGULATIONS

Rule 275 — Effective means of traffic control shall be provided whenever the unregulated movement of vehicular traffic constitute a hazard to employees and equipment.

Rule 276 — Traffic control procedures shall conform with the current regulations of the Land Transportation Office (LTO) with emphasis on the following but not limited to:

- a. All drivers must know, understand, obey and observe traffic rules and regulations. They shall heed all traffic and road signs.
- b. Driving under the influence of intoxicating liquor and/or prohibited drugs is strictly prohibited.
- c. Drivers shall observe road courtesy and speed limits at all times.
- d. No person shall park his motor vehicle that may obstruct or impede the passage of any vehicle, while loading and unloading.
- e. No vehicle shall cross nor run over unprotected electric lines, and fire hoses.
- f. No driver shall allow any person to hang on to, the outside or rear end of his moving vehicle or allow any person on a bicycle, roller

skates or other similar device to hold fast or hitch to his moving vehicle.

CHAPTER XI

Materials Storage and Handling

Section 1. Storage

Rule 277 — Highly combustible materials such as paints, lacquers, chemicals and the like shall be stored separately and properly.

Rule 278 — Good housekeeping shall always be observed.

Rule 279 — Fire protective equipment shall always be adequately provided.

Rule 280 — Smoking shall be absolutely prohibited in storage areas where flammable materials are stored and a sign to that effect shall be conspicuously displayed.

Rule 281 — In storing compress gas cylinder the following shall be observed:

- a. Cylinder shall be stored in a safe, dry, well-ventilated place prepared and reserved for the purpose. Flammable substances such as oil, volatile liquids, shall not be stored in the same area.
- b. Cylinders of oxygen shall not be stored in rooms closed to cylinders containing flammable gases. Unless these are stored apart, oxygen cylinders shall be separated by a fire resistant partition.
- c. Acetylene and liquified fuel gas cylinder shall be stored with the valve end up.
- d. Acetylene storage rooms and buildings shall be well ventilated and open flames shall be prohibited. Such rooms shall hold no other equipment, objects or paraphernalia.

- e. Cylinders are not designated for temperatures in excess of 54°C (130°F). Accordingly, these shall not be stored near sources of heat, such as radiators or furnaces or near highly flammable substances like gasoline.
- f. A direct flame or electric arc shall never be permitted to come in contact with any part of a compressed gas cylinder.

Rule 282 — Storage of flammable liquids in open container shall not be permitted. Approved containers for flammable liquid shall be closed after each use.

Rule 283 — Poisonous Substances, acids, alkalis:

- a. Toxic and other poisonous substances and chemicals used in processing shall not be stored near medicines and foods. Proper labelling shall be done and these shall be kept out of reach of children.
- b. Substances such as acids and alkalis shall always be considered dangerous and poisonous. Direct contact with the skin should be avoided and vapors/fumes should not be inhaled. Users and non-users shall be properly informed of harmful effects, symptoms and antidote of such substances.

SECTION 2. HANDLING

Rule 284 — In lifting heavy or awkward load the following procedures shall be followed:

Use the proper method of lifting and get help for heavy or awkward load.

- a. Be certain the load is within ones lifting capacity.

- b. Check the path of travel for hazards and adequate lighting.
- c. Obtain good footing.
- d. Bend at the knees to grasp the weight of the object.
- e. Keep ones back in an upright position.
- f. Get a firm hold.
- g. Lift gradually by straightening the legs.

Rule 285 — When two or more men are lifting objects together, one man shall give the signal to lift or lower in unison. They shall keep in step when carrying.

Rule 286 — Wheelbarrows shall be pushed, not pulled.

Rule 287 — Materials shall be inspected before handling.

Rule 288 — Specific safety precautions in accordance with safety standards shall apply when using and steering rope, rope slings, wire rope, chain and chain slings.

Rule 289 — Only trained workers shall load or unload tanks containing flammable liquids.

Rule 290 — Compressed Gas Cylinders:

- a. Numbers or marks stamped on cylinders shall not be removed.
- b. Cylinders shall be rolled on bottom edge but never dragged.
- c. Cylinders shall be protected from cuts or abrasions.
- d. Compressed gas cylinders shall not be lifted by any electromagnetic devices. Where cylinders must be handled by a crane or derrick, these shall be carried in a cradle or similar device.
- e. Cylinders shall be not be dropped nor be made to strike against each other.
- f. Cylinders shall not be used as rollers, supports, or for any purposes other than to contain gas.
- g. The safety device of cylinders shall not be tampered.

- h. Cylinders shall always be considered full and handled with care.
- i. Cylinders shall always be provided with cover when transporting.

Rule 291 — Objects with specific shapes:

- a. Boxes shall be handled by grasping the alternate top and bottom corners and draw a corner between the legs.
- b. Locked materials shall be grasped at opposite corners.
- c. Sheet metal shall be handled with leather gloves, hand leathers, or gloves with metal inserts. Bundles of sheet metal shall be handled with power equipment.
- d. Window glass or other sheet glass shall be handled with gloves or hand leathers while the wrists and forearms shall be covered with long leathered sleeves.
- e. Long objects, like pipe, bar stock, or lumber shall be carried over padded shoulder, with the fronthand held as high as possible except when passing under low power lines.
- e. Rule 292 — One shall keep hands free of oil and grease when handling materials.

CHAPTER XII MISCELLANEOUS SAFETY RULES

Section 1. USE AND CARE OF HAND TOOLS

Rule 293 — Defective tools shall not be used. These shall be reconditioned or replaced.

Rule 294 — Only appropriate tools for a certain job shall be used.

Rule 295 — One shall carry tools properly.

SECTION 2. CONSTRUCTION AND INSTALLATION OF PORTABLE LADDERS

Rule 296 — Portable ladder shall:

- a. Be placed on secured footing, steadied by a man or secured with a rope.
- b. Be placed on a position such that the footing is approximately one-fourth ($\frac{1}{4}$) the length of the ladder from the vertical plane of the support.
- c. Not be used as walkway or as scaffold.
- d. Never be installed in front of doors that open towards the ladder unless the door is locked, blocked, or guarded.
- e. Not be placed near live electric wiring installation or against any operational piping where damage might be incurred.
- f. Not be used when defective. It shall be tagged, or marked so that it shall be repaired, replaced or discarded.
- g. Be kept clean and free of dust and grease.

Section 3. PIPING INSTALLATIONS

Rule 297 — Before work is done on a pipeline, the line shall be shut off, valves locked or tagged and the section of the line relieved of pressure and drained.

Section 4. Working on Top of Platform and Scaffolds

Rule 298 — When men are working overhead:

- a. No person shall be permitted to pass or stay underneath.
- b. Materials and tools shall never be thrown or freely dropped, but shall be lowered with a rope.

Rule 299 — It shall be prohibited to leave loose materials such as bottles, cans, metals and wood scraps along passage ways, platforms or scaffolds.

Rule 300 — Before working on a scaffold or platform of any description, one shall personally see to it that the supports are properly erected and secured.

Rule 301 — Platforms and scaffolds shall be provided with adequate rail guards.

Rule 302 — Openings along passageways where platforms and scaffolds are erected shall be adequately guarded.

Section 5. Road Works

Rule 303 — The following shall govern road works:

- a. Adequate warning signs shall be provided at approaches of at least ten (10) meters (32 ft 9 in.) from the working areas.
- b. Adequate detour signs shall be provided when road is under repair or is not passable.

SECTION 6. Welding and Cutting Operations

Rule 304 — Only authorized and experienced persons shall operate and use welding and cutting equipment.

- Rule 305 — Welding or cutting operation on container filled with flammable substance is strictly prohibited.
- Rule 306 — Workers directly engaged or assisting in welding or cutting operation shall be provided with proper and adequate personal protective equipment.
- Rule 307 — Welding and cutting operations that are carried out in places where persons other than the welders are working shall be isolated by a suitable, wall/screen of non-combustible material.
- Rule 308 — When welding or cutting operation is performed in a confined area where there is danger of inhalation of any toxic fumes, gases, or dusts, adequate ventilation shall be provided.
- Rule 309 — Torch shall not be lighted nor be struck when gases or vapors are present.
- Rule 310 — Welders shall always be equipped with appropriate portable fire extinguishers when assigned to perform welding or cutting jobs.
- Rule 311 — Welding machines shall be located at a safe distance of at least ten (10) meters (32 ft. 9 in.) from any tank or wash tank containing oil.
- Rule 312 — Defective welding machine shall be reported immediately to supervisor.
- Rule 313 — Torch lighter shall be used for lighting.
- Rule 314 — Every motor generator set or transformer used for are welding and cutting operations shall be provided with an electrical safety disconnecting switch of adequate ampere rating which is readily accessible in case of emergency. Portable welding machine shall have quick detaching plug.
- Rule 315 — The conditions surrounding the work performed by are welding and cutting process shall be properly checked to prevent the hazard of electric shock by:

- a. Keeping the floor or ground surface dry. If conditions under the foot are wet, a dry electrical non-conducting platform shall be used.
- b. Instructing the operator to keep exposed parts of his body from getting into contact with the work, the electrode and holder or any part of structure that is electrically grounded.
- c. Requiring the operators to keep their clothing, gloves and feet as dry as possible.

Rule 316 — In case of emergency where it is necessary to do are welding or cutting under wet conditions, rubber boots and rubber gloves shall be worn.

Rule 317 — Electrode holder shall be insulated. When electrode holder is not in use, the electrode shall be removed from the holder and the electrode holder hung or laid on a dry, non-conducting surface where it will not come in contact with workers or electrically-conducting materials.

CHAPTER XIII **Penal Provision**

Rule 318 — Any contractor/permittee/operator/worker who violates any of the provisions of this Order or commits any unsafe act that will endanger himself, other persons and/or property shall be penalized by a fine of not less than P1,000.00 nor more than P10,000.00 or suspension/cancellation of the permit/contract or both upon the discretion of the Board or its equivalent.

Rule 319 — Any person who willfully obstructs, harasses and/or threatens the Board or its equivalent in the performance of their duties shall be fined or imprisoned upon conviction or both at the discretion of the court.

CHAPTER XIV
Additional Provisions

The rules stated herein shall be applied and enforced without prejudice to other existing laws, rules and regulations on occupational safety and health.

CHAPTER XV
Final Provisions

If any rule of this Order is held or declared unconstitutional or invalid by a competent court, the other rules thereof shall continue to be in force as if the rules so annulled or voided had never been incorporated in this Order.

All rules and regulations or parts thereof in conflict or inconsistent with any of the rules of this Order are hereby repealed or modified accordingly. This Order shall take effect fifteen (15) days after publication in a newspaper of general circulation.

(SGD.) VICTOR O. RAMOS
Secretary

Recommended by:

HORACIO C. RAMOS
Director
Mines and Geosciences Bureau

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**Memorandum Circular
No. 97-05
March 18, 1997**

**SUBJECT : Procedural Guidelines in the Creation
of Provincial/City Mining Regulatory
Boards**

For a more effective operations of Provincial/City Mining Regulatory Boards pursuant to Republic Act No. 7942, the "*Philippine Mining Act of 1995*" and Republic Act No. 7076, the "*People's Small Scale Mining Act of 1991*" and their implementing rules and regulations, DENR Administrative Order No. 96-40, Series of 1996 amending DENR Administrative Order No. 95-23, Series of 1995 and DENR Administrative Order No. 32, Series of 1992, respectively, the following procedural guidelines are hereby issued for the guidance of all concerned:

I. Composition of the Provincial/City Mining Regulatory Board

The composition of the Provincial/City Mining Regulatory Board (hereinafter referred to as "Board") shall be in full accord with Section 70 of DENR Administrative Order No. 96-40, Series of 1996, that is:

- | | | |
|----|-------------------------------------------------------------------------------|---------------|
| 1. | MGB Regional Director concerned or his/her representative | Chairman |
| 2. | Governor/City mayor or his/her representative | Vice-Chairman |
| 3. | Small Scale Mining representative | Member |
| 4. | Large Scale Mining representative | Member |
| 5. | DENR-duly accredited environmental Non-Government Organization representative | Member |

The concerned MGB Regional Office shall provide the technical secretariat to the Board.

Any party/ies included or added to the aforementioned composition shall be determined thru consensus by the Board and shall act only as observer/s during official meetings and functions of the Board. Provided, that if the composition of the Board prior to the effectivity of this Circular does not conform with that prescribed herein, such composition may be sustained until such time that the pertinent DENR Special Order creating that Board is amended.

II. Membership Qualification Criteria

Except for the Chairman and the Governor/City Mayor or his/her duly authorized representative, the member of the Board must have met the following qualification criteria:

1. He/She must be an active and bonafide member of and nominated by the organization he/she represents;
2. He/She must be residing or have established work relating to his/her organization in the province/city covered by the Board;
3. In the absence of nominees from the subject province/city, the Chamber of Mines of the Philippines in the case of large-scale mining, and any other duly organized small-scale mining associations preferably based in neighboring province/s or city/ies in the case of small-scale mining, shall nominate their respective representatives to the Board; and
4. In the absence of a DENR-accredited non-government organization in the subject province/city, the Board may consider

nominations by DENR-accredited environmental non-government organization/s based in neighboring province/s or city/ies.

III. **Procedure**

The following procedure shall be followed in the creation of a Board:

1. The Regional Director shall notify all the sectors and/or organizations concerned of the creation of the Board and solicit nominations for membership from them.

Acceptance of nominations shall be based on submitted official nomination documents as determined by the Board.

If the nominee comes from an environmental non-government organization, an official accreditation document by the DENR shall be required by the Regional Director.

No nomination shall be accepted if the abovementioned documents are not submitted.

2. The Regional Director shall evaluate the nominations and forward to the MGB Director the draft DENR Special Order creating the Board, which shall contain, among others, the proposed composition of the Board. The draft DENR Special order shall be accompanied by all the pertinent accreditation/nomination documents and copies of letters-notice of nominee solicitation.

A proforma DENR Special Order for the creation of the Board as shown in Annex A hereof shall be adopted in preparing the required draft DENR Special Order.

3. The Director shall review the draft Special Order and accompanying documents. If found proper and in order, the Director shall indorse the draft Special Order and accompanying documents to the Secretary, thru the Undersecretary for Field

Operations, for approval. Otherwise, the Director shall return all pertinent documents to the Regional Director for rectification and resubmission of the rectified documents.

4. The Undersecretary for Field Operations shall review the same documents and forward appropriate recommendation to the Secretary.
5. The Secretary shall act accordingly on the MGB Director's/Undersecretary's recommendation.
6. The approved DENR Special Order creating the Board shall be disseminated to all sectors/parties concerned.

IV. Reporting Requirement

The Chairman shall submit a quarterly report to the MGB Director copy furnished the concerned MGB Regional Director and, DENR Regional Executive Director, the Undersecretary for Field Operations and the Secretary, containing the accomplishments, issues encountered and resolutions made and other relevant information.

V. Amendments

Any amendments to the DENR Special Order creating the Board shall be done in accordance with the provisions of this Circular, as may be applicable.

This Circular takes effect immediately and supersedes, amends or modifies accordingly all other circulars inconsistent herewith.

(Sgd.) VICTOR O. RAMOS
Secretary

Memorandum Circular
No.97-06

April 15, 1997

**TO : The Regional Executive Director - Region II
and All Bureau Directors**

**SUBJECT : Issuances of Free Patents, Mining
Concessions, Leases and Certificates of
Stewardship in Areas Covered by the
Cagayan Economic Zone Authority
(CEZA)**

In line with the formulation and development of a Master Development Plan for the Cagayan Economic Zone, the processing and approval of applications before the Department of free patents, mining concessions, leases and certificates of stewardship in areas within in Zone should be rationalized.

In this regard, you are hereby required to obtain prior endorsement of the Cagayan Economic Zone Authority through its Administrator and Chief Executive Officer before issuing the same.

This Order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

Memorandum Order
No. 97-03
June 24, 1997

SUBJECT : Policy in Rationalizing the Diwalwal Gold-Rush Mining Operations

WHEREAS, tens of thousands of miners, local entrepreneurs, and service providers are earning their livelihood from the mining operations in the Diwalwal Gold Rush Area in Mt. Diwata, Monkayo, Davao del Norte;

WHEREAS, the advent of gold mining in the area contributed substantially in arresting the insurgency problem in the province, and in improving the local and regional economy;

WHEREAS, the adverse environmental, safety, health, and sanitation conditions in the area resulting from the mining operations are major concerns that need to be addressed immediately;

WHEREAS, tenurial and mining rights in the area have been characterized by conflicting claims which have to be addressed in an atmosphere of peaceful co-existence among the various stockholders, and within the framework of the law, so that a comprehensive development of the area can be carried out;

WHEREAS, a rationalized gold-mining operation in the area offers the opportunity of putting in place viable measures that would ensure the sustained livelihood of the stakeholders therein, and would optimize the benefits which may be derived from the irreplaceable mineral resources, in accordance with the sustainable development strategy of the government;

WHEREAS, appropriate measures have to be set in place so that the necessary sanctions and penalties can be imposed, and the appropriate compensation schemes may be applied in cases involving environmental degradation, and also for the purpose of preventing its further occurrence;

WHEREAS, the government must take adequate measures within the framework of the law to protect the livelihood of the people; minimize, if not eliminate, the adverse effects of mining in the community; enhance safety in mining operations, and ensure that revenues due the government from the development of mineral resources are properly paid and collected;

WHEREAS, the government still has to study prudently and exhaustively the various options available to it in rationalizing the Diwalwal Gold Rush Area situation, as well as seek better options, if any, in coming out with a rationalization plan that would be just and fair to all concerned parties in the Diwalwal Gold Rush Area;

WHEREAS, pursuant to Sections 4, 6 and 8 of Republic Act No. 7942, mineral resources are owned by the State, and the exploration, development, utilization, and processing thereof shall be under its full control and supervision, and that the State may directly undertake such activities;

WHEREAS, the Department of Environment and Natural Resources (DENR) is the primary government agency responsible for the conservation, management, development, and proper use of the State's mineral resources, including those in reservations, and that mining operations in reserved lands other than mineral reservations may be undertaken by the State through the Department of Environment of Natural Resources; and,

WHEREAS, it is the declared policy in DENR Administrative Order No. 96-40, that all mineral resources in public and private lands

within the territory and exclusive economic zone of the Republic of the Philippines are owned by the State;

NOW, THEREFORE, pursuant to the premises laid down above, the following Order is hereby issued for guidance and compliance:

1. The DENR shall study thoroughly and exhaustively the option of direct state utilization of the mineral resources in the Diwalwal Gold-Rush Area. Such study shall include, but shall not be limited to, studying and weighing the feasibility of entering into management agreements or operating agreements, or both, with the appropriate government instrumentalities or private entities, or both, in carrying out the declared policy of rationalizing the mining operations in the Diwalwal Gold Rush Area; such agreements shall include provisions for profit-sharing between the state and the said parties, including profit-sharing arrangements with small-scale miners, as well as the payment of royalties to indigenous cultural communities, among others. The Undersecretary for Field Operations, as well as the Undersecretary for Legal & Legislative Affairs and Attached Agencies, and the Director of the Mines and Geo-sciences Bureau are hereby ordered to undertake such studies.

2. Pursuant to the above-mentioned studies, and in coordination with the other departments of the government, including the Department of Interior and Local Governments (DILG), the Bureau of Internal Revenue (BIR), the Department of Agriculture (DA), among others, the DENR shall promulgate the necessary rules, orders, and regulations that would carry out the following objectives:

- a) prohibit the use of Mercury, and other chemicals or substances prohibited under R.A. 6969 or those that may be prohibited in the future by law;
- b) strictly regulate the use of cyanide in the processing operation of the miners and;
- c) strictly enforce the ore transport permit provision of RA 7942;
- d) institute strict controls on the importation, disposition and use of such materials, as provided under RA 6969, otherwise known as the "Toxic Substance and Hazardous and Nuclear Wastes Control Act of 1990";
- e) Regulate and control the issuance of licenses and permits for the importation, disposition and use of explosives, provided that licenses and permits to purchase and possess explosives for mining operations may be issued only to entities duly endorsed by the MGB, and approved by the PNP, and only for the purpose and use of legitimate mining operations.
- f) Provide the necessary technical assistance in the conduct of geodetic and geological surveys for the delineation of mining area boundaries.
- g) Facilitate the determination of the legitimacy and processing of Certificate of Ancestral Domain Claim (CADC) applications of the indigenous people in the area.
- h) Ensure the collection of taxes, fees, and charges due from any and all mining operations, promulgating measures to address any attempts to smuggle gold outside the country.

- i) Give guidance and technical support to all local government units concerned in the formulation of a Master Plan, which shall include the determination of feasible sites or relocation of mineral processing plants, or both. Such Master Plan shall harmonize small-scale mining operations and mineral-processing activities, enhance environmental protection, and ensure adequate human health and safety.
- j) Conduct health monitoring and assessment activities, as well as the management or treatment of health cases; launch health education campaigns and environmental sanitation activities for the residents in the area.
- k) Formulate necessary policies, and occupational safety standards and education of workers in the said mining operations.
- l) In coordination with the local government units of the affected area, undertake the necessary activities in monitoring the mining operations, and provide other government agencies cooperation and support to ensure strict compliance with existing mining and environmental laws, rules, and regulations.
- m) Provide adequate security in the area and maintain an adequate peace and order situation. L
- n) Formulate and recommend to Congress the necessary amendments to current small-scale mining laws for the protection of small-scale miners, particularly the traditional ones.
- o) Facilitate the legalization and the strengthening of laws on security of tenure, and at the same time, increase the levels of environmental responsibility.

- p) Provide mechanisms for the adoption of environment-friendly technology in consultation and in coordination with the Department of Science and Technology.
- q) Coordinate with the various government agencies involved in this undertaking to insure the availability of personnel and resources that would undertake the activities needed in the implementation of this memorandum order.
- r) Create a Committee that shall review past mining activities, which shall recommend appropriate measures, including the review and revision of the Implementing Rules and Regulations of RA 7076 or the People's Small-scale Mining Act.

THIS ORDER SHALL TAKE EFFECT IMMEDIATELY.

(Sgd.) VICTOR O. RAMOS
Secretary

Memorandum Order
No. 97-07
August 27, 1997

SUBJECT : Guidelines in the Implementation of the Mandatory September 15, 1997 Deadline for the Filing of Mineral Agreement Applications by Holders of Valid and Existing Mining Claims and Lease/Quarry Applications and for Other Purposes

Pursuant to Section 8 of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995 (the "Act") and Section 6 of Department Administrative Order ("DAO") No. 96-40 known as the Revised Implementing Rules and Regulations of the Act (the "IRR"), the following guidelines in the implementation of the mandatory September 15, 1997 deadline for the filing of Mineral Agreement applications by holders of valid and existing mining claims and/or lease/quarry applications consistent with Section 113 of the Act and Section 273 of the IRR, the divestment or relinquishment requirement under Section 272 of the IRR and for other pertinent purposes, are hereby promulgated.

Section 1. Objectives

This Order is issued to attain the following objectives:

- a. To provide specific policies, procedures and mechanisms in the determination of which mining claims, lease or quarry applications are valid and existing in order to facilitate the acceptance and expeditious processing of Mining Agreement and other Mining Applications filed in connection with the deadline prescribed in Section 273 of the IRR.

- b. To provide guidelines and procedures for the implementation of the deadline prescribed under Section 272 of the IRR.

Sec. 2. Scope

This Order covers:

- a. policies on the status of mining claims and lease/quarry applications filed before the effectivity of the Act;
- b. the acceptance of Mineral Agreement applications that may be filed on or before September 15, 1997 by holders of valid and existing mining claims and lease/quarry applications pursuant to Section 113 of the Act and Section 273 of the IRR;
- c. the acceptance of Mining Applications, as hereafter defined, filed after September 15, 1997 over areas previously covered by mining claims and lease/quarry applications considered abandoned by the concerned claimants/applicants who failed to file the necessary Mineral Agreement applications in accordance with the immediately preceding subsection; and
- d. guidelines on the requirement under Section 272 of the IRR for divestment or relinquishment of areas by September 15, 1997 covered by FTAA applications filed under DAO No. 63, Series of 1990, that exceed the maximum Contract Area permitted under Section 34 of the Act and Section 51 of the IRR.

Sec. 3. Definitions and Interpretation

Consistent with Section 5 (bj) of the IRR, the term Mining Applications means any application for: (1) Exploration Permits; (2) Mineral Agreements, which refer specifically to Mineral Production Sharing Agreements, Joint Venture Agreements and Co-Production Agreements; (3) Financial or Technical Assistance Agreements (FTAA); and (4) Quarry, Sand and Gravel, and other permits under Section 5 (bh) of the IRR.

Other terms used in this Order shall have their meaning as defined in the Act, the IRR, Presidential Decree No. 463 as Amended and the Consolidated Mines Administrative Order (CMAO) as Amended.

Nothing in this order shall be construed as denying any right, preference or priority with respect to mining rights granted by applicable law or regulation or as validating any mining right that is invalid under applicable law or regulation.

Sec. 4. Date of Deadline Under Sections 272 and 273 of the IRR

Consistent with pertinent national policy, the September 13, 1997 deadline under Section 272 of the IRR and the September 14, 1997 deadline under Section 273 of the IRR, which fall on a Saturday and Sunday, respectively, shall be imposed on September 15, 1997.

All requirements related to such provisions must be complied with not later than 5:00 p.m. on such date; Provided, That all persons desiring to file proof of compliance who are present at the MGB Central/Regional Office at 5:00 p.m. on such dates shall have their proof of compliance accepted and processed effective as of such dates.

Sec. 5. Valid and Existing Mining Claims and Lease/Quarry Applications

For purposes of this Order, a mining claim shall be considered valid and existing if it has complied with the following requirements.

- a. For a mining claim which Declaration of Location (DOL) was filed within the period from July 19, 1987 to July 18, 1988, it must be covered by a timely and duly filed Application for Survey and Survey Returns (if a Survey Order was issued);

- b. For a mining claim which DOL was filed under the provisions of Presidential Decree No. 463 as amended, Presidential Decree No. 1214 and the CMAO as Amended but not later than July 18, 1987, it must be covered by a timely and duly filed Application for Mining Lease, Application for Survey and Survey Returns (if a Survey Order was issued);

- c. For a mining claim located/filed under the provisions of Commonwealth Act No. 137 and/or earlier laws, it must be covered by a timely and duly filed Application for Availment under Presidential Decree No. 463 as Amended, Application for Mining Lease, Application for Survey and Survey Returns (if a Survey Order was issued).

Provided, That the holder of a mining claim which DOL was filed between July 19, 1988 and January 4, 1991 with or without a Letter of Intent to file for a Mineral Agreement application, shall be given up to September 15, 1997 to file the necessary Mineral Agreement application.

For purposes of this Order, a mining lease application shall be considered valid and existing only if all mining claims contained in such lease application are valid and existing as defined in this section, while applications for Quarry Licenses and Quarry Permits filed prior to April 9, 1995 shall be considered valid and existing if the concerned applicant had timely and duly filed the Application for Survey and duly submitted the Survey Returns (if the Survey Order was issued).

Notwithstanding the preceding provisions of this section, a mining claim or lease/quarry application over which an order of rejection or cancellation has been issued shall not be considered valid and existing as of the date of issuance of such order.

Sec. 6. Notice of Abandonment of Mining Claims

The MGB Central/Regional Office shall cause the posting for two (2) consecutive weeks of a Notice identifying mining claims and lease/quarry applications that are determined not to be valid and existing pursuant to Section 5 hereof, on the Bulletin Board of the MGB Central Office and the concerned Regional Office. Any failure to post such Notice shall not render valid and existing any mining claim or lease/quarry application that would not otherwise be valid and existing under applicable laws and regulations.

The Notice must contain, among others, the complete name and address of the applicant, area location, date of filing of location, denomination of mining claims or lease/quarry applications and reason/cause and effectivity of abandonment.

Sec. 7. Status of Abandoned Mining Claims and Lease/Quarry Applications Covered by Other Mining Applications

Where a mining claim or lease/quarry application is not considered to be valid and existing as defined in Section 5 hereof and consequently abandoned, it shall be deemed to have become open to Mining Applications upon the effectivity of its abandonment as determined by the Bureau or concerned Regional Office; Provided, That where a Mining Application was filed over all or part of the area covered by an abandoned claim/application on or after the date of effectivity of its abandonment, such area shall automatically be considered as part of such Mining Application, subject however to pertinent requirements under the IRR if such have not been complied with including, *inter alia*, the necessity of obtaining the appropriate area clearance and undergoing the posting, publication and radio announcement process.

In the event that more than one Mining Application had been filed over such area, the rights of the respective applicants to such area shall be determined under applicable laws and regulations. Under any of the foregoing circumstances, an applicant may elect by filing a notice with the Regional Office not to have the area covered by the abandoned mining claim or lease/quarry application automatically included in its Mining Application.

Sec. 8. Claimants/Applicants Required to File Mineral Agreement Applications

Only holders of mining claims and lease/quarry applications filed prior to the effectivity of the Act which are valid and existing as defined in Section 5 hereof who have not filed any Mineral Agreement applications over areas covered by such mining claims and lease/quarry applications are required to file Mineral Agreement applications pursuant to Section 273 of the IRR on or before September 15, 1997; *Provided*, that the holder of such a mining claim or lease/quarry application involved in a mining dispute/case shall instead file on or before said deadline a Letter of Intent to file the necessary Mineral Agreement application; **Provided, further**, That if the mining claim or lease/quarry application is not determined to be invalid in the dispute/case, the claimant or applicant shall have thirty (30) days from the final resolution of the dispute/case to file the necessary Mineral Agreement application; *Provided, finally*, that failure by the claimant or applicant to file the necessary Mineral Agreement application within said thirty (30)-day period shall result in the abandonment of such claim or application, after which, any area covered by the same shall be opened for Mining Applications.

Holders of such valid and existing mining claims and lease/quarry applications who had filed or been granted applications other than those for Mineral Agreements prior to September 15, 1997 shall have until such date to file/convert to Mineral Agreement applications, otherwise, such previously filed or granted applications shall be cancelled.

Sec. 9. Occupation Fees and Work Obligations

In case of any deficiency in the payment of occupation fees and/or the minimum work obligations required, no Mineral Agreement applications by holders of valid and existing mining claims and lease/quarry applications shall be accepted without proof of full payment of such deficiency or a Letter-Commitment to pay such amount within thirty days from the date of filing of the Mineral Agreement Application. Failure to present proof of full payment upon the filing of the Mineral Agreement application or within thirty days from filing of said Letter-Commitment shall result in the denial of the application, after which the area covered thereby shall be open for Mining Applications.

Sec. 10. Status of Valid and Existing Mining Claims and Lease/Quarry Applications Where Holders Fail to File Mineral Agreement Applications by September 15, 1997

Any valid and existing mining claim or lease/quarry application for which the concerned holder failed to file a Mineral Agreement application by September 15, 1997, shall be considered automatically abandoned and the area covered thereby rendered open to Mining Applications effective September 16, 1997; Provided that where such area is within the area subject of a valid and existing Mining Application, the concerned applicant may file a Letter of Inclusion (LOI) in lieu of the mandatory requirements for a Mining Application, which LOI shall contain the technical description of the mining claims/applications sought to be included with an attached amended sketch plan of the application.

Sec. 11. Acceptance of Mining Applications Over Areas Subject of Mining Claims and Lease/Quarry Applications Abandoned After September 15, 1997

Mining Applications filed after September 15, 1997 over areas opened pursuant to Section 10 hereof shall be accepted and considered in accordance with the pertinent provisions of the Act and the IRR. When there are two (2) or more applicants for the same area present at the MGB Central/Regional Office at the start of the office hours, which shall not be earlier than 8:00 A.M., their applications shall be received and the date/time stamped with the same time, which shall be the actual time that the office opened for business. All other applications shall be date/time stamped with the actual time that the application was filed. If simultaneous applications are filed over the same area, the MGB Central/Regional Office shall determine whether and by whom such area has been validly applied for on the basis of their compliance with the applicable mandatory requirements. If such simultaneously filed applications have equally complied with said mandatory requirements, these shall be further evaluated on the basis of the propriety of work program/s, financial and technical competence and track record in order to determine whether and by whom such area has been validly applied for.

The holder of a valid and existing mining claim or lease/quarry application who failed to file the necessary Mineral Agreement Application on or before September 15, 1997 shall be disqualified from thereafter filing a Mining Application over the same area covered by such abandoned claim or application.

Sec. 12. Divestment/Relinquishment of Areas in Excess of Maximum FTAA Contract Area

All FTAA applications filed prior to the effectivity of the Act which exceed the maximum contract area as set forth in Section 34 of the Act and Section 51 of the IRR must conform to said maximum on or before September 15, 1997. For this purpose, all applicants who have not otherwise relinquished or divested any areas held in excess of the allowable maximum by September 15, 1997 must relinquish/divest said areas on such date in favor of the Government by filing a Declaration of Areas Relinquished/Divested, containing the technical description of such area/s, with the Bureau/concerned Regional Office. The concerned applications shall be accordingly amended and areas relinquished/divested shall be open for Mining Applications.

Where an FTAA application covering an area in excess of the maximum contract area allowed therefor is involved in a mining dispute/case, the concerned applicant shall instead file on or before September 15, 1997 a Letter of Intent undertaking to relinquish/divest such excess within thirty (30) days from the final resolution of the dispute/case in the event that such application is determined thereby not to be invalid.

Failure to relinquish/divest areas in excess of the maximum contract area as provided for in this section will result in the denial or cancellation of the FTAA application after which, the areas covered thereby shall be open for Mining Applications.

Sec. 13. Status of Pending MPSA and FTAA Applications Filed Under DAO No. 57 and No. 63 with Insufficient Compliance with Mandatory Requirements Pursuant to the IRR

All holders of pending MPSA and FTAA applications filed under DAO No. 57 and No. 63 with insufficient compliance with the mandatory

requirements pursuant to the IRR shall submit on or before September 15, 1997, a Status Report on all such requirements specifically indicating those yet to be complied with and a Letter of Intent undertaking to complete compliance with all mandatory requirements within forty-five (45) calendar days, or until October 30, 1997; Provided, that failure of the concerned applicant to file said Status Report and Letter of Intent by September 15, 1997 or to submit all such mandatory requirements by October 30, 1997 shall cause the denial of the pertinent MPSA/FTAA applications; Provided, further, that in the case of the mandatory Certificate of Satisfactory Environmental Management and Community Relations Record, the submission of the pertinent and duly accomplished application forms may be accepted in lieu thereof.

Sec. 14. No Extension of Periods

The deadline set at September 15, 1997 pursuant to Section 4 hereof and all other periods prescribed herein shall not be subject to extension.

Sec. 15. Separability Clause

Should any provision of this Order or any part thereof be held or declared invalid by a competent court, the other provisions shall remain in full force and effect.

Sec. 16. Repealing Clause

All memorandum orders and circulars or parts thereof inconsistent with or contrary to the provisions of these guidelines are hereby repealed, amended or modified accordingly.

Sec. 17. Effectivity

This Order shall take effect immediately upon its publication in a newspaper of general circulation.

Quezon City, Philippines, 27 August 1997.

(Sgd.) VICTOR O. RAMOS
Secretary

Published at:

Manila Times, August 28, 1997, page 22

ENVIRONMENT SECTOR

DENR Administrative Order
No. 97-05
March 6, 1997

SUBJECT : Procedures in the Retention of Areas Within Certain Distances Along the Banks of Rivers, Streams, and Shores of Seas, Lakes and Oceans for Environmental Protection

In the interest of the service and in order to promote ecological balance and protection of the environment, the provisions of R.A. No. 1273, P.D. No. 705 (as amended) and P.D. No. 1067 shall be strictly implemented.

Section 1. **RATIONALE.** — It has been observed that in the processing and subsequent approval of isolated and cadastral surveys and patents, the provisions of R.A. No. 1273, P.D. No. 705 (as amended) and P.D. No. 1067 as regards to the retention of areas within certain distances along the banks of rivers, streams, and shores of seas, lakes and oceans, have not been followed. These areas are crucial to ensure environmental protection, hence, the following sections of the aforementioned laws are hereby quoted for strict observance of all concerned:

1.1 Section 1 of R.A. No. 1273 otherwise known as An Act to Amend Section Ninety of Commonwealth Act Numbered One Hundred and Forty-One, known as the "Public Land Act", mandates:

"Section 1. (1) That the applicant agrees that a strip of forty meters wide starting from the bank on each side of any river or

stream that may be found on the land applied for shall be demarcated and preserved as permanent timberland to be planted exclusively to trees of known economic value, and that he shall not make any clearing thereon or utilize the same for ordinary farming purposes even after patent shall have been issued to him or a contract lease shall have been executed in his favor."

- 1.2 Section 16, paragraphs 7 and 8, of P.D. No. 705 otherwise known as "Forestry Code", provides:

"Section 16. Areas needed for forest purposes . . .

- (7) Twenty-meter strips of land along the edge of the normal high waterline of rivers and streams with channels of at least five (5) meters wide;*
- (8) Strips of mangrove or swamplands at least twenty (20) meters wide, along shorelines facing oceans, lakes and other bodies of water and strips of land at least twenty (20) meters facing lakes; . . ."*

- 1.3 Article 51 of P.D. No. 1067 otherwise known as "Water Code of the Philippines" also provides:

"Article 51. The banks of rivers and streams and the shores of the seas, and throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage . . ."

- Section 2. **IMPLEMENTATION.** — To strictly observe the pertinent provisions of the laws herein stated, the following procedures are hereby promulgated:

2.1 In the case of previously surveyed and titled properties bordering rivers, streams, creeks, arroyos and esteros, or fronting the seas, oceans or other bodies of water.

2.1.1 When these lands are subdivided, certain areas as described in Sections 1.2 and 1.3 of this Order, shall be demarcated as separate lot and preserved for forest purposes. When these areas are bereft of trees, these shall be planted with trees. No permanent infrastructure shall be allowed on these areas, unless intended for erosion control or to enhance the aesthetic qualities of the area.

2.1.2 When these lands are consolidated and subdivided into residential/commercial/industrial subdivisions, certain areas as described in Sections 1.2 and 1.3 of this Order, shall also be demarcated as separate lot and to be retained as permanent forest. This may form part of the open space for parks and recreational areas which shall likewise be planted with trees.

2.1.3 When the surveys have been approved and subject of Public Land Applications which are being processed or covered by request for data for judicial titling, the survey plan shall be amended pursuant to R.A. No. 1273 so as to demarcate the three (3) meters, twenty (20) meters or forty (40) meters strips of land, as the case may be. This strip of land shall be indicated as separate lots clearly marked as permanent forest for stream or river bank protection.

The lot marked as permanent forest for stream or river bank protection shall be excluded from the patent to be issued under the public land application; provided however, that the name of the applicant shall be indicated on the plan. The plan and lot data to be issued for judicial titling shall state that this strip is for permanent forest for stream or river bank protection; provided however, that when the petition for judicial registration is being heard in court and publication has been made, the court shall be informed about the exclusion of this strip of land in accordance with the law.

2.2 In the case of private properties bordering rivers, streams, creeks, arroyos, esteros, and when the strips of land described in Sections 1.2 and 1.3 of this Order are included in the title.

2.2.1 When these properties are consolidated and subdivided into residential/commercial/industrial subdivisions, the same procedure as stated in Section 2.1.2 shall be observed; *provided further*, that these strips of land shall be treated as open spaces as required in P.D. No. 1216 and P.D. No. 957, and shall be planted with trees to form greenbelts in accordance with P.D. No. 953.

2.2.2 When these properties in urban and urbanizing areas are sold, certain areas as described in Sections 1.2 and 1.3 of this Order, shall not be included as these are non-alienable and non-buildable.

2.3 In lands to be surveyed, being surveyed, or surveyed but not yet approved, the provision of R.A. No. 1273 and P.D. No. 705 (as amended) shall be strictly observed.

2.3.1 The boundary lines of surveys shall be the line forty (40) meters in forest areas, twenty (20) meters in agricultural areas, and three (3) meters in urban areas measured landward from each side of the bank of river, stream, creek or arroyo, or shore of the sea. These boundary lines shall be clearly marked or blazed on the ground with permanent concrete monuments or any practicable sign to ensure protection and maintenance of the area. The strips of land shall be excluded from the survey claim. This shall be kept with vegetative cover and planted with trees.

2.3.2 The edge of the high waterline or banks of the rivers, streams, creeks, arroyos or esteros shall be located by direct measurements from a traverse station and the side shots must be clearly recorded in the field notes and shown on the plan in red-ink dotted lines.

2.3.3 Before a public land application is accepted or technical description is issued for judicial titling, an ocular inspection of the lot should be conducted to ensure that the three (3) meters, twenty (20) meters and the forty (40) meters strips of land for permanent forest for stream and river bank protection, are excluded.

2.3.4 The strip of land for stream or bank protection shall be kept with vegetative cover and planted with trees. Sufficient measures shall be undertaken to prevent soil erosion.

Section 3. **ADMINISTRATION.** — All practicing geodetic engineers (DENR and private practice) shall strictly observe these procedures.

To properly implement the provisions of this order:

- 3.1 All Regional Executive Directors shall implement these guidelines; deny the acceptance of surveys and/or subdivision surveys which are not in conformity with laws and these guidelines.
- 3.2 All Regional Executive Directors shall submit compliance reports to this Order on a quarterly basis to the Undersecretary for Field Operations for review and evaluation thereof. The USEC for Field Operation may initiate penal sanction against erring personnel as the review and evaluation may warrant.

Section 4. **PENAL SANCTIONS.** — Employees, officials, and other parties involved in the processing and subsequent approval of the surveys and issuance of patents that failed to observe provisions of this Order and pertinent laws or found conniving with the applicants or surveyors or committing fraud shall be dealt with administratively and criminally in accordance with the existing and applicable laws on the matter.

Section 5. **REPEALING CLAUSE.** — All orders, circulars, official instruction or parts thereof inconsistent herewith are hereby repealed or amended accordingly.

Section 6. **Effectivity.** — This Order shall take effect fifteen (15) days after publication in a newspaper of general circulation.

(SGD.) VICTOR O. RAMOS
Secretary

Published at:

The Business Daily March 17, 1997 – page 03
Manila Times March 17, 1997 – page 10

DENR Administrative Order
No. 97-15
April 22, 1997

SUBJECT : Strengthening the Environmental Impact Assessment (EIA) Division of the Environmental Management Bureau (EMB)

In order to hasten the EIA review process and to ensure effective monitoring of projects issued with environmental compliance certificates (ECCs), the following measures are hereby promulgated to further strengthen the EIA Division of EMB:

Sec. 1. Expanded Organizational Structure. — The organizational structure of the EIA Division as provided for under DENR Administrative Order No. 96-38, Series of 1996, is hereby expanded as shown in Annex "A" hereof. The EIA Division shall now consist of the Office of the Division Chief, a Management Support Staff, a Review & Assessment Section, and a Monitoring & Special Projects Section. The Review & Assessment Section shall be composed of three operating units: Heavy Industries Unit, Energy & Infrastructure Unit, and Resource Extractive Industries Unit. The Monitoring & Special Projects Section shall also consist of three operating units: Accreditation & Review Committee Management Unit, Compliance Monitoring Unit, and Special Projects Unit.

As reconstituted under this Order, the EIA Division shall have the following primary functions:

- a) Supervise the scoping for proposed projects;
- b) Manage and coordinate the EIA review process;

- c) Recommend whether to issue or deny the ECC applications of environmentally critical projects upon completion of their review and assessment;
- d) Undertake compliance monitoring of environmentally critical projects issued with ECCs;
- e) Provide technical assistance and training to DENR field offices in the management of the EIA process, as well as in the monitoring of projects within environmentally critical areas issued with ECCs by the regions; and
- f) Initiate and maintain linkages with environmental units of other government agencies or entities.

Sec 2. Composition and Functions. — The Composition and functions of the various offices within the EIA Division shall be as follows:

- a) *Office of the Division Chief* . The Office of the Division Chief shall consist of the Division Chief and his immediate staff. The Division Chief shall have the following functions:
 - (i) Exercise direct supervision and control over the operations, activities, and concerns of the Division;
 - (ii) Supervise the conduct of review and assessment of submitted environmental impact statements (EIS) of environmentally critical projects (ECPs);
 - (iii) Supervise the accreditation of EIS/IEE preparers, scoping for proposed projects, and compliance monitoring of projects issued with environmental compliance certificates (ECCs);

- (iv) Coordinate with other entities or agencies within the and outside the DENR for the effective implementation of the EIS System;
- (v) Ensure that the requirements of DENR Administrative Order (DAO) No. 96-37, the revised regulations governing the EIS System, and other pertinent laws, rules and regulations are followed in the processing of ECC applications;
- (vi) Review EIA-related documents for endorsement to the Asst. Director and the Director of the EMB;
- (vii) Represent the EMB Director, as may be directed, in EIA conferences, meetings, or forums; and
- (viii) Perform such other related services as may be required by higher officials.

b) *Management Support Staff* . There shall be a Management Support Staff which shall provide administrative and other support services to the Division. It shall be headed by a Staff Coordinator assisted by Records/Documentation Officers, Records/Documentation Assistants, Secretaries/Clerks, Messengers/Drivers, and such other personnel as may be necessary to effectively discharge its functions. The Staff Coordinator shall supervise its day-to-day operations and shall be primarily responsible in ensuring that appropriate management support services are extended to expedite the conduct of review and assessment, compliance monitoring, and other concerns and activities of the Division. It shall have the following functions:

- (i) Undertake initial screening of ECC applications to determine the completeness of the documents submitted as against the requirements;

- (ii) Receive and record all ECC applications and other matters referred to the EIA Division for appropriate action;
- (iii) Formulate and maintain a systematic filing and retrieval system for ECCs, EIS and other related documents;
- (iv) Facilitate distribution of EIS and related documents to EIA Review Committee Members in collaboration with the Accreditation & Review Committee Management Unit;
- (v) Document the conduct of project review and assessment as well services as may be assigned by higher officials.
- (vi) Formulate and maintain a document tracking system for projects under review and assessment;
- (vii) Monitor the status of projects under review and assessment or those with pending ECC applications and submit regular status reports thereon in coordination with the Review & Assessment Section;
- (viii) Coordinate and keep track of the schedule of field inspections of Review Officers and Monitoring Officers;
- (ix) Provide secretarial, clerical, messengerial, and other management support services to the Division; and
- (x) Perform other related services as may be assigned by higher officials;

- c) *Review & Assessment Section.* The Review & Assessment Section shall consist of a Section Chief assisted by three operating units. The Section Chief shall oversee its day-to-day operations. It shall have the following functions:
- (i) Oversee and assist the scoping of proposed projects;
 - (ii) Manage, coordinate, and/or undertake the review and assessment of submitted EIS;
 - (iii) Prepare the ECCs or letters of denial, as may be appropriate, upon completion of the review and assessment of projects with ECC applications;
 - (iv) Prepare regular status reports on projects under review and assessment or whose ECC applications are pending;
 - (v) Attend to queries and consultations from the general public on EIA procedures and requirements; and
 - (vi) Perform other related services as may be required by higher officials.

Each of the operating units of the Review & Assessment Section shall be composed of a Unit Chief assisted by Review Officers, in such number as may be determined by the EIA Division Chief and the EMB Director, with relevant technical background and experience. The Unit Chief shall supervise the activities of the Unit and shall be primarily responsible in providing assistance to the scoping of proposed projects. The Review Officers shall be directly responsible for managing and expediting all phases of the review and assessment process of projects specifically assigned to them. The operating units and their respective functions are as follows.

- (1) Heavy Industries Unit. The Heavy Industries Unit shall be primarily responsible for the conduct of review and assessment of heavy industrial projects such as non-ferrous metal industries, iron and steel mills, petroleum and petro-chemical industries, and smelting plants.
- (2) Energy & Infrastructure Unit. The Energy & Infrastructure Unit shall be primarily responsible for the conduct of review and assessment of energy and infrastructure projects. These shall include major power plants, major dams, major reclamation projects, major roads and bridges, as well as golf course projects.
- (3) Resource Extractive Industries Unit. The Resource Extractive Industries Unit shall be primarily responsible for the conduct of review and assessment of resource extractive projects such as major mining and quarrying projects, forestry projects, and fishery projects.
- d) *Monitoring & Special Projects Section*. The Monitoring & Special Projects Section shall consist of a Section Chief also assisted by three operating units. The Section Chief shall oversee its day-to-day operations. It shall have the following functions:
 - (i) Implement the accreditation system for EIS/IEE preparers pursuant to DAO 96-37;
 - (ii) Organize and manage the EIA Review Committees in collaboration with the concerned Review Officers from the Review & Assessment Section;
 - (iii) Formulate and carry-out a systematic monitoring system for projects issued with ECCs;
 - (iv) Provide technical assistance to, and coordinate with, DENR field offices in the monitoring of projects issued with ECCs;

- (v) Facilitate the organization and management of Multisectoral Monitoring Teams (MMT) and Environmental Guarantee Fund (EGF) Committees;
- (vi) Submit regular reports on the status of compliance with conditionalities for project issued with ECCs;
- (vii) Facilitate the implementation of special projects, activities, and concerns of the Division; and
- (viii) Perform such other services as may be directed by higher officials.

Each of the operating units of the Monitoring & Special Projects Section shall likewise be composed of a Unit Chief assisted by Monitoring Officers, in such number as may be determined by the EIA Division Chief and the EMB Director, with relevant technical background and experience. The Unit Chief shall supervise the activities of the Unit, whereas, the Monitoring Officers shall be directly responsible for the efficient and effective performance of the tasks specifically assigned to them. The operating units and their respective functions are as follows:

- (i) Accreditation & Review Committee Management Unit. The Accreditation & Review Committee Management Unit shall be primarily responsible for implementing the accreditation system for EIS/IEE preparers, and for organizing and managing the EIA Review Committees.
- (ii) Compliance Monitoring Unit. The Compliance Monitoring Unit shall be primarily responsible for the formulation and implementation of a systematic monitoring system for projects issued with ECCs, as well as the organization and management of Multisectoral Monitoring Teams and Environmental Guarantee Fund Committees.
- (iii) Special Projects Unit. The Special Projects Unit shall be primarily responsible for facilitating the implementation of EIA special projects, activities, and concerns as may be assigned by higher officials to the EIA Division.

Sec 3. Cross-Assignments and Joint Reviews. The EMB Director, upon recommendation of the EIA Division Chief, may request for technical assistance from field offices, bureau and attached agencies of the DENR to expedite the EIA review process and the monitoring of projects issued with ECCs, and the Secretary, upon recommendation of the concerned Undersecretary, shall assign such technical personnel, as may be appropriate, to the EIA Division

In the conduct of review and assessment, the EIA Division shall foster joint reviews, as much as possible, with concerned technical personnel from other agencies within the DENR (such as FMB and MGSB), as well as those outside the DENR (such as DOE and DPWH) depending on the type of the project applying for ECC.

Sec. 4. Effectivity and Amendatory Clause. — This Order shall take effect immediately and amends, revises or supersedes paragraphs 2 and 4 of DAO 96-38 and all other orders inconsistent herewith.

(Sgd.) VICTOR O. RAMOS
Secretary

Recommending Approval :

(Sgd.) MANUEL S. GASPAY
Director, EMB

(Sgd.) DELFIN J. GANAPIN JR.
Undersecretary for Environment
& Program Development

DENR Administrative Order
No. 97-18
April 29, 1997

SUBJECT : Supplementing Guidelines for Environmental Impact Assessment of Forestry Project

In line with the effort to strengthen the implementation of the Environmental Impact Assessment System for forestry projects, the following guidelines are hereby issued:

SECTION 1. Scope

All forestry projects, unless covered by Article II, Section 2 of DAO No. 96-37, shall undergo an Environmental Impact Assessment.

Sec 2. Preparation of EIS

In preparing the Environmental Impact Statement for forestry projects, the proponent may refer to the Handbook on Environmental Impact Assessment for Forestry Projects and other relevant materials provided that, at all times, the proponent shall comply with DAO No. 96-37.

Sec. 3. Coordination between the EMB and FMB

The Environmental Management Bureau (EMB) shall coordinate with the Forest Management Bureau (FMB) in conducting the EIA for forestry projects.

Sec 4. Transitory Provision

All applications for 1997 IAOPs that have undergone Complete Staff Work (CSW) and final action by FMB as of April 30, 1997 and all

application for IAOPs submitted in 1996 shall be processed in accordance with Section 3.7 of DMC no. 96-04.

There is no final action by FMB if the IAOP is returned to the bureau for further action.

This Administrative Order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

Published at:

Manila Times May 01, 1997 – page 22

DENR Administrative Order
No. 97-28
August 1, 1997

SUBJECT : Amending Annex A of DAO 28 Series of 1994 Interim Guidelines for the Importation of Recyclable Materials Containing Hazardous Substances

Annex A of DAO 28 Series of 1994 is hereto amended to include the following category:

CATEGORY	SPECIFIC ITEM	LIMITING CONDITIONS
Used oil	Spent oil such as waste oil or oil residues	No importation of tanker sludge shall be allowed; Spent oil shall have no traces of polychlorinated biphenyls (PCBs).

(Sgd.) VICTOR O. RAMOS
Secretary

**DENR Administrative Order
No. 97-38
December 23, 1997**

**SUBJECT : Chemical Control Order for Mercury
and Mercury Compounds**

Section I. Legal Authority

This Chemical Control Order (CCO) is being issued on the basis of authorities given to the Department of Environment and Natural Resources under Republic Act 6969 of 1990 and DENR Administrative Order (DAO) No. 29, Series of 1992.

The requirements and procedures presented in this CCO are in addition to all the other requirements of Title II and Title III of DAO 29 as they pertain to the importation, manufacture, distribution and use of mercury and mercury compounds and the storage, transport, and disposal of their wastes.

Sec. II. Policy

It is the policy of DENR to minimize hazards to human health and the environment from the improper use, management, disposal, and subsequent release and exposure to harmful substances.

Sec. III. Definition & Rationale

In this CCO, unless inconsistent with the context or subject matter, the following definitions apply:

- (1) "Act" means Republic Act 6969 otherwise known as the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990.

- (2) "Department" means the Department of Environment and Natural Resources.
- (3) "Authorized Officer" means a person appointed under the Act as an authorized officer for the purpose of the Act.
- (4) "Mercury" means any substance containing element mercury, either in its pure form, as metallic salts or organometallic compounds.

Mercury and mercury compounds are toxic to aquatic life even at low concentrations, especially the methylated forms of mercury. It is also known to bio-concentrate greatly in the food chain causing risks to humans who become ecological receptors through fish ingestion. It is used in a variety of applications, for example, in the preparation of chlorine, in the production of electrical apparatus, industrial controls and switches, anti-fouling coatings and fungicides and in metallurgy and mining. In man, it has been shown to cause neurological disorders through the inhalation of mercury vapors and ingestion of methylated forms of mercury.

This CCO, therefore, is meant to control their use and dispersion into the environment to avoid these adverse consequences.

Sec. IV. Application and Coverage

This CCO applies to the importation, manufacture, processing, use and distribution of mercury and mercury compounds. It also addresses the treatment, storage and disposal of mercury-bearing or mercury-contaminated wastes in the Philippines. This order will cover the following:

- (1) Importers and distributors

- (2) Manufacturers, processors and industrial users
- (3) Transporters
- (4) Treaters and disposers

Sec. V. Objectives

This CCO has the following objectives:

- (1) Reduce hazards to health and the environment from the use, handling, management, transport and disposal, and subsequent release and exposure to mercury.
- (2) Establish requirements and procedures for importation (for use in commerce), transport, manufacturing, labeling, re-labeling, spill handling, emergency procedures, and proper treatment, storage, and disposal of mercury and mercury compounds as well as mercury contaminated containers and mercury-bearing or mercury-contaminated wastes.
- (3) Establish limitation of use of certain mercury and mercury containing substances.
- (4) Control and regulate the disposal of mercury contaminated wastes and establish requirements so that access to, use and disposal of any mercury and mercury-containing materials will be limited to persons who have the expertise and facilities to handle these substances with minimum discharge to the environment.
- (5) Establish a registration, monitoring and compliance program to enforce the tenets and covenants of this Order.

Sec. VI. Exemptions

The following are exempt from this CCO:

- (1) All premises and entities which handle substances and mixtures exempt under Title II of DAO 29, Series of 1992.
- (2) Industries and other users whose exemption claims have been approved by the Department of the time period identified in the Department's approval. Industries must complete the Department's exemption claim form and get approval from the Department.

Sec. VII. General Requirements and Procedures

In addition to the general requirements under Title II of DAO 29, the following requirements and procedures have been established for importers and industrial users of mercury and mercury compounds, and treaters and disposers of mercury-bearing or mercury-contaminated wastes. These are:

(1) Required Permits

- (a) Any person or entity importing, manufacturing, distributing or using mercury or mercury containing products in the Philippines must register with and secure a license to use and to purchase from the Environmental Management Bureau of the Department.
- (b) Any person or premises that imports mercury or mercury containing compounds must get an importation clearance from the Environmental Management Bureau of the Department.
- (c) Any person or entity, or premises treating, transporting, storing or disposing of mercury, mercury compounds or mercury-bearing or mercury-contaminated wastes must register and secure a license for such purposes with the Environmental Management Bureau of the Department.

- (d) As part of the registration process, each premise must submit a Mercury Management Plan, described in item 5 Section XIII of this CCO, to the Environmental Management Bureau of the Department.

(2) Reports and Records

- (a) Any importer, manufacturer, distributor or user of mercury and mercury compounds or transporters, treaters and disposers of mercury-bearing or mercury-contaminated wastes must submit quarterly reports to the Environmental Management Bureau of the Department, as well as retain records of their activities and transactions.
- (b) All reports submitted to the Environmental Management Bureau of the Department and records retained at the premises must include, among others, the names and the addresses of the importer, manufacturer, distributor and purchaser, the end-use category of mercury or mercury containing products, quantity of products supplied, and the quantity of wastes produced as a result of manufacturing and industrial uses according to the reporting format(s) issued by the Department under this CCO.
- (c) Records retained by the premises must be available for inspection at any time by any authorized government officer upon request or in times where the health, safety and environmental conditions are compromised or during times of emergency.

- (d) Reports must be submitted to the Department, through the Environmental Management Bureau at frequencies and formats specified later in a Department Circular.
- (e) Material Safety Data Sheets of the chemical should be made available to all relevant personnel and displayed conspicuously in the premises at all times.

(3) Limitations Restriction of Use and Disposal

- (a) The use of mercury and mercury compounds shall be strictly limited to the following end-users and those exempted under Section VI of this CCO:

Chlor-alkali plants
 Mining and metallurgical industries
 Electrical apparatus (lamps, arc rectifiers,
 battery cells and others)
 Industrial and control instruments

Pharmaceutical

Paint manufacturing
 Pulp and paper manufacturing
 Dental amalgam
 Industrial catalyst
 Pesticides (fungicide) production or formulation

- (b) No mercury bearing wastes shall be discharged to the environment without prior approval from the Department.
- (c) Premises using, storing or treating mercury and mercury compounds or mercury-bearing or mercury-contaminated wastes should comply with prescribed emission or effluent criteria or standards contained in DAO 34, 35, 14 and 14A. In the absence of applicable local criteria or standards,

recognized international criteria or standards such as those prescribed by the World Health Organization (WHO) shall apply.

(4) Handling Requirements

- (a) Containers of mercury or mercury compounds and mercury-bearing or mercury-contaminated wastes should be corrosion-resistant, and strong enough to withstand breakage during normal handling, transport and storage.
 - 1) All manufacturing processes and industrial premises manufacturing or using products containing mercury or mercury compounds must report to the Environmental Management Bureau of the Department and retain records of all mercury containing wastes or mercury contaminated containers that are: (i) stored and disposed on-site; (ii) transported off-site; (iii) treated, stored, and disposed off-site; (iv) exported and (v) recycled.
 - 2) The Department's clearance and permit will require the importer, manufacturer, and industrial users to state in detail the quantity and methods of storage, recycling and disposal of wastes, containers, and discarded materials generated as a result of handling mercury and mercury compounds.
 - 3) The importer, wholesaler and distributor, manufacturer and user must comply with proper storage, labeling, packaging, pre-transport and transport (e.g. shipping) of mercury and mercury

containing materials as required by this CCO, other requirements under Titles II and III of DAO 29, and the standards adopted by the Department of Transportation and Communication including proper storage, labeling, packaging, pre-transport, and shipping.

- (b) Any container or vessel containing mercury must be properly labeled. It should indicate the mercury and mercury compound content, precautions required in its handling and emergency response measures to be taken in case of spillage or any untoward incident (e.g. fire).
- (c) Transfer of mercury or mercury containing materials should not be undertaken where appropriate facilities for such are not available.
- (d) Mercury and mercury compounds should be stored in secure places, with provisions for appropriate emergency response in case of accidents.

Sec. VIII. Disclosure of Information

Relevant information should be disclosed immediately in cases of emergency to the Department through the Environmental Management Bureau and the concerned Department's Regional Offices.

Sec. IX. Revision of Requirements

The Department may review, revise, modify, update and supplement the requirements and standards applicable to this CCO from time to time.

Sec. X. Information, Education and Communication and Training Requirements

- (1) The Department in collaboration with other government agencies, industry associations, non-governmental organizations, professional organizations, and the academe shall promote public awareness on the beneficial use of mercury and mercury compounds and the accompanying hazards and risks involved in their usage. It shall likewise strive to increase awareness on the environmental and health risks of mercury containing wastes, as well as, their proper and safe disposal.
- (2) It is the responsibility of the importer(s) to inform and train transporter(s) and user(s) on the precautions and measures in the handling of said chemicals.
- (3) It is the responsibility of the management of the premises using or storing mercury and mercury compounds or treating or disposing of mercury-bearing or mercury-contaminated wastes to develop a training and contingency program for all workers handling these materials. Such training should focus on the risks associated with the chemicals and wastes, measures to avoid exposure, and requirements for the proper management of the chemicals and wastes in an emergency, among others.
- (4) The said premises or entities should inform the local government units, as well as, the nearby communities on the hazards and precautionary measures for mercury and mercury containing compounds including emergency preparedness programs.

Sec. XI. Compliance Monitoring Procedure

Compliance with the requirements established in this CCO will be monitored regularly by the Department through review of reports and on-site inspection by authorized personnel of the Department.

Sec. XII. Penalty Provision

Any violators of the requirements specified in this CCO will be subject to administrative and criminal penalties and liabilities as specified under Title V, Chapter XI, Sections 43 and 44 of DAO 29 series of 1992, pursuant to Section 13, 14 and 15 of RA 6969.

Sec. XIII. Specific Requirements and Standards

All persons, entities and premises covered by this CCO shall comply with the following specific requirements and standards for implementation of the general requirements outlined in Section VII of this CCO:

(1) Reports

Importers and users must submit quarterly reports in accordance with the Importer's Report Form and the User's Report Form respectively. Quarterly reports must be submitted to the Department, through the Environmental Management Bureau and copy furnished the Regional Office concerned, on or before the 15th day after the end of each quarter (January to March, etc.). The reporting format will be specified in a Department Circular 30 days after the effective date of this Order.

Importers will be responsible for securing information for the report pertaining to the transport and distribution of the mercury and mercury compounds. Users will be responsible for submitting information on the treatment, storage and transport and disposal of wastes arising from their use of mercury and mercury compounds.

(2) Manifest

All importers and users of mercury and mercury compounds, and treaters and disposers of mercury-bearing or mercury-contaminated wastes must comply with the manifest requirements specified under the relevant sections of DAO 29 and those to be prescribed by the Environmental Management Bureau of the Department.

(3) Labeling or Re-labeling Requirements

The labels and marks for all containers of mercury and mercury containing products or mercury-bearing or mercury-contaminated wastes must clearly indicate that the material contains mercury and that the same is regulated under this CCO. The labels, at a minimum, should contain the following information:

- Chemical Name of the Material
- Chemical Composition/Formula
- Warning: Contains a Toxic Material
- First Aid Measures
- Accidental release/spillage measures
- Handling and Storage
- Exposure Controls
- Toxicological Information
- Disposal Consideration
- Expiry or Best Use Before information

Visible labels and marks shall be strictly required for all such containers sixty (60) days after the effective date of this Order.

(4) Storage Requirements

Storage areas for mercury and mercury compounds or mercury-bearing or mercury-contaminated wastes items must meet the following conditions:

- (a) The storage area should be marked or delineated clearly by fencing, posts, or walls in order to limit access to it.
- (b) A recording system on the condition of the storage area should be established, details of which shall include the observations, name of inspector, date inspected, etc.
- (c) The dates when mercury and mercury-containing materials were placed in the storage area should be indicated on the container and duly recorded.
- (d) The storage area should have adequate roof and walls to prevent rain water from reaching the mercury and mercury-containing material.
- (e) There should be no cracks or openings of any kind in the containment floor or walls that could allow the flow of mercury outside the area.
- (f) Floors of the storage area must be constructed of impervious material such as concrete or steel, and if the mercury is in liquid form, should be surrounded by a bund wall to contain spills.
- (g) Visible warning signs and notices must be placed in conspicuous areas in the premises.

- (h) Drainage facilities should be installed in premises where mercury and related compounds are used and handled to contain possible spillage or releases.
- (i) Emergency showers and eyewash units with adequate water supply should be made available in premises where mercury and related compounds are used or handled.
- (j) Fire-fighting facilities should be in place for use in case of fire(s).
- (k) Access to mercury and its compounds should be restricted to those with adequate training for such purpose.
- (l) A copy of the material Safety Data Sheet should always be available in the area.
- (m) Segregation, adequate ventilation and ideal condition for storage of the chemical should be maintained in the area.
- (n) Adequate security siting and access to the area should be ensured.
- (o) Proper loading or unloading of containers should be observed.
- (p) A workable emergency plan must be in place and implemented immediately in case of accidental spillage and other emergencies.
- (q) Only trained personnel should be handling containers in storage as well as in the transport of such substances or mixtures.

(5) **Management Requirements**

A Mercury Management Plan must be submitted with the registration form to the Environmental Management Bureau of the Department. The objective of the management plan is to ensure that mercury is being managed in a manner that will eliminate or minimize its risks to people and the environment. Through the management plan, a premise will show that it has the necessary mechanisms to manage the raw materials or products so that they are used for their intended purposes and are not released to the environment. It will describe any manufacturing process that involves mercury and show a mass balance for the chemical. The plan will also contain information on the waste management practices and provide a description of all releases to all environmental media. An important aspect of the plan will be a description of the premises' waste minimization programs or pollution prevention programs. These programs to look for ways to minimize or eliminate the use of mercury in processes used at the premises. The details of the management plan will vary depending on the type of premises and the type of activity being conducted, which may include importing, packaging or manufacturing or whether the operator or owner is the end-user. Below is a general outline for the management plan.

General Description

- (a) Location, owner, operator
- (b) Industrial activities at the premises
- (c) Number of employees
- (d) Other relevant information

Uses of Mercury at the Premises

- (a) Description of the processes that use mercury
- (b) Listing of raw materials used containing mercury
- (c) Listing of wastes generated containing mercury
 - wastewater
 - air
 - solid wastes
- (d) Mass balance of mercury
- (e) Description of pollution control devices in use
- (f) Description of compliance with the Department's rules and regulations
- (g) Description of emergency procedures and contingency plans in case of accidents

Waste Minimization Program and Pollution Prevention Program

Training Program

- (a) Workers in contact with the chemical
- (b) Workers managing wastes

Sec. XIV. Liability

The Secretary or his duly authorized representative may cause the impoundment or confiscation of any chemical substance and its conveyance and container if there is reasonable ground to believe that the sale, storage, possession, use, manufacture, transport, import or export for the chemical substance does not comply with this CCO.

Any importer or distributor selling to non-authorized persons or end-users shall be held liable under R.A. 6969. Chemicals may be confiscated and storage fees of confiscated chemicals shall be charged jointly and solidarily to the importer and/or distributor and end-user.

The importer and distributor shall likewise be held liable together with the end-user in cases of injury or damage to public health and the environment and shall properly compensate the affected parties and restore the damaged area or areas resulting from any incident or accident involving the use, sale, manufacture, distribution, storage, transport, treatment and disposal of mercury and mercury compounds.

Sec. XV. Effectivity

These Rules and Regulations shall take effect thirty (30) days after completion of publication in the Official Gazette or in a newspaper of general circulation.

(Sgd.) VICTOR O. RAMOS
Secretary

Published at:

Philippine Daily Inquirer	-	January 29, 1998	- page 16
Philippine Star	-	January 29, 1998	-page 29

**DENR Administrative Order
No. 97-39
December 23, 1997**

SUBJECT : Chemical Control Order for Cyanide and Cyanide Compounds

Sec. I. Legal Authority

This Chemical Control Order (CCO) is being issued on the basis of authorities given to the Department of Environment and Natural Resources under Republic Act (RA) 6969 of 1990 and DENR Administrative Order (DAO) No. 29, Series of 1992.

The requirements and procedures presented in this CCO are in addition to all the other requirements of Title II and Title III of DAO 29 as they pertain to the importation, manufacture, distribution and use of cyanide and cyanide compounds and the storage, transport and disposal of their wastes.

Sec. II. Policy

It is the policy of DENR to minimize hazards to human health and the environment from the improper use, management, disposal, and subsequent release and exposure to harmful substances.

Sec. III. Definition & Rationale

In this CCO, unless inconsistent with the context or subject matter, the following definitions apply:

- (1) "Act" means Republic Act 6969 otherwise known as the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990.

- (2) "Department" means the Department of Environment and Natural Resources.
- (3) "Authorized Officer" means a person appointed under the Act as an authorized officer for the purpose of the Act.
- (4) "Cyanide" means any substance containing the cyanide ion, CN; as found in metallic cyanide and hydrogen cyanide.

Cyanide and cyanide compounds are highly toxic to humans and aquatic life even at low concentrations. Cyanides are used in a variety of industrial applications. These include steel, plastics, synthetic fibers, chemical synthesis, electroplating, metallurgy, and mining. Over the years, however, they have been increasingly used for other purposes which are detrimental to the environment such as in the fishing sector. Also, their careless use has resulted in some incidents and accidents which have disastrous effect on human health and the environment.

This CCO, therefore, is meant to control their use and dispersion into the environment to avoid these adverse consequences.

Sec. IV. Application and Coverage

This CCO applies to the importation, manufacture, processing, use and distribution of cyanide and cyanide compounds. It also addresses the treatment, storage and disposal of cyanide-bearing or cyanide-contaminated wastes in the Philippines. This order will cover the following:

- (1) Importers and distributors
- (2) Manufacturers, processors and industrial users
- (3) Transporters
- (4) Treaters and disposers

Sec. V. Objectives

This CCO has the following objectives:

- (1) Reduce hazards to health and the environment from the use, handling, management, transport and disposal, and subsequent release and exposure to cyanide.
- (2) Establish requirements and procedures for importation (for use in commerce), transport, manufacturing, labeling, re-labeling, spill handling, emergency procedures, and proper treatment, storage, and disposal of cyanide and cyanide compounds as well as cyanide contaminated containers and cyanide-bearing or cyanide-contaminated wastes.
- (3) Establish limitation of use of certain cyanide and cyanide containing substances.
- (4) Control and regulate the disposal of cyanide contaminated wastes and establish requirements so that access to, use and disposal of any cyanide and cyanide-containing materials will be limited to persons who have the expertise and facilities to handle these substances with minimum discharge to the environment.
- (5) Establish a registration, monitoring and compliance program to enforce the tenets and covenants of this Order.

Sec. VI. Exemptions

The following are exempt from this CCO:

- (1) All premises and entities which handle substances and mixtures exempt under Title II of DAO 29, Series of 1992.

- (2) Industries and other users whose exemption claims have been approved by the Department of the time period identified in the Department's approval. Industries must complete the Department's exemption claim form and get approval from the Department.

Sec. VII. General Requirements and Procedures

In addition to the general requirements under Title II of DAO 29, the following requirements and procedures have been established for importers and industrial users of cyanide and cyanide compounds and treaters and disposers of cyanide-bearing or cyanide-contaminated wastes.

These are:

(1) Required Permits

- (a) Any person or entity importing, manufacturing, distributing or using cyanide or cyanide containing products in the Philippines must register with and secure a license to use and to purchase from the Environmental Management Bureau of the Department.
- (b) Any person or premises that imports cyanide or cyanide containing compounds must get an importation clearance from the Environmental Management Bureau of the Department.
- (c) Any person or entity, or premises treating, transporting, storing or disposing of cyanide, cyanide-compounds or cyanide-bearing or cyanide contaminated wastes must register and secure a license for such purposes with the Environmental Management Bureau of the Department.

- (d) As part of the registration process, each premise must submit a Cyanide Management Plan, described in item 5 Section XIII of this CCO, to the Environmental Management Bureau of the Department.

(2) **Reports and Records**

- (a) Any importer, manufacturer, distributor or user of cyanide and cyanide compounds or transporters, treaters and disposers of cyanide-bearing or cyanide-contaminated wastes must submit quarterly reports to the Environmental Management Bureau of the Department as well as retain records of their activities and transactions.
- (b) All reports submitted to the Environmental Management Bureau of the Department and records retained at the premises must include, among others, the names and the addresses of the importer, manufacturer, distributor and purchaser, the end-use category of cyanides or cyanide containing products, quantity of products supplied, and the quantity of wastes produced as a result of manufacturing and industrial uses according to the reporting format(s) issued by the Department under this CCO.
- (c) Records retained by the premises must be available for inspection at any time by any authorized government officer upon request or in times where the health, safety and environmental conditions are compromised or during times of emergency.
- (d) Reports must be submitted to the Department, through the Environmental Management Bureau at frequencies and formats specified later in a Department Circular.

- (e) Material Safety Data Sheets of the chemical should be made available to all relevant personnel and displayed conspicuously in the premises at all times.

(3) Limitations /Restriction of Use and Disposal

- (a) The use of cyanide and cyanide compounds shall be strictly limited to the following end-users and those exempted under Section VI of this CCO:

- Electroplating industries
- Mining and metallurgy industries
- Steel manufacturing
- Synthetic fibers and chemicals
- Plastic production
- Other sub-sectors legitimately
using cyanide such as jewelry making

- (b) At no instance should cyanide and cyanide compounds be used or made available to the fishery sector.
- (c) No cyanide bearing wastes shall be discharged to the environment without prior approval from the Department.

(4) Handling Requirements

- (a) Containers of cyanide and cyanide compounds and cyanide-bearing or cyanide-contaminated wastes should be corrosion-resistant, and strong enough to withstand breakage during normal handling, transport and storage.

- 1) All manufacturing processes and industrial premises manufacturing or using products containing cyanide or cyanide compounds must report to the Department and retain records of all cyanide containing wastes or cyanide contaminated containers that are: (i) stored and disposed on-site; (ii) transported off-site; (iii) treated, stored, and disposed off-site; (iv) exported and (v) recycled.

 - 2) The Department's clearance and permit will require the importer, manufacturer, and industrial users to state in detail the quantity and methods of storage, recycling and disposal of wastes, containers, and discarded materials generated as a result of handling cyanide and cyanide compounds.

 - 3) The importer, wholesaler and distributor, manufacturer and user must comply with proper storage, labeling, packaging, pre-transport and transport (e.g. shipping) of cyanides and cyanide containing materials as required by this CCO, other requirements under Titles II and III of DAO 29, and the standards adopted by the Department of Transportation and Communication including proper storage, labeling, packaging, pre-transport, and shipping.
- (b) Any container or vessel containing cyanide must be properly labeled. It should indicate the cyanide and cyanide compound content, precautions required in its handling and emergency response measures to be taken in case of spillage or any untoward incident (e.g. fire).

- (c) Transfer of cyanide or cyanide containing materials should not be undertaken where appropriate facilities for such are not available.
- (d) Cyanide and cyanide compounds should be stored in secure places, with provisions for appropriate emergency response in case of accidents.

Sec. VIII. Disclosure of Information

Relevant information should be disclosed immediately in cases of emergency to the Department through the Environmental Management Bureau and the concerned Department's Regional Offices.

Sec. IX. Revision of Requirements

The Department may review, revise, modify, update and supplement the requirements and standards applicable to this CCO from time to time.

Sec. X. Information, Education and Communication and Training Requirements

- (1) The Department in collaboration with other government agencies, industry associations, non-governmental organizations, professional organizations, and the academe shall promote public awareness on the beneficial use of cyanide and cyanide compounds and the accompanying hazards and risks involved in their usage. It shall likewise strive to increase awareness on the environmental and health risks of cyanide containing wastes, as well as, their proper and safe disposal.

- (2) It is the responsibility of the importer(s) to inform and train transporter(s) and user(s) on the precautions and measures in the handling of said chemicals.
- (3) It is the responsibility of the management of the premises using or storing cyanide and cyanide compounds or treating or disposing of cyanide-bearing or cyanide-contaminated wastes to develop a training and contingency program for all workers handling these materials. Such training should focus on the risks associated with the chemicals, measures to avoid exposure to the chemicals, and requirements for the proper management of the chemicals in an emergency, among others.
- (4) The said premises or entities should inform the local government units, as well as, the nearby communities on the hazards and precautionary measures for cyanide and cyanide containing compounds including emergency preparedness programs.

Sec. XI. Compliance Monitoring Procedure

Compliance with the requirements established in this CCO will be monitored regularly by the Department through review of reports and on-site inspection by authorized personnel of the Department.

Sec. XII. Penalty Provision

Any violators of the requirements specified in this CCO will be subject to administrative and criminal penalties and liabilities as specified under Title V, Chapter XI, Sections 43 and 44 of DAO 29 series of 1992, pursuant to Section 13, 14 and 15 of RA 6969.

Sec. XIII. Specific Requirements and Standards

All persons, entities and premises covered by this CCO shall comply with the following specific requirements and standards for implementation of the general requirements outlined in Section VII of this CCO:

(1) Reports

Importers and users must submit quarterly reports in accordance with the Importer's Report Form and the User's Report Form respectively. Quarterly reports must be submitted to the Department, through the Environmental Management Bureau and copy furnished the Regional Office concerned, on or before the 15th day after the end of each quarter (January to March, etc.). The reporting format will be specified in a Department Circular 30 days after the effective date of this Order. Importers will be responsible for securing information for the report pertaining to the transport and distribution of the cyanide and cyanide compounds. Users will be responsible for submitting information on the treatment, storage and transport and disposal of wastes arising from their use of cyanide and cyanide compounds.

(2) Manifest

All importers and users of cyanide and cyanide compounds, and treaters and disposers of cyanide-bearing or cyanide-contaminated wastes must comply with the manifest requirements specified under the relevant sections of DAO 29 and those to be prescribed by the Environmental Management Bureau of the Department.

(3) Labeling or Re-labeling Requirements

The labels and marks are required for all containers of cyanide and cyanide containing products or cyanide-bearing or cyanide-contaminated must clearly indicate that the material contains cyanide and that the same is regulated under this CCO. The labels, at a minimum, should contain the following information:

Chemical Name of the Material

Chemical Composition/Formula

Warning: Contains a Toxic Material

First Aid Measures

Accidental release/spillage measures

Handling and Storage

Exposure Controls

Toxicological Information

Disposal Consideration

Expiry or Best Use Before information

Visible labels and marks shall be strictly required for all such containers sixty (60) days after the effective date of this Order.

(4) Storage Requirements

Storage areas for cyanide and cyanide compounds or cyanide-bearing or cyanide-contaminated wastes items must meet the following conditions:

- (a) The storage area should be marked or delineated clearly by fencing, posts, or walls in order to limit access to it.

- (b) A recording system on the condition of the storage area should be established, details of which shall include the observations, name of inspector, date inspected, etc.
- (c) The dates when cyanide and cyanide-containing materials were placed in the storage area should be indicated on the container and duly recorded.
- (d) The storage area should have adequate roof and walls to prevent rain water from reaching the cyanides and cyanide-containing material.
- (e) There should be no cracks or openings of any kind in the containment floor or walls that could allow the flow of cyanides outside the area.
- (f) Floors of the storage area must be constructed of impervious material such as concrete or steel, and if the cyanide are in liquid form, should be surrounded by a bund wall to contain spills.
- (g) Visible warning signs and notices must be placed in conspicuous areas in the premises.
- (h) Drainage facilities should be installed in premises where cyanide and related compounds are used and handled to contain possible spillage or releases.
- (i) Emergency showers and eyewash units with adequate water supply should be made available in premises where cyanide and cyanide compounds are used or handled.

- (j) Fire-fighting facilities should be in place for use in case of fire(s).
- (k) Access to cyanide and its compounds should be restricted to those with adequate training for such purpose.
- (l) A copy of the material Safety Data Sheet should always be available in the area.
- (m) Segregation, adequate ventilation and ideal condition for storage of the chemical should be maintained in the area.
- (n) Adequate security siting and access to the area should be ensured.
- (o) Proper loading or unloading of containers should be observed.
- (p) A workable emergency plan must be in place and implemented immediately in case of accidental spillage and other emergencies.
- (q) Only trained personnel should be handling containers in storage as well as in the transport of such substances or mixtures.

(5) Management Requirements

A Cyanide Management Plan must be submitted with the registration form to the Environmental Management Bureau of the Department. The objective of the management plan is to ensure that cyanide is being managed in a manner that will eliminate or minimize its risks to people and the environment. Through the management plan a premise will show that it has the necessary mechanisms to manage the raw materials or products so that they are used for their intended purposes and are not released to the environment. It will describe any manufacturing process that involves cyanide and show a mass balance for the chemical. The plan will also contain information on the waste management practices

and provide a description of all releases to all environmental media. An important aspect of the plan will be a description of the premises' waste minimization programs or pollution prevention programs. These programs to look for ways to minimize or eliminate the use of cyanide in processes used at the premises. The details of the management plan will vary depending on the type of premises and the type of activity being conducted, which may include importing, packaging or manufacturing or whether the operator or owner is the end-user. Below is a general outline for the management plan.

General Description

- (a) Location, owner, operator
- (b) Industrial activities at the premises
- (c) Number of employees

Uses of Cyanide at the Premises

- (a) Description of the processes that use cyanide
- (b) Listing of raw materials used containing cyanide
- (c) Listing of waste containing cyanide generated
 - wastewater
 - air
 - solid wastes
- (d) Mass balance of cyanide
- (e) Description of pollution control devices in use
- (f) Description of compliance with the Department's rules and regulations

- (g) Description of emergency procedures and contingency plans in case of accidents

Waste Minimization Program and Pollution Prevention Program

Training Program

- (a) Workers in contact with the chemical
- (b) Workers managing wastes

Sec. XIV. Liability

The Secretary or his duly authorized representative may cause the impoundment or confiscation of any chemical substance and its conveyance and container if there is reasonable ground to believe that the sale, storage, possession, use, manufacture, transport, import or export for the chemical substance does not comply with this CCO.

Any importer or distributor selling to non-authorized persons or end-users shall be held liable under R.A. 6969. Chemicals may be confiscated and storage fees of confiscated chemicals shall be charged jointly and solidarily to the importer and/or distributor and the end-user.

The importer and distributor shall likewise be held liable together with the end-user in cases of injury or damage to public health and the environment and shall properly compensate the affected parties and restore the damaged area or areas resulting from any incident or accident involving the use, sale, manufacture, distribution, storage, transport, treatment and disposal of cyanides and cyanide compounds.

Sec. XV. Effectivity

These Rules and Regulations shall take effect thirty (30) days after completion of publication in the Official Gazette or in a newspaper of general circulation.

(Sgd.) VICTOR O. RAMOS
Secretary

Memorandum Circular
97-10
June 6, 1997

**SUBJECT : Clarifications on Section 60(b) of DENR
Administrative Order No. 14, Series of
1993 (DAO 14, S93)**

The specific provisions of Section 60 (b) of DAO 14, S93 are hereby clarified as follows:

1. "Fuel Burning Steam Generators" cover not only "steam generators" but also "all other fuel burning equipment".
2. Total oxides of sulfur should be measured, irrespective of whether the concentration is expressed as SO₂ or SO₃.
 - a. If the concentration is expressed as SO₂, the air sampling result shall be reported as the sum of SO₂ and SO₃, with the latter stoichiometrically converted to SO₂.
 - b. If the concentration is expressed as SO₃, the air sampling result shall be reported as the sum of SO₂ and SO₃ with the former stoichiometrically converted to SO₃.

For information and guidance of all concerned

(Sgd.) VICTOR O. RAMOS
Secretary

Memorandum Circular
No. 97-14
August 25, 1997

**TO : All REDs/Bureau Directors/Staff
and Program Director/Project
Coordinators/Managers**

**SUBJECT : Institutionalizing the Integration of the
Population-Resources-Environment (PRE)
Framework into the DENR Planning
Process**

In support of the Philippine Population Management Program (PPMP), and in consonance with the provisions of Philippine Agenda 21, you are hereby enjoined to integrate population management in all people-oriented and community-based programs and projects. Specifically, you are instructed to undertake the following:

1. Consider the potential impact of all development projects on the existing and projected population;
2. Expand IEC activities to include population and environment interrelationship toward the promotion of sustainable development;
3. Strengthen the DENR capability to implement population management in close coordination with POPCOM;
4. Develop resource studies and data base on population in all DENR projects as deemed appropriate, in coordination with POPCOM;
5. Reinforce population management as a regular component of EIA as embodied in Section 9 (1) of DAO 37 Series of 1996; and
6. Enhance participation of women in population management initiatives.

You are hereby instructed to integrate the above in your monthly accomplishment report. These activities will form part of your KRAs.

This Order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

**Memorandum Circular
No. 97-16
September 8, 1997**

**SUBJECT : Instructions relative to the
Implementation of DENR Adm. Order
No. 96-37**

To achieve the effective implementation of DENR Adm. Order No. 96-37 ("Revising DAO 21, s. 1992, to Further Strengthen the Implementation of the Environmental Impact Statement System"), the following instructions are hereby issued:

1. The Memorandum of Agreement (MOA) that sets the establishment and utilization of the Environmental Guarantee Fund (EGF) for Environmentally Critical Projects (ECPs) shall be signed by the Secretary. Henceforth, the final draft of such MOA, duly discussed and approved by the proponent and other relevant parties, except by DENR which shall still evaluate it through the EIA Review Committee and the Office of the Undersecretary for Environment and Programs Development, shall be submitted as part of the Environment Management Plan of the Environmental Impact Statement.
2. In accordance with the policy of the Presidential Task Force on Solid Waste Management, a comprehensive Solid Waste Management Plan for projects that create huge amounts of solid waste, such as, but not limited to major condominiums, subdivisions, hotels, megashopping malls and reclamations, shall form part of the scoping requirements and the documents to be reviewed by the Review Committee. The Plan should contain provisions for the solid waste management of the project as well as the strengthening of host municipality-city capabilities for dealing with the added waste.

3. To preclude circumvention of environmental laws, rules and regulations, the Environmental Management Bureau and the field offices are hereby instructed to include DENR's non-traditional partners such as financing institutions and other government agencies as part of its IEC program on the Philippine EIA System through various forms of media such as published materials, lectures, seminars and other awareness campaigns.

Agreements/arrangements should be made with other regulatory agencies such as the Securities and Exchange Commission, Department of Trade and Industry, Department of Tourism, Board of Investments, etc. and financing institutions as well as LGUs to incorporate in their documentary requirements the full disclosure of proponents as to their pending applications for various permits with other government agencies specifically ECC applications.

This Circular takes effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

Recommended by:

(Sgd.) DELFIN G. GANAPIN, JR.
Undersecretary for Environment and
Programs Development

Memorandum Circular
No.97-20
October 7, 1997

**TO : All REDs/RTDs/CENROs/Site
Coordinators/Managers except NCR**

**SUBJECT : Information Education Campaign on
the Relationship of Population and
Environment Towards the Promotion of
Sustainable Development**

This is a follow-up circular of MC 97-14 on Institutionalizing the Integration of the Population-Resources-Environment (pre) Framework into DENR planning process. You are hereby enjoined to address education and information campaign on population and environment relationship towards the promotion of sustainable development.

Specifically, you are instructed to undertake the following:

1. As part of the community organizing process, an awareness campaign through group discussions, workshops and lectures with the community on the issue of population and environmental stress resulting to deforestation should be made part of the commitment of the assisting organization's (AO) contract to DENR.
2. As part of the Women in Development component, networking with Population Office at the Local Government Unit for a series of seminars on Population and Forest Management shall be made required component of the community organizing activities.

2. Each RED shall be required to conduct regular demographic monitoring of forestry sector project sites once these areas become attractive because of its viable resource base. It is expected that these sites shall become employment generators thus becoming attractive to outside labor force.
3. As attractant of labor, concentrations of reforested and harvestable areas must be complimented with an area physical plan rationalizing the locations of production facilities that would generate employment. Vital input shall be the forest-land-use plan of areas reforested to rationalize land management. This plan is incorporated in the commitment of the assisting organizations so that at the end of the two-year Community Organizing contract, they are to submit a revised development plan of the site which shall include the Population Management Plan. Each site coordinator's role is to make sure that the Plan is properly discussed and explained to the people so that their comments and suggestions can be integrated in the final paper.

You are hereby instructed to integrate the above in your monthly accomplishment report. These activities will form part of your KRAs.

This Order shall take effect immediately.

(Sgd.) VIRGILIO Q. MARCELO
Undersecretary for Field Operations

PROTECTED AREAS AND WILDLIFE SECTOR

DENR Administrative Order
No. 97-12
April 11, 1997

SUBJECT : Amendment of DENR Administrative Order No. 56, Series of 1993

In accordance with the provisions of Republic Act No. 7586 otherwise known as the NIPAS Act of 1992, specifically Section 10 (j) thereof, the aforesaid DENR Administrative Order is hereby amended to include the Department of Interior and Local Government (DILG) as member of the IPAF Governing Board. All other provisions of DAO 56 not affected by this Order shall remain valid.

This Order takes effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

**DENR Administrative Order
No. 97-14
April 21, 1997**

SUBJECT : Amending DENR Administrative Order Nos. 95-22 and 96-16 Re: Guidelines on the Accreditation and Registration of Zoos and Wildlife Facilities of Private Collector/s Including Wildlife Stocks thereat

In the best interest of the service and in order to give zoo owners and private wildlife collectors the opportunity to have their wildlife facilities and stock registered with and accredited by the DENR, the filing of application for accreditation and registration of zoos/wildlife facilities and stocks thereat, as provided for under Section 5 DAO 95-22, as amended by DAO 96-16 is hereby extended until 31 December 1997.

This Order takes effect immediately and amends DAO 95-22 and DAO 96-16.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-16
April 28, 1997

**SUBJECT : Addendum to the Guidelines on
The Establishment and Management of
the Integrated Protected Area Fund**

In accordance with the Agreement between the Philippine Government and the International Bank for Reconstruction and Development (IBRD) for the implementation of the Conservation of Priority Protected Areas Project (CPPAP) and in order to ensure the effective management and administration of the CPPAP Livelihood Fund, the following provisions shall be added to DENR Administrative Order No. 22, Series of 1996 re: Guidelines on the Establishment and Management of the Integrated Protected Areas Fund.

Section 4 of DAO 96-22 is amended to include:

4.11 CPPAP Livelihood Fund — a portion of the Global Environmental Trust Fund grant to the NGOs for Integrated Protected Areas, Inc. (NIPA, Inc.) to be used to generate alternative livelihood activities for local residents, including indigenous communities, living within the Protected Area or buffer zone, subject to the terms and conditions set forth under the grant.

Section 7, paragraph 3 is amended to include:

h. Shall manage the CPPAP Livelihood Fund and approved the Livelihood Manual to be adopted for the purpose.

This Order takes effect immediately and amends or modifies previous issuances inconsistent herewith.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-17
April 29, 1997

SUBJECT : Establishing the Disposition Program for Confiscated and Donated Wildlife in the Custody of DENR Wildlife Rescue Centers and Similar DENR Facilities and Providing Guidelines Therefor

Pursuant to Executive Order 192, Presidential Decree 705, as amended and Republic Act 2590, as amended, and in order to ensure the well-being of confiscated and donated wildlife and enhance their utilization through useful dispersal, a program on the disposition of wildlife and wildlife by-products and derivatives, under the custody of DENR Wildlife Rescue Centers and similar DENR facilities, such as captive breeding and rehabilitation centers, nurseries, and the like, is hereby established and guidelines for the implementation of the same is hereby provided for guidance of all concerned.

Section I. Definition of Terms

The following terms as used in this Order shall be construed to mean as follows:

- 1.1 Wildlife — refers to wild forms and varieties of flora and fauna including bred or propagated individuals, derivatives and by-products.

- 1.2 Wildlife by-product — refers to any part taken from wildlife species such as meat, hides, antlers, fur, feather, feces, internal organs, roots, trunks, branches, leaves, stems, seeds, flowers, carapace, and the like, or whole dead body of wildlife in its

preserved/stuffed state. It also includes items produced out of or utilizing wildlife or any of its part.

- 1.3 Derivative — refers to something extracted from wildlife species such as blood, oils, resin, genes, spores, pollen, and the like; a compound directly or indirectly produced from wildlife and/or products produced from wildlife and wildlife by-products;
- 1.4 Exchange — refers to the act whereby a party binds himself to give wildlife in consideration of the other party's commitment to give another or the same species of wildlife.
- 1.5 Donation — refers to the act of magnanimity whereby a party disposes wildlife in favor of another party free of charge.
- 1.6 Loan — the act of granting temporary custody of certain wildlife for educational and/or scientific research purposes.
- 1.7 Reintroduction — an attempt of reestablishing the population of a species or subspecies of wildlife in a location where it has historically occurred but is now extinct.
- 1.8 Introduction — refers to the purposeful act of transferring wildlife by man into an area outside its natural range or where it has not previously occurred.
- 1.9 Restocking — the process of replenishing an existing population of wildlife with additional individuals of the same species or subspecies within its range;
- 1.10 Sale — refers to the act of selling wildlife for an agreed price;
- 1.11 Euthanasia — refers to the practice of killing or putting to death wildlife in a painless and humane manner.
- 1.12 Repatriation — refers to the act of returning wildlife, their products, and/or derivatives to the country of origin.
- 1.13 Threatened — a general term to denote wildlife which are in danger of extinction and includes those which are considered as endangered, vulnerable, rare, indeterminate or insufficiently known.

- 1.14 Captive breeding — refers to the act of producing or propagating species of wildlife in an environment that is manipulated/controlled by man. General characteristics of a controlled environment may include, but not necessarily limited to artificial housing, waste removal, health care, protection from predators, and artificially supplied food.

Section II. General Conditions

- 2.1 Animals that are in heat, pregnant, supporting/suckling a young, still dependent on the parents for survival, or recuperating from sickness, injuries or diseases, shall not be subject to disposition unless otherwise approved by the Secretary, DENR;
- 2.2 Confiscated wildlife which are subject of judicial proceedings shall not be disposed of unless proper authority for their disposition is obtained from the court where the case is filed;
- 2.3 Euthanasia shall be applied only to animals that are afflicted with fatal or communicable diseases or are suffering from serious and severely infected injuries and wounds which are beyond treatment, or incapacitated due to loss or degeneration of vital organs/parts of the body as certified to by the designated Veterinarian. In the absence of a designated Veterinarian in the Regional Offices, any registered Veterinarian may issue the necessary certification;
- 2.4 Any species of wildlife including those threatened with extinction may be loaned to and/or exchanged with other or similar species with capable DENR-accredited zoos and recognized local and foreign scientific institutions/academe for the purpose of captive breeding and/or maintaining the species' genetic viability;
- 2.5 Release of animals to the wild shall be subject to assessment of the species' physical health condition, ecological and biological needs, release site, socio-economic conditions in release site, and post-

release programme; Provided that recently caught animals may be released immediately to the capture site upon certification by the designated/authorized Veterinarian that the same is in good health;

- 2.6 All wildlife disposed of through loan, re-introduction, introduction or restocking, including their progenies remain property of the Philippine government and shall be subject to monitoring and assessment by DENR thru its concerned Offices and/or authorized representatives, periodically or whenever deemed necessary;
- 2.7 Preserved specimens of Philippine wildlife, shall be deposited at the National Museum of the Philippines or may be donated or loaned to scientific institutions, academe, local and national government offices, and local NGOs signifying interest to acquire same for educational and/or scientific purposes;
- 2.8 Sale shall be limited to wildlife by products and derivatives, to species or subspecies which are allowed for commercial propagation, e.g. orchids, monkeys and butterflies, or rather species and sub-species as provided under Subsection IV.F of this Order.
- 2.9 The ownership of animals disposed of through donation and/or exchange including the progenies produced after the execution of deed of donation/exchange shall be conferred to the recipient.
- 3.0 Local institutions, organizations, agencies, or entities shall be the priority recipients of wildlife, its by-product, or derivative disposed of through exchange, loan or donation.

Section III. Accountability

All wildlife, including derivatives and by-products, turned over or donated to DENR Wildlife Rescue Centers and similar DENR facilities, as well as accessories accompanying the wildlife, such as, cages, feeders, stands, and others, must be accounted for in official records. Identification

number/tag should be assigned to the specimen's permanent record card which must contain the following information, whenever appropriate and applicable:

- a) Description of the wildlife, including name (scientific, common, and given names), age and sex;
- b) The source (specific site) and date of acquisition;
- c) The mode of acquisition (i.e. whether collected from the wild, purchased, or donated);
- d) The place and date of seizure;
- e) Accessories accompanying the wildlife, including quantity and detailed descriptions;
- f) The name and address of donor or person from whom the wildlife was seized;
- g) The investigative case file number with which the wildlife was associated, and investigating body/officer (if confiscated);
- h) The date, place and manner of initial disposition;
- i) The name of the official responsible for the initial disposition and the receiving Officer, agency, institution, organization or entity;
- j) The condition of the wildlife when turned over/donated.

Section IV. Disposition

4.1 The Director, PAWB or the concerned Regional Executive Director, and hereinafter referred to as Director, may dispose of any confiscated and donated wildlife by one of the following means subject to the processes and limitations provided for in this Order:

- a) Release to the wild/Repatriation
- b) use by the DENR Projects or transfer to another government agency for official use
- c) Exchange
- d) Loan

- e) Sale
- f) Donation
- g) Euthanasia

4.2 The Director shall dispose of wildlife according to the following schedule:

4.2.1 Any wildlife and wildlife by-products and derivatives that the Director determines as liable to perish, deteriorate, waste, or greatly decrease in value by keeping, or that the expense of keeping is disproportionate to its value may be disposed of immediately;

4.2.2 All other wildlife may be disposed of not earlier than 60 days after forfeiture or donation.

Sub-Section IV.A. Release to the Wild/Repatriation

4.a. 1 Release to the Wild

4.a.1.1 Subject to the release program which shall be established by the Protected Areas and Wildlife Bureau, any live species of indigenous wild fauna which is capable of surviving in the wild may be released through restocking, reintroduction, or introduction in protected areas within the species' geographical range in the order in which the release methods appear in this sentence; Provided, however, that such release poses no imminent danger to the local population of wildlife in the area or to public health and safety; Provided further, that such release is complementary to the approved plans and programs for the protected area (release site).

4.a.1.2 Any live species of native wild flora which is capable of surviving may be transplanted in suitable habitat within a protected area in a pre-determined and limited space or within the historical range of the species with the permission of the landowner as the case warrants;

4.a.2 Repatriation

4.a.2.1 Any live species of exotic wildlife may be repatriated to one of the following countries for possible release to their natural habitat or final disposition in accordance with the provision of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES):

- a) The country of export/origin (if known) after consultation with and at the expense of such country; or
- b) A country within the historic range of the species which is party to the CITES after consultation with and at the expense of such country.

4.a.2.2 In the event that the country of origin or country within the historic range of the species decides not to have the exotic wildlife repatriated, the Director may have the option to maintain or dispose them through exchange, donation or loan, subject to conditions provided for under Sub-sections IV.C, IV.D and IV.E of this Order and prior clearance from the country of origin.

Sub-Section IV.B. Use by DENR Projects or Transfer to Another Government Agency

4.b.1 Any wildlife may be used by the DENR Projects or transferred to another government agency, including foreign agencies, for official use, including but not limited to one or more of the following purposes:

- 1) Enhancing the propagation or survival of a species and for other scientific purposes;
- 2) Training government officials/employees to enhance their technical capabilities in the performance of their official duties;
- 3) Educating the public concerning the conservation of wildlife;
- 4) Conducting law enforcement operations in performance of official duties;
- 5) Presenting as evidence in a legal proceeding involving the wildlife; and,
- 6) Identification purposes including forensic identification, taxonomic studies and other scientific researches, subject to the provisions of Executive Order No. 247, where appropriate and applicable.

4.b.2 Each transfer and the terms of the transfer must be documented;

4.b.3 The agency receiving or benefiting from the wildlife may be required to bear all costs of care, storage, and transportation in connection with such transfer from the date of delivery.

Sub-Section IV.C. Exchange

4.c.1 Any wildlife species may be exchanged with other or similar species with capable DENR-accredited zoos and recognized local

and foreign scientific/research/academic institutions for the following purposes only:

1. To propagate the species for conservation and scientific research purposes and not in any manner to be used commercially, including the ensuing progenies; and,
2. To promote genetic heterogeneity and/or maintain the species' genetic viability.

- 4.c.2 Endemic species at DENR-WRC and similar DENR facilities shall not be exchanged with exotic species;
- 4.c.3 Exotic species at DENR-WRC and similar DENR facilities can be exchanged with endemic species;
- 4.c.4 Any exchange shall only be made after the execution of a Wildlife Exchange Agreement between the Director and the other party concerned, indicating therein the animals subject for exchange and other conditions as may be mutually agreed upon by both parties;
- 4.c.5 The ownership of the animals disposed of through exchange, including the ensuing progenies shall be conferred to the recipient.

Sub-Section IV.D. Donation

- 4.d.1 Except as otherwise provided for in this Subsection, wildlife may be donated for scientific, educational, official or public display purposes to any public or private institution, organization, or agency, both local and foreign, who demonstrates the ability to provide adequate care and security for the wildlife or specimen; Provided that, no live specimens of threatened and CITES

Appendix I species shall be donated for whatever purpose, unless authorized by the Secretary, DENR.

4.d.2 Any donation may be made only after execution of a Deed of Donation document between the Director and the donee, subject to the following conditions:

- 1) The purpose for which the wildlife are to be used must be stated in the deed of donation;
- 2) Any attempt by the donee to use the donated wildlife for any other purpose except as stated on the deed of donation entitles the Director to immediate repossession of the wildlife without the need of revoking the deed of donation;
- 3) The donee must pay all costs associated with the donation, including the costs of care storage, transportation, and return to the source, if and when the donation has been cancelled for cause in accordance with item number 9 of this sub-section;
- 4) The donee may be required to account periodically for the donation. Provided, that information relating to the birth or death of donated wildlife should be provided to the Director immediately upon the occurrence of said natural phenomena;
- 5) The donee is not relieved from the prohibitions, restrictions, conditions, or requirements which may apply to a particular species of wildlife imposed by the laws or regulations of the Philippines or any states, including any applicable health quarantine, agricultural, or Customs laws or regulations;
- 6) Any attempt by the donee to retransfer the donation during the period specified in the deed of donation within which the donee may not retransfer the donation without the prior authorization of the Director, entitles the Director to immediate repossession of the wildlife;

- 7) Subject to applicable limitations of law, duly authorized DENR Officers and employees at all reasonable times shall, upon notice, be afforded access to the place where the donated wildlife is kept and an opportunity to inspect it;
- 8) Any donation is subject to conditions specified in the donation document, the violation of which causes the property to revert to the Philippine Government thru the DENR;
- 9) Any donation is lifetime unless cancelled due to violation of any of the conditions specified in the deed of donation and provisions of this Order;

4.d.3 Edible wildlife, fit for human consumption, may be donated to a non-profit, tax-exempt charitable organization/s for use as food, but not for barter or sale.

Sub-Section IV.E. Loan

- 4.e.1 Except as otherwise provided for in this Subsection, wildlife may be loaned for conservation propagation, scientific researches, educational, official or public display purposes to any institution, organization, or agency, both local and foreign, who demonstrates the ability to provide adequate care and security for the wildlife or specimens; Provided that, threatened and CITES I species of live individuals shall not be loaned primarily for display purposes only;
- 4.e.2 Any loan may be made only after the execution of a Wildlife Loan Agreement between the Director and the borrower, subject to applicable provisions of Executive Order No. 247 and to the following conditions, among others:

- 1) The purpose for which the wildlife are to be used and the duration of the loan as may be mutually agreed upon by concerned parties must be stated in the loan document;
- 2) Any attempt by the borrower to use the loaned wildlife for any other purpose except as stated on the loan document entitles the Director to immediate repossession of the wildlife without the need of revoking the loan document;
- 3) The borrower must pay all costs associated with the loan, including the cost of care storage, transportation, and return to the source, if and when the loan document has expired and/or has been cancelled for cause in accordance with item number 11 of this sub-section;
- 4) The borrower shall be required to account periodically or report regularly on the status of the loaned wildlife. Any mortality resulting from negligence of the borrower as may be established by an investigating body created by the Director for the purpose is a sufficient ground for the cancellation of the loan document and payment of all expenses relative to the conduct of investigation and value of the lost wildlife to be determined by the Director. All revenues derived therefrom shall accrue to the National Treasury;
- 5) The borrower is not relieved from the prohibitions, restrictions, conditions, or requirements which may apply to a particular species of wildlife imposed by the laws or regulations of the Philippines or any states, including any applicable health quarantine, agricultural, or Customs laws or regulations;
- 6) Any attempt by the borrower to retransfer the loaned wildlife during the period specified in the loan document within which the borrower may not retransfer the loaned wildlife without the prior authorization of the Director, entitles the Director to immediate repossession of the wildlife;

- 7) Subject to applicable limitations of law, duly authorized DENR Officers and employees at all reasonable times shall, upon notice, be afforded access to the place where the loaned wildlife is kept and an opportunity to inspect it;
- 8) Any loan is subject to conditions specified in the loan agreement, the violation of which causes the immediate cancellation of the agreement even without prior notice to the borrower and repatriation of the loaned wildlife at the expense of the borrower;
- 9) Any loaned wildlife remains property of the Philippine government and may be retrieved anytime by the government as deemed necessary.

Sub-Section IV.F. Sale

- 4.f.1 Wildlife, by-products and derivatives may be sold or offered for sale if the Director determines that it is liable to perish, deteriorate, decay, waste, or greatly decrease in value by keeping, or that the expense of keeping it is disproportionate to its value.
- 4.f.2 Wildlife that are allowed for commercial propagation, such as orchids, monkeys and butterflies may be sold or offered for sale to legitimate wildlife farm permittees at fair market value.
- 4.f.3 Other species or subspecies of wildlife may be sold or offered for sale as determined by the Director, except when at the time it is to be sold or offered for sale the species/subspecies falls under one of the following categories:

- 4.f.3.1 Protected under Republic Act 2590 of 1916, as amended, and other existing laws on wildlife conservation;
 - 4.f.3.2 Listed in Appendix I of the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES);
 - 4.f.3.3 Listed in the International Union for the Conservation of Nature and Natural Resources (IUCN) Red Data Book of Endangered Wildlife; and
 - 4.f.3.4 Listed as species for priority concern for protection and conservation under a DENR Administrative Order.
- 4.f.4 Sale of wildlife must be in accordance with existing rules and regulations of the Commission on Audit (COA).
- 4.f.5 Wildlife purchased at sale are subject to applicable health, quarantine, agricultural or customs laws or regulations as may be required by concerned government entity or agency.
- 4.f.6 The proceeds of sale shall accrue to the Philippine Government thru the National Treasury, or to the IPAS Trust Fund if confiscated items are determined to have originated from protected areas.

Sub-Section IV.G. Euthanasia

Wildlife which are euthanized must be recorded. The fact, manner, and date euthanasia was applied, as well as the species and/or subspecies and quantity euthanized must be certified by the official who actually performed the procedure.

Section V. Other Conditions

- 5.1 The Protected Areas and Wildlife Bureau is hereby directed to formulate a release program in accordance with internationally

recognized procedure/protocol in releasing wildlife back to their natural habitat not later than thirty days (30) from the effectivity of this Order.

- 5.2 All Wildlife Rescue Centers and similar DENR facilities should include environmental enrichment programs in their activities to prepare the live individuals for their eventual release to their natural habitat.

SECTION VI . Effectivity and Repealing Clause

This Order takes effect immediately and amends, supersedes or revokes all Orders, Circulars and Memoranda inconsistent herewith.

(Sgd.) VICTOR O. RAMOS
Secretary

Recommending Approval:

(Sgd.) DELFIN J. GANAPIN
Undersecretary
Environment and Programs Development

(Sgd.) VIRGILIO Q. MARCELO
Undersecretary
Field Operations

(Sgd.) WILFRIDO S. POLLISCO
Director
Protected Areas and Wildlife Bureau

**DENR Administrative Order
No. 97-27
July 31, 1997**

SUBJECT : Amendment of Section 15. Transitory Provisions, of Department Administrative Order No. 96-20 Also Known as the Implementing Rules and Regulations on the Prospecting of Biological and Genetic Resources

This Order is promulgated in the interest of setting a definite time-frame for the negotiation and entry into force of Research Agreements for all bioprospecting research projects, contracts or agreements, pursuant to Section 11 of Executive Order No. 247, dated 18 May 1995.

Section 15. Transitory Provisions of DAO 96-20, also known as the Implementing Rules and Regulations on the prospecting of Biological and Genetic Resources, is amended to read as follows:

SECTION. 15. TRANSITORY PROVISIONS

15.1 All existing contracts or agreements involving bioprospecting entered into by and between the DENR, DA, DOH, DOST, or any other government agency and any person/institution, local or foreign, shall remain valid and effective until 31 August 1997 only. Provided that bioprospecting activities conducted within the month of August 1997 shall require the clearances/endorsements from local community concerned and the necessary permits issued by appropriate agencies incorporating the appropriate provisions of E.O. 247. Provided, further, that

no bioprospecting activity shall be allowed without the required Academic or Commercial Research Agreement after 31 August 1997. Provided finally, that existing agreements which took effect after the approval of E.O. 247 and already incorporating applicable and appropriate provisions of the E.O shall remain valid throughout the duration of the agreements, subject to annual review by the IACBGR and revision, if necessary;

- 15.2 "The DENR, DA or other government agencies authorized by law to grant permits to collect biological and generic materials shall immediately conduct a review of all existing collection permits issued prior to approval of DAO 96-20. Provided, that all permits involving bioprospecting researches/activities shall expire on 31 August 1997. Thereafter, the proponent shall apply for an Academic or commercial Research Agreement, as the case may be. Provided further, that permits issued by the DENR, DA or any authorized government agency as part of existing agreements mentioned in Sentence 4 Section 15.1 of this Order shall remain valid and effective for the period stated therein but not beyond 31 August 1998 and may be renewed upon recommendation by the IACBGR".

This Order shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

(Sgd.) VICTOR O. RAMOS
Secretary

**DENR Administrative Order
No. 97-33
November 24, 1997**

SUBJECT : Guidelines on the Issuance of Permit for the Collection and Transport of Biological Specimens from Protected Areas for Use by DENR Biodiversity Conservation Programs/Projects

Pursuant to the provisions of Republic Act 7586 (NIPAS Law) and Republic Act 2590 (Wildlife Law), and in consonance with Executive Order No. 247 (Bioprospecting Law), the guidelines in the issuance of permit for the collection and transport of biological specimens from protected areas for use by DENR biodiversity conservation programs/projects are hereby promulgated for the information and guidance of all concerned.

**SECTION 1.
SCOPE AND COVERAGE**

This Order shall govern the issuance of permit for the collection and transport of biological specimens from protected areas for use by DENR biodiversity conservation programs/projects.

**SECTION 2.
DELEGATION OF AUTHORITY**

The Director of the Protected Areas and Wildlife Bureau (PAWB) and hereinafter referred to as the "Director", is hereby authorized to issue permit for the collection of biological specimens from protected areas for use by DENR biodiversity conservation programs/projects, subject to the following:

- 2.1 The permit shall only be issued to proponents with existing Memorandum of Agreement with the DENR or with existing Grant Agreement or any other project agreement which the Philippine Government is a party thereof (in case the project/program involves other agencies/organizations), or with approved project proposal with corresponding budget or approved Work and Financial Plan (in case the project/program is directly being implemented by DENR employees);
- 2.2 The issuance of permit shall be subject to prior clearance/endorsement by the concerned Protected Area Management Board (PAMB). In case a PAMB for a particular protected area is not yet organized, the clearance/endorsement shall be sought from the concerned Regional Executive Director. In both cases, prior clearance/endorsement must also be obtained from the concerned local communities/indigenous peoples in case the collection site encompasses areas of such communities.
- 2.3 All the appropriate and applicable provisions of Executive Order No. 247 shall be incorporated in the permit to be issued; and,
- 2.4 The duration of the permit to be issued shall in no case exceed one (1) calendar year, and may be renewed subject to the needs of the Project as indicated in the MOA/approved Project Proposal or WFP and evaluation of previous accomplishments.

SECTION 3. REQUIREMENTS

The project proponent shall be required to submit to the Protected Areas and Wildlife Bureau (PAWB), thru the Wildlife Resources Division, the following for review and evaluation:

- 3.1 A letter of intent addressed to the Director PAWB together with the research proposal and detailed work plan;
- 3.2 A copy of the Memorandum of Agreement (MOA) between the DENR and the project proponent or a copy of the approved project proposal/Work and Financial Plan as the case may be;
- 3.3 A resolution from the concerned PAMB (suggested format attached as Annex "A"), supported by a copy of the Minutes of the PAMB Meeting, and original copy of clearance(s)/endorsement(s) obtained from the head(s) of the local community(ies)/indigenous people in case collection activities will encompass areas of such community(ies)/IPs; In case a PAMB for a particular protected area is not yet organized, a clearance/endorsement obtained from the Regional Executive Director must be submitted in lieu of PAMB resolution.

SECTION 4. PROCESSING AND APPROVAL OF THE PERMIT

- 4.1 After receipt of the applications and all the requirements mentioned in Section 3 hereof, the Wildlife Resources Division (WRD) in coordination with the Biodiversity Management Division both of PAWB, shall process the necessary gratuitous permit (sample format attached as Annex B) and submit the same to the Director for approval. In instances where applications lack certain requirement(s), the WRD shall notify the proponent of the lacking document(s) requirement(s).
- 4.2 The Director shall act on the applications forwarded by WRD upon receipt thereof;

- 4.3 A copy of the Permit shall be provided by PAWB to the concerned DENR Regional Office, PAMB, and local communities/indigenous people for information, record and monitoring purposes.

**SECTION 5.
TERMS AND CONDITIONS ON THE TRANSPORT OF
BIOLOGICAL SPECIMENS WITHIN AND
OUTSIDE THE PHILIPPINES**

- 5.1 The local transport of any specimens collected shall be subject to a Transport Permit issued by the Regional, Provincial or Community Environment and Natural Resources Office nearest the place of collection. The permittee shall present the specimens intended for local transport for the purpose of acquiring said permit;
- 5.2 The number/quantity/volume of specimens for local transport shall in no case exceed the quota allowed under the Permit. In case of excess collection, the excess specimens collected, as well as those collected by virtue of said Permit shall be considered illegal and therefore subject to confiscation by the concerned DENR Regional Office/PENRO/CENRO in favor of the Government without prejudice to the application of other measures as provided for in the Permit;
- 5.3 In case there is a need to export certain specimens, such exportation shall be governed by the following:
- 5.3.1 Only specimens needing further taxonomic studies, verification or analysis shall be exported;
- 5.3.2 The temporary depository of the specimens abroad shall be limited to foreign institutions/museums with existing

Memorandum of Agreement with the DENR as may be identified by PAWB, subject to prior written consent by said foreign institutions/museums;

- 5.3.3 All the specimens exported shall be returned to the Philippines upon completion of the study for turn-over to the Philippine National Museum or other local repositories as indicated in the Permit; Provided that, holotypes shall be retained at the Philippine National Museum;
- 5.3.4 Exportation of any specimen shall be subject to export permit/certification issued by PAWB and other requirements as provided for under existing DENR and international policies, rules and regulations, including CITES and Biosafety protocols.

SECTION 6. Monitoring

The monitoring of the compliance by the Permittee to the terms and conditions of the Permit shall be jointly undertaken by the PAWB, PAMB, DENR Regional or Provincial or Community Office concerned. For this purpose, the said Offices shall:

- 6.1 Assign a maximum of two (2) representatives, either from PAMB and/or DENR Regional/Provincial or Community Office concerned, to join the permittee or his authorized researchers in the collection of biological specimens at the cost of the Permittee. The designated PAMB/DENR representatives shall, on a preliminary basis verify and inspect the kind and quantity collected against the permittee's/authorized researcher's Collection Field Data Book, and submit verification/inspection report to PAWB within seven (7) days upon completion of specimen collection;

- 6.2 Thru PAWB, validate the identity/kind and quantity of the specimens collected. In the process, the PAWB may seek assistance of scientists from the Philippine National Museum, University of the Philippines at Los Baños and other institutions with relevant experience;
- 6.3 Seek the assistance of the Department of Foreign Affairs (DFA) in monitoring the specimens in repository institutions abroad and use of the specimens by said foreign institutions as deemed necessary;
- 6.4 Assign staff to monitor the compliance by the Permittee to the terms and conditions mentioned in Section 5 hereof;
- 6.5 Allow the concerned local communities/Non-Government Organizations or Peoples Organizations to participate in the monitoring activities as may be requested by the said communities/organizations at the cost of the Permittee; Provided that, other arrangements may be worked out by the Permittee with the concerned communities/organizations;
- 6.6 Thru PAWB, submit quarterly status reports and annual reports to the DENR Secretary relative to the compliance, monitoring and implementation of this Order.

SECTION 7. Repealing Clause

This Order repeals, modifies or amends all previous orders, memoranda, circulars or issuances inconsistent herewith.

SECTION 8.
Effectivity

This Order takes effect immediately.

(SGD.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-36
December 15, 1997

SUBJECT : Institutionalizing the Dalaw-Turo of the Protected Areas and Wildlife Bureau (PAWB) as an Environmental Education Strategy for Nature Conservation and Environmental Awareness Projects and Activities

Pursuant to Section 4 of EO No. 192 Series of 1987, the DENR is mandated to promote nature conservation awareness and the protection of the country's natural resources. This Order is hereby promulgated to institutionalize Dalaw-Turo as a medium of environmental education at all levels especially at the grassroots.

Section 1. Goals

1. To educate the general public and to enable them to participate in the conservation of protected areas and biological diversity.
2. To increase the knowledge, inculcate environmental ethics and broaden the involvement and participation of the public, particularly the DENR community, and the youth in the campaign for environmental conservation and sustainable development.

Section 2. Objectives

1. To train the DENR staff especially the Regional, Provincial Environment and Natural Resources Offices (PENROs) and Community Environment and Natural Resources Offices

(CENROs) on the concepts of Dalaw-Turo in conducting environmental campaigns.

2. To conduct outreach campaigns to various sectors of the society such as teachers; forest occupants; local leaders; and the Protected Area Management Boards (PAMB) (for Protected Areas) who provide support in the management of natural resources.
3. To produce and disseminate Information, Education and Communication (IEC) materials on nature conservation.
4. To encourage local people's participation in disseminating information on nature conservation.

Section 3. Project Description And Scope

- 3.1 Dalaw-Turo (DT) is a non-traditional educational, participatory, communication teaching design developed by the PAWB as a medium for environmental education based on the principles of biological diversity and sustainable development. The project utilizes the basic communication principles of folk media, and community mass-based approaches such as street theaters, environmental games, creative lectures and workshops, ecological tours and production of nature interpretative materials.
- 3.2 The DT program shall include all present programs, projects, initiatives of the Department related to and involving IEC concerns linking environmental education to sustainable development in coordination with the DENR Public Affairs Office and appropriate units/offices of the Department.

3.3 Program Components:

- 3.3.1 Creation of Central and Regional Dalaw-Turo Core groups
- 3.3.2 Trainers training of the National and Regional Core Group through the Salin-Turo (Human Resource Development)
- 3.3.3 Conduct of school and community visitation
- 3.3.4 Production of IEC materials
- 3.3.5 Preparation and implementation of National and Regional DT action plans
- 3.3.6 Monitoring and Evaluation of DT action plans
- 3.3.7 Conduct of Enhancement workshop for trainers and Annual Performance Assessment through General Assemblies

Section 4. Creation Of Regional Teams

- 4.1 Selection of DT Regional, PENRO and CENRO counterparts. For the project's implementation, a team from each Region shall be created upon recommendation of the Regional Executive Director (RED) and various officials of the sectors composed of representatives from the Regional Office, PENROs, and CENROs. Representative(s) shall be selected based on the following criteria:

- 4.1.1 Has the ability to effectively relate to various audiences especially the youth. The person should also possess adequate information on local environmental issues.
- 4.1.2 Has the creativity to artistically translate environmental problems and issues into simplified concepts.
- 4.1.3 Has the willingness and dedication to implement Environmental Education (EE) campaigns in their localities through the Dalaw-Turo action plan which will be formulated after the training.
- 4.1.4 Trained DENR personnel from the Field Offices shall be called DT Counterparts. Each region will be headed by a Dalaw-Turo Regional Coordinator.
- 4.1.5 Regional DT activities shall be under the direct supervision of the Office of the Regional Executive Director.

Section 5. Criteria For Schools And Communities To Be Visited.

- 5.1 Selection of school or community to be visited by Dalaw-Turo. The Regional Dalaw-Turo team shall plan and decide which schools or communities should be visited based on the following criteria:
 - 5.1.1 Priority shall be given to schools within or near established areas of DENR-related projects.
 - 5.1.2 For local communities, priority shall also be given to communities within or near DENR-related projects.

Section 6. Dalaw-Turo Trainor's Training Or The Salin-Turo

The Salin-Turo (ST) shall be conducted to effectively transfer non-traditional teaching methodologies of Dalaw-Turo to DENR regional counterparts. The training shall involve the following:

- 6.1 The counterparts shall undergo an intensive on the job training workshop for a minimum of eight (8) days which will be conducted by the Central Office (DT) team and the Protected Areas and Wildlife Bureau (PAWB) Dalaw-Turo implementors.
- 6.2 The counterparts shall be evaluated by the trainors during their On-the-Job Training (OJT) session. The OJT session involves actual use of Dalaw-Turo Methodologies during school and community visitations.
- 6.3 A regional Dalaw-Turo action plan shall be formulated and submitted by the counterparts to the Central Office as a post-requirement of the training program.
- 6.4 Pre and Post Training Evaluation Activities
 - 6.4.1 For the students
 - 6.4.1.1 A pre-DT evaluation shall be conducted by Regional Office counterparts at least a month before the actual Dalaw-Turo, to determine the students' level of environmental awareness and understanding of sustainable development.
 - 6.4.1.2 Immediately after the actual Dalaw-Turo session in a particular school another set of evaluation shall be

given to students. The result of this concurrent evaluation shall be compared to the pre-evaluated result to determine percentage (%) increase in the student's knowledge on environmental conservation and understanding of sustainable development after the DT session.

6.4.1.3 After six months, a post DT evaluation shall be conducted with the same target students. This will be done simultaneously with PAWB's Monitoring and Evaluation of DT counterparts performance as provided under Section 5.4.3.

6.4.2 For the Communities

A pre and post-evaluation shall be conducted for the communities visited by the DT counterparts.

6.4.3 For the counterparts

The performance of DT regional counterparts shall also be evaluated by the PAWB DT Core Group vis-a-vis accomplishments as targeted in their action plans. An assessment to determine the perception of the DT counterparts about the project shall also be conducted by PAWB at the end of every year.

Section 7. Respective Responsibilities Of The Central Office, PAWB And The Regional Offices

- 7.1 DENR Central Office shall create a National Program Coordinating Body headed by a Dalaw-Turo National Program Coordinator to be stationed at the Special Concerns Office.
- 7.2 The PWB Dalaw-Turo Core Group headed by a PAWB Coordinator shall be the field-implementing arm of the Program. It shall be under the supervision of the PAWB Director.
- 7.3 The Central Office shall closely coordinate with PAWB to accomplish the following functions:
 - 7.3.1 To monitor and evaluate DENR DT networks of EE in the Regions.
 - 7.3.2 To develop and implement various DT modules for other target beneficiaries such as teachers, Local Government Units (LGUs), Indigenous Peoples (IPs) and Non-Government Offices (NGOs).
 - 7.3.3 To sustain Regional counterparts' efforts in their localities by conducting enhancement workshops as follow-up training in the Regions.
 - 7.3.4 To expand DT networks of EE implementors outside DENR as partners in conservation campaigns.
 - 7.3.5 To develop additional innovative strategies addressing the IEC needs of the time.

Section 8. Monitoring And Evaluation

1. A regular monitoring and evaluation of Dalaw-Turo activities shall be conducted by PAWB to monitor the Regional DT undertakings once a year or as the need arises based on the submitted action plans of the regions.
2. The National Coordinating Body shall initiate annual assessment assemblies among Central Office and Dalaw Turo Regional implementors.
3. Regional DT team are encouraged to conduct cross-visit activities in other regions as a scheme for a healthy comparison and assessment of the various styles in conducting Dalaw-Turo sessions.

Section 9. Funding

The Central Office, PAWB and the Regional Offices shall set aside regular allotment for the implementors of the central and regional DT action plan chargeable against the annual IEC budget subject to coordination with the Public Affairs Office and the usual accounting and auditing rules and regulations.

Section 10. Effectivity

This Order takes effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-42
December 29, 1997

Subject : Transferring the Tamaraw Conservation Program (TCP) from the Protected Areas and Wildlife Bureau (PAWB) to DENR Region IV

The supervision, operations and management of the Tamaraw Conservation Program (TCP) is hereby transferred to DENR- Region IV effective 01 January 1998.

All functions and responsibilities, including personnel and staff; records; equipment and supplies; and Project appropriations for CY 1998 are hereby included in the transfer. Such transfer of TCP personnel and staff excludes all PAWB personnel assigned to the Project.

This order takes effect on 01 January 1998 and remains in full force unless revoked in writing.

(Sgd.) VICTOR O. RAMOS
Secretary

Memorandum Circular
No. 97-17
September 11, 1997

**SUBJECT : Criteria for the Identification of Wetlands
Critical to Biodiversity Conservation**

Pursuant to Executive Order No. 192, Series of 1987, the DENR is the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources.

Wetland ecosystems are the least understood of ecosystems and have been traditionally regarded as wastelands. Wetlands, however, perform certain functions, generate products and possess attributes that make them important to society. Wetlands are defined as areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters. Generally, the range of wetland habitat includes: estuaries; open coasts, floodplains, freshwater marshes; lakes; peatlands; and swamp forest. Aside from being depository of rich biodiversity, some wetlands also serve as source of water for domestic, industrial and agricultural use.

In accordance with the objectives of the Philippine Wetland Action Plan, the following set of criteria for identifying wetlands critical to biodiversity conservation and correspondingly, for the abatement of the water crisis is hereby issued to guide field implementors in the identification process:

A wetland should be considered important for biodiversity conservation if at least two (2) of the following criteria are met:

- It serves as a habitat of endemic wetland's plants and animals, including fishes.
- It supports an appreciable assemblage of rare, vulnerable or endangered species, or subspecies of plants and animals, or an appreciable number of individuals of any one or more of these species. A listing of important priority species for conservation is presented as Annex A.
- Important staging areas for migratory shorebirds.
- Areas with high diversity of natural populations of invertebrates and fishes and very important breeding and nursery area for many ecologically important wetland species.
- It is a good representative example of a natural or near natural wetland that plays a substantial hydrological, biological or ecological role in the natural functioning of a major river basin or coastal system, especially where it transcends provincial or regional boundaries.

This Circular takes effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

**Memorandum Circular
No. 97-18
September 12, 1997**

**SUBJECT : Fifty Percent (50%) Discount on All
National Park Fees**

In line with the Family Week Celebration on 22-30 September 1997 and to provide a venue for families to spend their time together in harmony with nature, all members of the family who are government employees can avail of 50% entrance fee in all existing national parks in the country covering said period.

Government employees should present their government identification cards in order for them to avail said privilege.

All the DENR Regional Executive Directors are to implement this Circular from 22-30 September 1997 and will issue the instruction to their respective Protected Areas Superintendent Units or Protected Area and Wildlife Division Chiefs.

The Director of PAWB will monitor this activity.

For compliance.

(Sgd.) VICTOR O. RAMOS
Secretary

ADMINISTRATIVE SECTOR

DENR Administrative Order
No. 97-01
February 10, 1997

**SUBJECT : Reorganizing the Buildings
& Grounds Maintenance Section,
General Services Division**

In the interest of the service and in line with the governments' thrust of promoting efficiency, effectiveness and economy in the delivery of services, the Building and Grounds Maintenance Section (BGMS) is hereby reorganized into two Sections as follows:

- (a) Main Building Safety/Maintenance and Motorpool Section (MBSMMS);
- (b) Annex Building Safety/Maintenance and Grounds Section (ABSMGS)

Henceforth, both Sections shall be guided by the following to effectively and efficiently discharge respective function of each section:

1. **Staffing** :

Each Section shall be headed by a Section Chief, assisted by Area Supervisors and supported by Maintenance Team who shall be identified in a Special Order to be issued for the purpose.

2. **Area Jurisdiction:**

- 2.1 The MBSMMS shall be responsible for safety and maintenance of the main building and the motor pool compound; and
- 2.2 The ABSMGS shall be responsible for safety and maintenance of all Annex Buildings and the DENR perimeter compound.

3. **Functions :**

3.1 **Section Chiefs shall:**

- a. Direct overall supervision and administration of their respective section;
- b. Direct maintenance/repair done by administration and contracted work;
- c. Supervise construction and developmental projects within their area of supervision;
- d. Establish agency estimates, designs or plans for construction, fabrication and repair work;
- e. Study/recommend/establish physical improvements for office/building and grounds;
- f. Formulate/recommend internal administrative policies;
- g. Dispatch and monitor maintenance teams to reported area which need work;

- h. Ensure that needed supplies and materials are provided;
- i. Develop in-house repair/maintenance capabilities; and
- j. Submit weekly reports of accomplishments.

3.2 **Area Supervisors shall:**

- a. assist the Section Chief in supervising all work done by Administration and all works contracted to dealers/contractors;
- b. conduct daily office to office Inspection and report to the Section Chief needed repair work and request maintenance teams to be dispatched;
- c. conduct daily follow-up inspection of all reported work/repairs to monitor progress and ensure satisfactory completion of work;
- d. prepare daily progress reports of on-going work and work completed; and
- e. perform other duties that may be assigned from time to time.

3.3 **The Motorpool Unit head shall:**

- a. assist the Section Chief in supervising and administering the Unit;

- b. be responsible for the daily preparation of trip tickets issuance and dispatch of all Central Office vehicles;
- c. be responsible for preventive and remedial maintenance of all Central Office vehicles;
- d. be responsible for developing and maintaining in-house repairs of motor vehicles;
- e. be responsible for the preparation of documentary requirement needed for payment of fuel withdrawals/repairs from DENR Servicing Stations;
- f. be responsible for the preparation of daily, monthly annual reports of fuel consumption;
- g. be responsible for preparing Waste Materials report of vehicle parts; and
- h. perform other duties that may be assigned from time to time.

3.4 **Maintenance Teams shall:**

- a. be responsible for maintenance/repair works of all reported jobs;

4. **Coordination:**

Cases where the volume of work requires more maintenance crew to attend to rush works, the maintenance teams of both sections shall be called to do complementation of work.

5. **Reporting** :

Section Chiefs of both Sections shall be accountable to and shall regularly render their reports to the Chief, General Services Division.

This Order shall take effect immediately.

(Sgd.) VIRGILIO Q. MARCELO
Acting-Secretary

Recommending Approval:

(Sgd.) WILLIAM T. RAGOS
OIC-Chief
General Service Division

(Sgd.) RAMON M. EZPELETA
OIC-Director
Administrative Service

(Sgd.) ERLINDA P. MERAM
OIC-Office of the Assistant Secretary
for Management Services

**DENR Administrative Order
No. 97-03
February 20, 1997**

SUBJECT : Amendment of Administrative Order No. 96-19 Series of 1996 re: Delegation of Authority Related to ADB and OECF Funded Forestry Sector Project and Providing Guidelines Thereon

In the interest of service and to facilitate implementation of ADB and OECF funded Forestry Sector Project, authority is hereby delegated to the Regional Executive Directors to approve all contracts (e.g. SMP, community organizing, comprehensive site development and M & E) and financial transactions related to the project, provided however that the following guidelines will be strictly followed:

1. No contract will be approved without securing first a Certificate of Availability of Fund (CAF) from the Regional Accounting Office.
2. All contracts shall be thoroughly evaluated by the technical unit concerned and by the legal unit of the regional office to make sure that all contracts to be approved are free from any technical deficiencies as well as legal infirmities.
3. In the awarding of contracts, it is the full responsibility of the regional office to make sure that there are no government laws violated.
4. All financial transactions shall adhere to the generally accepted accounting/auditing rules and regulations applicable to all government transactions.

5. That in case of doubts, proper authority (i.e., COA, DBM, etc.) shall always be consulted.

This Order shall take effect immediately and repeals/supersedes all orders or issuances inconsistent herewith.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97 - 09
March 18, 1997

**SUBJECT : Institutionalizing the DENR Identity
Design System and Manual of Style**

A DENR Identity Design System and Manual of Style is hereby adopted to govern the design, format and style of all the Department's documents and official publications.

For purposes of uniformity and consistency, a set of standard printed forms, symbols and procedures in all DENR communications is hereby set.

I. Statement of Policy

It is the policy of the Department to provide a set of standard format and procedures for its internal and external communication for the purpose of promoting uniformity and consistency in order to uphold the Department's vision, mission and programs thrust

II. Coverage

All offices of the Department, including its bureaus attached agencies, special foreign funded program offices and projects, and field offices should adopt the guidelines attached herein.

III. Implementing Guidelines

All the procedures, guidelines and format are prescribed in the attached manual which shall form part of this order. (See Annex A, "Identity Design System and Manual of Style")

IV. Effectivity

This Order takes effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-13
April 17, 1997

SUBJECT : Adoption of Safety and Security Measures in All DENR Offices

In view of the need to continuously safeguard our personnel, buildings, documents, equipments, installations and other government interests in the Department nationwide, the following measures are to be adopted in all Regional Offices, Bureaus, PENROs and CENROs and in the DENR Proper, effective immediately.

I. SECURITY PLAN/GUARDING

1. Security Guards shall be deployed round-the-clock in strategic areas.
2. The responsibilities and duties of the guards must be clearly defined, understood and implemented.
3. Where security guards come from existing personnel of the Department, they should be properly briefed on their duties and fairly compensated when rendering services beyond their regular working hours.
4. In both instances, a Security Plan must be formulated and strictly enforced and amended or improved from time to time when necessary.

II. VISITORS CONTROL

1. To establish easy identification and control of visitors who transact business with our offices, color-coded visitors ID cards are to be issued by your respective Offices through the security guard/Officer of the Day.

2. Where Offices are located in different buildings, the most senior official in the said building shall automatically be in charge of all security and safety matters.

III. VEHICLES CONTROL

1. Vehicle pass/stickers shall be issued to vehicles owned by DENR personnel as well as those owned by private persons transacting business with us entering the DENR compound and parked. Control list shall be maintained by the Security Guards on duty.

IV. ORGANIZATION OF FIRE/EMERGENCY TEAMS

1. To place all DENR offices in a state of readiness and to respond to the occurrence of early/small fires or minor emergencies, the following emergency or fire teams shall be organized.
 - a. Designation of a Security or Fire Safety Officer.
 - b. Information/Communications Center — in-charge of reporting or spreading the exact emergency information/situation to responsible official(s).
 - c. Emergency Control/Fire Fighting Team — acts as initial fire fighter or address the emergency in its initial stage.

- d. First Aid Team — attend to any personnel who might be injured or in state of initial shock.
- e. Rescue Team — saving people, important documents/papers considered priority.
- f. Traffic Routing Team — oversee the smooth traffic/personnel evacuation.

V. REGULAR SECURITY MEASURES

Henceforth, all Security/Fire Safety Official so designated shall conduct, in coordination with the appropriate government agency, regular fire drills, and information campaign on fire safety. Similarly, they are to check on fire fighting equipments, fire escapes and emergency readiness of the different teams created/organized under Paragraph IV and the submission of quarterly reports or necessary trigger reports to management.

For strict implementation and compliance.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-19
May 9, 1997

SUBJECT : Guidelines for the Regionalization and Institutionalization of Foreign-Assisted and Special Projects to DENR Regular Offices

In support of the government's thrust towards decentralization of governance to hasten the goal of people empowerment and regional development and to ensure efficiency and sustainability of foreign-assisted and locally-funded special projects, the following guidelines specified hereunder for the regionalization and institutionalization of foreign-assisted and special projects are hereby issued for implementation:

I. ROLES/FUNCTIONS OF THE VARIOUS OFFICES

A. ON PROJECT PREPARATION AND PACKAGING

A.1 Role of FASPO

1. Provides guidelines in the design and preparation of project proposals;
2. Serves as clearing house for all project proposals, as follows:
 - screens/evaluates proposals
 - prioritizes projects
 - re-packages proposals coming from regional offices/bureaus per requirements of funding institutions
 - endorses projects to NEDA

3. Prepares/packages project proposals at its own initiative in consultation with affected regions/offices of the Department;
4. Identifies funding sources for project proposals;
5. Coordinates/participates in project preparation studies (PPS) and preparation of proposals;
6. Determines Priority Activity (PA) Programs/projects to be included in the Priority Sub-sector Activity/Program Investment List (PSA/PIL) in coordination with Planning Service;
7. Initiates and maintains link with international organizations, donor/funding agencies and other national agencies;
8. Coordinates the conduct of project identification and project fact-finding missions of donor agencies/international organizations;
9. Reviews and assesses design of financial systems if these are consistent with the existing systems to avoid multiplicity;
10. Convenes the FASPs Coordinating Boards (for review and prioritization of project proposals) and serve as Secretariat;
11. Ensures that the phase-out/phase-in mechanism is incorporated in the project design; and

12. Provides Regional Office with information relating to priority areas and thrusts of funding agency to guide them in the preparation of proposals

A.2 Role of Regional Office

1. Develops project proposals;
2. Participates in project packaging with FASPO;
3. Participates in the conduct of project preparation studies (PPS);
4. Participates in project identification and fact-finding missions and identification of projects in the Regional Development Investment Program (RDIP);
5. Provides financial and technical assistance in the post-impact evaluation; and
6. Takes active role in the design of organizational structure.

A.3. Role of the Bureau Concerned

1. Provides technical inputs in the design and packaging of projects proposals;
2. Provides technical/experts pool; and
3. Prepares its own project proposals.

B. ON PROJECT APPRAISAL

B.1 Role of FASPO

1. Coordinates/assists project appraisal Missions;
2. Coordinates with oversight agencies;
3. Assists in loan/grant negotiations; and
4. Coordinates and initiates conduct of Feasibility Studies.

B.2 Role of Regional Office

1. Participates in the conduct of Feasibility Studies;
2. Participates in the selection of contractors/consultants; and
3. Participates in project appraisal missions.

B.3 Role of the Bureau Concerned

1. Participates in appraisal missions; and
2. Participates in the selection of contractors/consultants.

C. ON PROJECT IMPLEMENTATION

C.1 Role of FASPO

1. Coordinates pre-implementation activities such as:
 - preparation of budget
 - orientation
 - project organization
 - conduct of benchmark studies

2. Develops/establishes a Monitoring and Evaluation System for FAPs;
3. Coordinates and liaises with oversight agencies and donor institutions with respect to financial and physical aspect of project implementation;
4. Facilitates processing/release of project accounts (i.e. withdrawal applications, special account, GOP counterpart funds);
5. Reviews completeness and legality of financial documents;
6. Conducts annual performance assessment of ongoing FASPs;
7. Facilitates procurement of goods and services beyond the delegated authority of regions;
8. Coordinates and participates in evaluation missions;
9. Analyzes lessons learned and facilitate complementation; and
10. Facilitates/coordinates project phase-in and phase-out.

C.2 Role of Regional Office

1. Provides overall supervision to FASPs within the region;
2. Includes FAPs KRA in the regular regional KRAs;

3. Creates/organizes Steering Committee for related projects;
4. Signs/approves documents related to the implementation of projects within their region;
5. Hires/fires regional project staff;
6. Implements FAPs through regular units within the regional/field office utilizing regular staff assisted by contractuels;
7. Synchronizes project plans/activities with the regional priority plans/programs;
8. Conducts regular monitoring activities;
9. Documents and disseminates lessons learned;
10. Selects consultants for site-specific projects, subject to delegated authority;
11. Supervises/manages, monitor and evaluate TA for site-specific or stand-alone projects and region-based TAs;
12. Undertakes M & E of technical aspects of project;
13. Implements projects related/consistent with Bureau functions;
14. Initiates procurement process for equipment, subject to delegated authority;
15. Approves changes in project sites (barangay and municipality) within the province/region;

16. Recommends changes in WFP/annual targets (copy furnish FASPO for review and consolidation) but consistent with overall/project targets;
17. Approves/endorse modifications or changes in O & M structure in the region;
18. Takes the lead in the coordination of field level activities of evaluation missions;
19. Implements phase-in/phase-out plan;
20. Includes in regional KRAs the maintenance and protection of terminated/completed FASPs;
21. Recommends/endorse project re-design or extension, if necessary; and
22. Initiates conduct of inventory of equipment for turn-over.

C.3 Role of the Bureau Concerned

1. Implements FASPs related/consistent with Bureau functions;
2. Provides technical assistance in project implementation; and
3. Undertake M & E of technical aspects of project.

D. ON PROJECT POST EVALUATION

D.1 Role of FASPO

1. Conducts post-impact assessment of completed projects.

D.2 Role of the Bureau Concerned

1. Participates in evaluation mission; and
2. Provides technical/financial assistance in post-impact.

II. SCOPE AND COVERAGE

This Order shall cover all the phases of the project cycle of all DENR foreign-assisted and special projects. Hence, all offices involved shall be governed by this Order.

III. IMPLEMENTATION ARRANGEMENTS

The implementation of the provisions of this Order shall be done in the following manner/timing:

1. The roles and functions stated in Project Preparation and Packaging, Project Appraisal, and Project Post Evaluation in this Order shall be exercised immediately by the identified/concerned offices.
2. In the case of Project Implementation, the Order shall be applied to all on-going FAPs. However, mandatory and full compliance is expected at the start of the last year of the original project life/duration.
3. Future FAPs shall be implemented following the provisions of this Order from the very start until the end of the project cycle. In the implementation of the above roles/functions, it is the responsibility of the head of the office to ensure that complementation in the use of all available resources shall be pursued to attain maximum productivity, efficiency and

effectiveness. Individual project contribution shall, however, be properly accounted.

IV. Additional/Detailed Guidelines

Additional or detailed guidelines to fully operationalize this Order in the Offices concerned shall be issued by the head of office to clarify matters, as necessary.

V. Compliance Monitoring

The Foreign-Assisted and Special Projects Office of the DENR shall devise a monitoring system to keep track of the implementation and degree of compliance of the concerned offices/projects to this Order.

VI. Separability Clause

The above-stated roles/functions do not preclude orders or special assignments given by the Secretary from time to time including actions/communications concerning operations of Bureaus/Offices which neither violate Department or commit the Department to any undertaking not specified by law.

VII. Repealing Clause

All provisions of previous memorandum circulars inconsistent herewith are hereby repealed and amended accordingly.

VIII. Effectivity

This Order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

Recommending Approval:

(Sgd.) DELFIN J. GANAPIN
Undersecretary for Environment
and Programs Development

(Sgd.) VIRGILIO Q. MARCELO
Undersecretary for
Field Operations

DENR Administrative Order
No. 97-20
July 18, 1997

**SUBJECT : Annual General Inspection (AGI) of
Regional Key Officers**

Pursuant to Executive Order No. 192, Series of 1987 and in furtherance to Administrative Order No. 62, Series of 1990, the AGI of Regional Key Officers is hereby promulgated.

Section 1. Basic Policy

In consonance with Section 26 of Executive Order No. 192, Series of 1987, mandating the Department of Environment and Natural Resources to formulate and enforce a system of measuring and evaluating periodically and objectively, scope and procedure are hereby formulated for the guidance of all concerned.

Sec 2. Objectives.

- 2.1 To compare performance against targets, regulations and set standards
- 2.2 To determine strengths and weaknesses in program administration, organization and resource provision
- 2.3 To measure the ability of management in providing for and in sustaining the welfare of its personnel
- 2.4 To give due recognition to total quality leaders

Sec. 3. Scope.

The AGI shall include all Regional Key Officers, namely, the Regional Executive Director (RED), Regional Technical Director (RTD), Provincial Environment and Natural Resources Officers (PENROs) and Community Environment and Natural Resources Officers (CENROs), covering the

areas of Administrative and Finance; Morale Welfare and Discipline and Operations.

3.1 Administrative and Finance

This involves the appraisal of personnel administration, records management, logistics and support services, efficiency, effectiveness and economy in the use of resources.

3.2 Morale and Discipline

This pertains to an assessment of the organization/unit's ability to take care of the welfare of its personnel as indicated by personnel actuations/behavior; breach of discipline, if any, smartness of appearance; and recognition of the management and leadership of the organization/unit.

3.3 Operation

This refers to the attainment of physical targets. Were Key Result Areas, commitments and other instructions implemented in accordance with agreed timetable, targets and standards?

Sec. 4. Guideposts.

4.1 Stages of Implementation

The AGI shall have two (2) stages of implementation. The first stage covers the Provincial Environment and Natural Resource Officer (PENRO), Community Environment and Natural Resources Officer (CENRO) evaluation. The second stage covers the Regional Executive Director (RED)/Regional Technical

Director (RTD)/Regional Director of Mines and Geosciences (RDM) evaluation.

4.1.1. PENRO/CENRO EVALUATION

The evaluation of PENROs and CENROs shall be conducted by a team coming from another Region (regional cross-evaluation) with the regional counterpart. Such evaluation team shall be composed of Regional Technical Directors (RTDs) and technical officials, the Chiefs of the Planning and Management Division (PMD), Finance Division, Administrative Division and other services as may be authorized. The PENRO/CENRO Evaluation shall be conducted first before the evaluation of Regional Technical Directors and Regional Executive Directors.

4.1.2 RED/RTD RDM EVALUATION

This refers to the evaluation of Regional Executive Directors (REDs), Regional Technical Directors (RTDs) and Regional Director for Mines and Geosciences (RDM) to be conducted by Central Office team. The team shall be headed by a Director (RED, RTD, Service Director or Program Director assigned at the Central Office) as the Team Leader with representatives from the Bureaus, the Administrative, Finance, Planning and Policy Studies and other services as members.

4.2 Conduct of Survey

A survey questionnaire shall be administered to determine the perception of field offices personnel on the Morale, Welfare and

Discipline. All permanent, temporary and casual personnel of DENR field offices are qualified respondents to the survey.

4.2.1. Respondents

Survey questionnaires shall be distributed to all staff concerned (at least 65% of total population following a stratified sampling method. The direct respondents are as follows:

4.2.1.1 CENROs

At least 65% of total population of
CENR Office
PENRO
RED

4.2.1.2 PENROs

All CENR Officers
PENR Office Personnel (65%)
RED

4.2.1.3 RTDs

Respective Regional Technical Division
Chiefs
Regional Technical Service Personnel (65%)
RED

4.2.1.4 RDM

MGS Technical Division Chiefs
MGS Technical personnel (65%)
MGS Support Services Personnel (65%)
Dir. MGSB

4.2.1.5 RED

All RTDs except RDM
All PENROs
All Support Services Division Chiefs
All RED's Office Staff (65%)
Support Services Staff (65%)

4.3 Validation

A questionnaire cum validation form shall be used to verify Administrative and Finance concerns. Following the guidelines prescribed for each item, the form shall be accomplished by the Administrative and Finance representatives.

4.4 Operations (Physical Accomplishments)

Based on the guidelines formulated for each sector, questionnaire/validation forms shall be accomplished by the sectoral representatives. Prescribed documents and other verification/validation items cited in the guidelines should be made available to the validators. Field inspection should be undertaken. The respondents can be the Regional Technical Directors (RTDs) and/or Technical Staff concerned.

Sec. 5. Point Scores.

5.1 Morale, Welfare and Discipline

The total point score of each key officer shall be obtained by summing up all the points posted from the survey results in the manner as follows:

For CENROs:

Same as 4.2.1.1

For PENROs:

Same as 4.2.1.2 plus CENRO personnel

For RTDs except RTDs for Ecosystems Research and Development

Same as 4.2.1.3 plus concerned CENRO and PENRO personnel

RTD for Research

Same as 4.2.1.3

For RDM

Same as 4.2.1.4

For REDs

Same as 4.2.1.5 plus All Regional Technical Division Chiefs (except MGS); All Regional Technical Services Personnel except MGS; All PENROs Personnel All CENR Officers; and All CENROs Personnel

5.2 Administrative and Finance

The point scores for Administrative and Finance shall be summed up following the hierarchical distribution of Morale, Welfare and Discipline. (Section 5.1).

5.3 Operations (Physical Accomplishments)

Points garnered by the Regional Officers their respective KRAs/Commitments shall be summed up.

5.3.1 For CENROs

CENRO accomplishment vis a vis CENRO targets

5.3.2 For PENROs

PENRO accomplishment vis a vis PENRO targets

5.3.3 For RTDs and RD

RTD accomplishment vis a vis sectoral targets.
RDM accomplishment vis a vis RDM targets.

5.3.4 For REDs

Regional accomplishment vis a vis regional targets.

5.4 Computation of Ratings

$$\text{Totally Quality Leadership} = \frac{\% \text{ Adm. \& Fin.} + \% \text{ MWD} + \% \text{ Physical Acc.}}{3}$$

<u>% Rating</u>	<u>Adjectival Rating</u>
91-100	Outstanding
81-90	Very Satisfactory
71-80	Satisfactory
70 below	Unsatisfactory

Sec. 6. Awarding of Outstanding Performers.

To qualify for an award, one must have an OUTSTANDING RATING in each of the three (3) areas of performance.

The awards to be given are as follows:

- Eagle Award -The highest and most prestigious award that can be conferred to the most outstanding performers in the regional office. This is to be given to field implementors (RED, RDM, PENRO and CENRO) who qualified as Eagle Candidate and has the highest rating in his category
- Achievement Award - Highest award for the Most Outstanding Regional Technical Directors (RTD candidate with the highest Average rating in his sector)

Regional Officers who do not qualify for an award but were able to contribute extraordinary accomplishments which brought about significant improvements in the organization shall be given CITATIONS.

Sec. 7. Funding.

Sufficient amount shall be allotted for the implementation of this program by the Central Office and each concerned region.

Sec 8. Secretariat.

The Project Development and Evaluation Division (PDED) of the Planning and Policy Studies Office (PPSO) shall act as the Secretariat for the AGI and shall be responsible for the preparation of AGI procedural and validation guidelines in coordination with the Office of the Undersecretary for Field Operations, Administration and Finance Services

and sectoral Bureaus; documentation of AGI results; preparation of special orders and other related documents and call meetings pertinent to AGI. The PDED shall be also the repository of all AGI documents.

Sec. 9. Validation Guidelines and Survey Instruments.

The validation guidelines and survey instruments shall be modified/updated as may be necessary. The modified/updated guidelines and survey instruments shall be approved by the Undersecretary for Field Operations.

Sec. 10. Effectivity.

This Order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-21
July 18, 1997

SUBJECT : Institutionalizing the Community Environment and Natural Resources (CENR) Management Course or The CENR Academy in the Department of Environment and Natural Resources

Pursuant to Section 7 (b) of Executive Order No. 192 and in consonance with the Department's policy to develop further the managerial capabilities and skills of its human resources, the Community Environment and Natural Resources (CENR) Management Course or the CENR Academy is hereby institutionalized and the basic policy, objectives, scope and management are hereby promulgated for the guidance of all concerned:

3. BASIC POLICY

It shall now be the basic policy of the Department to

- .1. Professionalize the selection process of the frontline managers in the field offices all over the country as a basic requirement for promotion/designation to a CENR Officer position; and
- 1.2 Upgrade their skills and competence in order to contend with the anticipated changes in the directional focus.

2. **OBJECTIVES**

- 2.1 To provide participants with a clear understanding of the Department's mission and vision in meeting the needs and aspirations of the people for a better quality of life;
- 2.2 To promote cross-sectoral awareness in attaining the mandates for the sustainable management of natural resources and protection of the environment;
- 2.3 To enhance the capabilities of the potential CENROs in the technical, managerial and administrative aspects of their tasks; and
- 2.4 To have a distinct statement of management philosophy.

3. **QUALIFICATION AND SELECTION OF THE PARTICIPANTS**

3.1 **QUALIFICATION FOR ADMISSION**

Participants must possess the following qualifications:

- 3.1.1 Preferably forty (40) years of age or below;
- 3.1.2 Hold a permanent position with at least salary grade 18;
- 3.1.3 Must have a masters degree in any field of specialization or must have acquired at least thirty (30) units leading to a master's degree;
- 3.1.4 Must be physically fit to undergo training as certified to by a government physician;
- 3.1.5 Must be recommended by his/her Regional Executive Director or Head of Office, as the case may be; and

3.2 SELECTION PROCESS

- 3.2.1 The Regional Offices, Bureaus and Attached Agencies shall nominate candidates through a selection process upon receipt of invitation/announcement;
- 3.2.2 The Human Resource Development Service (HRDS) shall compile/consolidate all nominations;
- 3.2.3 The HRDS shall prepare the short list;
- 3.2.4 The short list shall be submitted to the Undersecretary for Field Operations thru the Assistant Secretary for Management Services for final selection; and
- 3.2.5 The Special Order shall be prepared based on the final selection.

4. THE COURSE

4.1 COURSE CONTENTS

The Course shall be divided into Modules consisting of several sessions. These modules are as follows:

- Module 1 : DENR Vision and Mission, Organization Structure, Functions of CENR Office.
- Module 2 : Sustainable Forest Management Policies and Programs
- Module 3 : Biodiversity Conservation and Protected Areas Management for Sustainable Development
- Module 4 : Land-Use Planning and Land Management
- Module 5 : Mineral Resource Development Program
- Module 6 : Environmental Management and Protection
- Module 7 : Ecosystem Research and Development Agenda

- Module 8 : Sustainable Development of Coastal and Marine Ecosystem
- Module 9 : Alternative Dispute Resolution and Legal Procedures
- Module 10 : Gender and Development
- Module 11 : Management Topics: Leadership, Personal Development Skills, Management Ethics, Project Development and Management.

4.2 METHODOLOGY

A variation of training methodologies shall be utilized to maximize learning and participation, such as:

- 4.2.1 Lecture, Discussion
- 4.2.2 Case Presentation, Role Play, Open Forum
- 4.2.3 Structured Learning Exercises
- 4.2.4 Field Visits

4.3 RESOURCE PERSONS

The resource persons to deliver topics contained in each Module shall be selected from officials and a pool of experts from the different Bureaus and Offices of the Department which are classified as follows:

- 4.3.1 Policy level — Undersecretaries, Assistant Secretaries and Directors
- 4.3.2 Technical/Operations — Sectoral Experts in the different fields
- 4.3.3 Management and Personal Development Skills — Human Resources Management Officers and other experts on administrative management

4.4 RANKING SYSTEM

To assess the knowledge level and leadership potential of the participants they shall be ranked according to these four (4) criteria:

- | | | |
|-------|--------------------------------------------------------|-----|
| 4.4.1 | Examination | 50% |
| (A) | Written (35%)
Weekly Module
Assessment (quizzes) | |
| (B) | Oral (15%) | |

- | | | |
|-------|-----------------------------------|-----|
| 4.4.2 | Participation in class activities | 15% |
|-------|-----------------------------------|-----|

Quality and relevant sharing during open forum and group discussion and active participation in physical fitness exercises.

- | | | |
|-------|----------------------------|-----|
| 4.4.3 | Course requirement outputs | 15% |
|-------|----------------------------|-----|

Individual papers which include daily reflection/learning journal and group papers which include field trip reports, case analysis solutions, etc.

- | | | |
|-------|---------------------------|-----|
| 4.4.4 | Leadership and discipline | 20% |
|-------|---------------------------|-----|

Ability to influence others, ability to communicate well, to respect the rights of other, adherence to the norms and rules of the training, performance/doing.

TOTAL	100%
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5. DURATION AND VENUE

This CENR Management Course is a 30-day live-in/residential program which shall be conducted at the DENR — National Training

Center in Carranglan, Nueva Ecija and at the HRD Management Facility, DENR Central Office in Quezon City.

6. ADMINISTRATION AND MANAGEMENT

The Management Development Division, HRDS shall be responsible for the administration and management of the CENR Management Program.

7. REPEALING CLAUSE

This Order shall institutionalize the CENR ACADEMY in the Department and shall modify all other issuances inconsistent herewith.

Thenceforth, as a matter of policy and pursuant to this Order, no personnel shall be appointed and/or designated to a CENR Officer position unless he/she successfully undergoes training in the CENR Academy.

8. EFFECTIVITY

This Order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-22
July 18, 1997

SUBJECT : Prescribing the Operational Structure of the Community Environment and Natural Offices

In the interest of the service and in order to strengthen the front-line office of the Department, the Community Environment and Natural Resources Offices, (CENRO) are operationally structured as follows:

Section 1. Establishment of Support Units

To assist the Community Environment and Natural Resources Officer (CENRO) in implementing the mandate prescribed by Section 4.2.5.1.1.3 of DENR Administrative Order No. 1 (1998), the following units are hereby created:

1. Operations Staff

The Operations Staff shall be responsible for the efficient flow of communication and facilitate actions on priority concerns of the Office, for ensuring proper procedure and documentation of all activities that may serve as the basis of filing administrative or criminal cases, and for gathering, compiling and analyzing intelligence reports.

2. Community Relations Staff

The Community Relations Staff shall assist the CENRO in facilitating access of the public, by establishing liaison work with the local government units and other government agencies, and in the conduct of the information, education, communication campaign.

3. Administrative Support Section

This Section shall be responsible for the human resources development, financial and personnel concerns of the Office, as well as for providing the necessary other support services. This section shall also be responsible for keeping the integrity of all the official records.

4. Land Management Section

Under this Section are the Survey and Mapping, Land Administration, and Investigation Desks which shall provide assistance to the CENRO in matters involving Land Management.

5. Environment Protection Section

This section, in assisting the CENRO in matters relating to protection of the environment, shall have the Pollution Prevention, Environment Clearance, and Compliance Monitoring Desks under it.

6. Forest & Protected Area Management Section

Under this section are the Forest Development, Forest Protection, Licenses and Permits, and Protected Area and Wildlife Desks which shall provide assistance to the CENRO in matters related to Forest Management. Provided that in areas where the implementation of National Integrated Protected Areas System (NIPAS) is a substantial activity, the Regional Executive Director (RED) may authorize establishment of a separate Protected Area Management Section.

Section 2. Operational Structure

The Organizational Structure of the Office, containing the aforementioned units, is illustrated in Appendix 1.

Section 3. Deployment of Personnel

With efficient and effective delivery of services as the primary concern, and taking into account the existing Civil Service laws, rules and regulations, the CENRO may deploy personnel to each unit and may assign more than one concern to any of his personnel.

Section 4. Effectivity

This order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

**DENR Administrative Order
No. 97-23
July 24, 1997**

SUBJECT : Updating Departments Administrative Order No. 34, Series of 1990 Otherwise Known as the Revised Water Usage Classification/Water Quality Criteria Amending Section Nos. 68 and 69, Chapter III of the 1978 NPCC Rules and Regulations

Section 1. In conjunction with DENR Administrative Order (DAO) No. 34, Series of 1990, the quality of Philippine waters shall be maintained in a safe and satisfactory condition according to their best usage. For this purpose, Section 68 of DAO 34 S. 90, is hereby amended as follows:

"(b) Coastal and Marine Waters

"Classification

Beneficial Use

- | | | |
|-----------|----|---------------------------------------------------------------------------------------------------------------------------------------------|
| "Class SA | 1) | Waters suitable for the propagation, survival and harvesting of shellfish for commercial purposes; |
| | 2) | National marine parks and marine reserves established under existing laws and/or declared as such by the appropriate government agency; and |

- 3) Coral reef parks and reserves designated by law and concerned authorities.
- "Class SB
- 1) Tourist zones and marine reserves primary used for recreational activities such as bathing, swimming, skin diving, etc. established under existing laws and/or declared as such by the appropriate government agency;
- 2) Recreational Water Class I (Areas regularly used by the public for bathing, swimming, skin diving, etc.); and
- 3) Fishery Water Class I (Spawning areas for *Chanos chanos* or *Bangus* and similar species).
- "Class SC
- 1) Recreational Water Class II (e.g. boating, etc.);
- 2) Fishery Water Class II (commercial and sustenance fishing) and
- 3) Marshy and/or mangrove areas declared as fish and wildlife sanctuaries.
- "Class SD
- 1) Industrial and Water Supply Class II (e.g. cooling, etc.); and

- 2) Other coastal and marine waters, by their quality, belong to this classification."

Sec. 2. Section 69 on Water Quality Criteria shall be amended as follows:

"TABLE 3 WATER QUALITY CRITERIA FOR CONVENTIONAL AND OTHER POLLUTANTS AFFECTING AESTHETICS AND EXERTING OXYGEN DEMAND FOR COASTAL AND MARINE WATERS^{xxx}

"PARAMETER	UNIT	CLASS SB
"xxx	xxx	xxx
"xxx	xxx	xxx
"xxx	xxx	xxx
"xxx	xxx	xxx
"xxx	xxx	xxx
"xxx	xxx	xxx
"xxx	xxx	xxx
"xxx	xxx	xxx
"xxx	xxx	xxx
"xxx	xxx	xxx
"Fecal coliforms	MPN/100ml	200(P)
"xxx	xxx	xxx"

Footnote for Table 3

(P) This limit refers to the geometric mean of the results of at least five (5) consecutive sampling events.

Sec. 3. The following operational procedures shall be observed in the monitoring of fecal coliforms in tourist zones and bathing areas in tourist zones.

1. The sampling frequency should be at regular intervals and at least six (6) times a month whenever there are indications of the presence of pollution sources. The sampling frequency could be adjusted to a lesser intensity during periods of low bathing activity and when pollution sources are effectively mitigated as determined by appropriate authorities.
2. The prescribed sampling locations should be in areas not less than 1 meter deep and the samples shall be collected 20-30 centimeters from the water surface.
3. The appropriate protocols for sample containers, sample collection, sample preservation and handling, chain-of-custody, sample analysis, and quality assurance/quality control shall be strictly observed.

This order shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-24
July 30, 1997

**SUBJECT : DENR Policy on the Release or
Disclosure of Information**

Consistent with the provisions of the Philippine Constitution which promotes transparency in all official transactions of the government involving public interest, Rules Implementing Republic Act 6713 (Code of Conduct and Ethical Standards for Public Officers and Employees), Memorandum Circular No. 78, Series of 1964 (Security of Classified Matter in Government Departments and Instrumentalities), Memorandum Circular No. 89, Series of 1993 (National Government Policy on Accessibility and Transparency), the following policies are hereby adopted on the release or disclosure of DENR information:

Sec. 1. Objectives. — This policy and guidelines aim to:

- 1.1 provide public access to all official data or information as results of official acts, transactions, or decisions of the Department involving public interest, and research data used in policy development and related activities;
- 1.2 promote the timely delivery and/or retrieval of reliable, processed, or validated data and/or information.
- 1.3 encourage the constructive and legitimate use of information in promoting public interest and national development goals; and
- 1.4 safeguard the unauthorized acquisition of classified, confidential or sensitive data and/or information that may be used against national security or interest by unauthorized individuals or entities.

Sec. 2. Scope. — These policies shall be implemented without prejudice to existing government policies on communication security. These include the following:

- 2.1 All DENR-generated documents, records, communications, and other related materials, whether prepared by any of its officers or employees as part of their regular functions or duties, or by any non-government entity commissioned by the DENR to undertake the preparation of certain documents;
- 2.2 Data or information or documents submitted by DENR clientele concerning their application or proposal for Environment and Natural Resources (ENR) management and other DENR activities; and
- 2.3 Information, opinions, statements of DENR officials, functionaries, employees and consultants given during interviews and/or press conferences.

Section 3. Procedural Guidelines.

3.1 DENR Written Documents

- 3.1.1 All DENR written documents shall be classified or categorized in as follows and in accordance with Annexes 1 and 2:
 - a. For general/public circulation (PC)
 - b. For limited circulation (LC)
 - c. Restricted Documents (RD)
 - d. Confidential Documents (CD)
 - e. Top Secret/Secret Documents (TS/S)

- 3.1.2 Generally, all documents classified as PC (for General/Public Circulation) should be made available to the public even without any formal or written request. A copy of the documents classified as PC shall be turned over by the originating office to either the Public Information Division, Records Management and Documentation Division, or the Library, for dissemination. Inquiries through the telephone may be entertained only if the information requested is classified as PC.
- 3.1.3 Documents classified as LC (for Limited Circulation) are made available to concerned parties, subject to the submission of a formal or written request stating therein the purpose, and/or payment of reproduction fee, if necessary. This classification generally refers to completed technical or detailed reports prepared by DENR personnel. Approval of the request shall be under the discretion of the Director concerned or his/her designated officer/s.
- 3.1.4 Documents classified as RD (Restricted Documents) are for internal use only, i.e. within DENR, and can only be accessed by other interested parties through a formal or written request stating therein the purpose. This classification generally refers to documents that are preliminary in nature and are awaiting approval or decision by the DENR official concerned. Approval of the request shall be under the discretion of the Director concerned, after the requesting party has signed a certification that the information will be used solely for the purpose specified.

- 3.1.5 Documents classified as Confidential or CD are solely available to concerned DENR officials/personnel and therefore, cannot be accessed, handled, reproduced by unauthorized persons. Data or Information submitted by the DENR clientele concerning their applications/ proposals for ENR management and other DENR activities shall be classified as CD. Disclosure of such information rests on the discretion of the Secretary or his/her designated officer, or upon order of higher official or the courts.
- 3.1.6 Documents classified as Top Secret/Secret or TS/S are those, which when revealed indiscriminately, could endanger national security or seriously injure the interest or prestige of the nation. Access to such documents is reserved to the Department Head and other concerned higher officials and cannot be disclosed without clearance from the President or his/her authorized representative.
- 3.1.7 *The originating office or the source of information/documents shall be responsible for assigning the initial classification to the document according to the categories mentioned in Section 3.1.3 hereof . A reclassification may take place depending on the action or policy taken thereon by the recipient of the document, in which cases the receiving office will reclassify the document using Annexes 1 and 2 hereof.*
- 3.1.8 All DENR documents shall be labeled with the initials of their appropriate classification before they leave the source or the originating office. In case a reclassification is necessary after the documents has been acted upon by the receiving office or the succeeding offices where the

documents has been referred to, the label shall be replaced accordingly.

3.2 Information Dissemination through Interviews.

- 3.2.1 Authorized spokesperson of the Department on critical issues of national/international import is the Secretary, unless he/she designates another spokesperson.
- 3.2.2 Bureau/Office Directors, Regional Executive Directors (REDs) and Regional Directors (RDs) of MGB may issue statements only on matters within their respective functional areas of operation or jurisdiction. The same principle shall apply to Assistant Directors (ADs) and Regional Technical Directors (RTDs), but only upon prior authorization from their respective Directors.
- 3.2.3 Where statements of the Bureau Directors/REDs/ RDs may effect the jurisdiction of another sector or region, or impact on the Department as a whole, prior clearance should be obtained from the Senior Official concerned. The same principle shall apply to ADs and RTDs who have been authorized by their respective Directors to issue statements on their respective concerns.
- 3.2.4 In areas where the Department policy or position still has to be defined or resolved, issuance of statements is best left to the Secretary or his/her designated spokesperson. Where the Secretary has made a public statement on such an area, other Department/Bureau/Regional officials may give statements along that line.

- 3.2.5 Where a subject matter adversely affects the internal affairs of another executive agency, the Congress, the Judiciary, Constitutional bodies or a foreign country, issuance of statements should be left to the Secretary or his/her designated representative.
- 3.2.6 Where information is critical e.g., graft and corruption, personal matters, agency image, etc., statements should have prior clearance and consultation from the Secretary or his/her designated representative and the official/person concerned.
- 3.2.7 Official DENR positions affecting respective regional, provincial and community offices shall be furnished to said offices. The Public Information Division and Records Management and Documentation Division shall ensure of timely release of such information.

Sec. 4. Sanctions and Penalties.

Violation of the aforementioned policies shall be considered a ground for appropriate legal action. Any official or employee of the DENR violating any of these policies is therefore, subject to punishment prescribed under Rules X and XI of the Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees RA 6713, and also Section 23 of the Omnibus Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees RA 6713, and also Section 23 of the Omnibus Rules Implementing Book V of Executive Order (EO) No. 292, other Civil Service Laws, and under the Revised Penal Code.

Section 23, letter (x) of the Omnibus Rules considers the disclosure or misuse of confidential or classified information as a grave offense with the corresponding penalty of suspension for six (6) months to one (1) year for the first offense, and dismissal for the second offense.

Sec. 5. Transitory Provisions.

The HEA shall oversee the implementation of these policies. The Public Information Division and Records Management and Documentation Division of the DENR Central Office, and the Public Affairs Office of Regional Offices and Bureaus shall cooperate with the HEA to properly implement these policy and guidelines. They shall also recommend for improvement of these policy and guidelines.

Sec. 6. Separability Clause.

Any provision of this Order which may be declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions or provisions can still subsist and be given effect in their entirety.

Sec. 7. Repealing Clause.

All other Orders, Memoranda and other issuances or parts thereof which are inconsistent with this Order, are hereby repealed, amended, or modified accordingly.

Sec. 8. Effectivity Clause.

This Order shall take effect fifteen (15) days after publication in newspapers of general circulation.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-25
July 30, 1997

**SUBJECT : Reconfiguration and Redefinition of
Functions of the Planning and Policy
Studies Office**

In the interest of the service and pursuant to Presidential Executive Order No. 406, institutionalizing the Philippine Economic-Environmental and Natural Resources Accounting (PEENRA) System, the DENR-Planning and Policy Studies Office (PPSO) is hereby reconfigured/redefined as follows.

1. The Research and Statistics Division shall be renamed as the Statistical Coordination Division (SCD) and together with the Management Information Systems Division shall compose the Environment and Natural Resources Accounting and Management Information Service (ENRAMIS).
2. The Project Development and Evaluation Division and the Planning and Programming Division shall be combined and renamed as the Planning, Programming, Monitoring and Evaluation Division (PPMED) and together with the Policy Studies Division shall compose the Planning and Policy Service (PPS).
3. The redefined functions of these Units are indicated in Annex A that shall form part of this Order.

The PPSO Assistant Secretary is hereby authorized to designate the personnel of the reconfigured/redefined Units/Divisions. There shall be no diminution of rank, salary and benefits, including RATA, if any, of any personnel involved in this Order. Likewise, there shall be no increase in the personnel of PPSO due to this Order. The PPSO Assistant Secretary shall, however, coordinate with the proper DENR offices and officials and other concerned agencies to work-out the upgrading and reclassification of positions in accordance with the reconfigured staffing pattern (Annex B omitted).

This Order shall take effect immediately and shall supersede/amend all Orders inconsistent herewith.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-26
July 31, 1997

**SUBJECT : Revised Guidelines on Gender and
Development (GAD) Service Awards**

The guidelines for the GAD Service Awards are hereby amended to make it more responsive to the present status of GAD mainstreaming in the Department.

Herewith guidelines marked as Annex A shall be followed for the second year of the Awards. All other provisions of the guidelines which are not specifically amended by this guidelines shall remain in force. As part of a learning organization, the National GAD Focal Point System is authorized to regularly review these guidelines and cause its improvement.

All concerned officials and employees of the Department are hereby enjoined to participate in the Awards.

This Order takes effect immediately.

(SGD.) VICTOR O. RAMOS
Secretary

Note : Annexes omitted

**DENR Administrative Order
No. 97-31
September 29, 1997**

SUBJECT : Delegation of Authorities/Functions to Officials Involved in the Implementation of the Crocodile Farming Institute (CFI)

In order to streamline and strengthen the functional relationships among various DENR Offices/Units involved in the implementation of the Crocodile Farming Institute (CFI) Project, and to ensure greater effectiveness and efficiency in Project operations, the following specific functions and authorities are hereby delegated to the concerned officials, to wit:

	SPECIFIC FUNCTIONS	PERFORMING OFFICIALS	
		Recommending Officer	Approving Officer
A.	Designation or removal of Project Director (PD)/Assistant Project Director (APD)	Undersecretary for Environment and Programs Development (UEPD)	Secretary
B.	Designation, re-assignment of personnel detailed in the Project below the rank of PD/APD	Assistant Project Director	Project Director
C.	Appointment or removal of contractual/casual Project personnel	Project Director	PENRO

D.	Approval of Work and Financial Plan, Travel Plan, Procurement Plan including revisions/realignment thereof	PD thru PENRO	UEPD
E.	Travel Orders and Itineraries of Travel		
	E.1 Seven (7) days or less		
	e.1.1 Project Director		PENRO
	e.1.2 Project Personnel	Project Director	PENRO
	E.2 More than seven (7) days but not to exceed one calendar month		
	e.2.1 Project Director		Assistant Secretary for Management and International Environmental Affairs
	e.2.2 Project Personnel	Project Director	— do —
F.	Approval of Cash Advances for payments of Project expenses		

	f.1 not exceeding P300,000	Project Director	PENRO
	f.2 above P300,000 but not exceeding P500,000	PENRO thru Asec for Management Services	UEPD
	f.3 above P500,000	UEPD	Secretary
G.	RIV's and purchase/ letter orders for office, nursery, agricultural, animal, supplies and materials including contracts for non- personal service, provided that no splitting of requisitions, purchases/services shall be made		
	g.1. not exceeding P300,000	Project Director	PENRO
	g.2 above P300,000 but not exceeding 500,000	PENRO thru Asec for Management Services	UEPD
	g.3 above P500,000	UEPD	Secretary
H.	ROA and Disbursement Vouchers for payment of Project expenses		
	h.1 not exceeding P300,000	Project Director	PENRO

	h.2 above P300,000 but not exceeding P500,000	PENRO thru Asec for Management Services	UEPD
	h.3 above P500,000	UEPD	Secretary
I.	Signing of Checks		
	I.1 not exceeding P300,000	Project Director	PENRO
	I.2 above P300,000 but not exceeding P500,000	PENRO thru Asec for Management Services	UEPD
	I.3 above P500,000	UEPD	Secretary
J.	Contract for civil works awarded thru local/ international competitive bidding		
	j.1 not exceeding P300,000	Project Director	PENRO
	j.2 more than P300,000 but not exceeding P500,000	PENRO thru Asec for Management Services	UEPD
	j.3 above P500,000	UEPD	Secretary
K.	Plans, designs/specification and cost estimates for civil works and equipment		

	k.1 not exceeding P300,000	Project Director	PENRO
	k.2 more than P300,000 but not exceeding P500,000	PENRO thru Asec for Management Services	UEPD
	k.3 above P500,000	UEPD	Secretary
L.	Approval of Authority including awarding of contract for civil works to be implemented by administration/force account		
	l.1 not exceeding P300,000	Project Director	PENRO
	l.2 more than P300,000 but not exceeding P500,000	PENRO thru Asec for Management Services	UEPD
	l.3 above P500,000	UEPD	Secretary
M.	Change orders/extra work orders on civil works		
	m.1 not exceeding P300,000	Project Director	PENRO
	m.2 more than P300,000 but not exceeding P500,000	PENRO thru Asec for Management Services	UEPD

	m.3 above P500,000	UEPD	Secretary
N.	Cancellation and/or termination of on-going contracts and prosecution thereof for damages arising from breach of the same		
	n.1 not exceeding P300,000	Project Director	PENRO
	n.2 more than P300,000 but not exceeding P500,000	PENRO thru Asec for Management Services	UEPD
	n.3 above P500,000	UEPD	Secretary
O.	Participation/nomination of Project personnel in local seminars, in-service training, workshop, conference, etc.		
	o.1 within the province	Project Director	PENRO
	o.2 national (and other regions)	PENRO thru Asec for Management Services	UEPD
P.	Foreign Travels (Project-related)	UEPD	Secretary

The Undersecretary for Environment and Programs Development PENRO-Puerto Princesa City and other Offices/units concerned are hereby directed to carry out effectively and efficiently the above delegated authorities.

This Order shall take effect immediately and supersede all Orders inconsistent herewith.

(Sgd.) VICTOR O. RAMOS
Secretary

DENR Administrative Order
No. 97-40
December 11, 1997

**SUBJECT : Renaming M/V Bantay Kalikasan to
Barko ng Republika ng Pilipinas (BRP)
Bantay Kalikasan**

In the interest of the service and considering that M/V Bantay Kalikasan is a government owned ship, the same is hereby renamed as Barko ng Republika ng Pilipinas (BRP) Bantay Kalikasan effective immediately.

(Sgd.) VIRGILIO Q. MARCELO
Acting Secretary

Memorandum Circular
No. 97-08
May 20, 1997

SUBJECT : List of Classified Water Bodies in 1995-1996

Pursuant to DENR Administrative Order (DAO) No. 34, Series of 1990 which amended Sections 68 and 69, Chapter III of the NPCC Rules and Regulations specifically Section 68(c) — General Provisions of Water Classification and in accordance with the Manual of Procedure for Water Classification, the following water bodies are hereby officially classified as follows:

Name of River	Location	Region	Class	Year
1. Bued	Upper Reach Benguet CAR	C	1995	
2. Saltan	Kalinga CAR	B	1996	
3. Addalam	Quirino II	B	1996	
4. Tangatan	Cagayan II	C	1995	
5. Nayom	Upper Reach Zambales	III	B	1995
	Lower Reach Zambales	III	C	1995
6. Puerto Galera (Muelle Bay)	Oriental Mindoro IV	SA	1996	
7. Salog	Upper Reach Sorsogon	V	B	1995
	Lower Reach Sorsogon	V	C	1995
8. San Francisco	Albay	V	B	1996
9. Calajunan Creek	Iloilo	VI	C	1996
10. Malihao	Upper Reach Negros Occidental VI	B	1995	
	Lower Reach Negros Occidental VI	VI	C	1995
11. Sibalom	Ioilo-Antique VI	B	1996	
12. Danao	Upper Reach Cebu	VII	A	1995

		Lower Reach	Cebu	VII	B	1995
13.	Abatan	Upper Reach	Bohol	VII	A	1995
		Middle Reach	Bohol	VII	B	1995
		Lower Reach	Bohol	VII	C	1995
14.	Banica	Upper Reach	Negros Oriental	VII	A	1996
		Middle Reach	Negros Oriental	VII	B	1996
		Lower Reach	Negros Oriental	VII	C	1996
15.	Guindarohan	Upper Reach	Cebu	VII	A	1996
		Lower Reach	Cebu	VII	C	1996
16.	Manaba Upper	Bohol Reach		VII	A	1996
		Middle Reach	Bohol	VII	B	1996
		Lower Reach	Bohol	VII	C	1996
17.	Loboc			VII	B	1995
18.	Ocoy	Upper Reach	Negros Oriental	VII	A	1996
		Lower Reach	Negros Oriental	VII	B	1996
19.	Tigbao		Leyte	VIII	C	1996
20.	Mercedes	Upper Reach	Zamboanga	IX	B	1996
		Lower Reach	Zamboanga	IX	C	1996
21.	Tumaga	Upper Reach	Zamboanga	IX	A	1995
		Middle Reach	Zamboanga	IX	B	1995
		Lower Reach	Zamboanga	IX	C	1995
22.	Agusan	Upper Reach	Misamis l Orienta	X	A	1996
		Lower Reach	Misamis	X	C	1996

23.	Alae	Reach	Oriental	X	A	1996
		Upper Reach	Bukidnon			
24.	Bigaan	Lower Reach	Bukidnon	X	C	1996
		Upper Reach	Misamis l			
25.	Palilan	Lower Reach	Misamis	X	C	1995
		Upper Reach	Oriental			
26.	Umalag	Lower Reach	Oriental	X	C	1996
		Upper Reach	Misamis l			
27.	Davao	Lower Reach	Oriental	X	C	1995
		Upper Reach	Misamis			
28.	Digos	Lower Reach	Misamis l	X	C	1995
		Upper Reach	Oriental			
29.	Lasang	Upper Reach	Davao City	XI	A	1995
		Lower Reach	Davao City			
30.	Talomo	Upper Reach	Davao City	XI	B	1995
		Lower Reach	Davao City			
31.	Hijo-Masara	Upper Reach	Davao del Norte	XI	D	1995
		Lower Reach	Davao del Norte			
32.	Tagum	Upper Reach	Davao del Norte	XI	D	1995
		Lower Reach	Davao del Norte			
33.	Tuganay	Upper Reach	Davao del Norte	XI	B	1995
		Lower Reach	Davao del Norte			
34.	Sibulan	Upper Reach	Davao del Sur	XI	A	1995
		Lower Reach	Davao del Sur			
35.	Padada	Upper Reach	Davao del Sur	XI	D	1995
		Lower Reach	Davao del Sur			
36.	Allah	Upper Reach	Sultan Kudarat	XII	B	1995
		Lower Reach	Sultan Kudarat			
37.	Libungan	Upper Reach	Cotabato	XII	D	1996
		Lower Reach	Cotabato			
38.	Nuangan	Upper Reach	Cotabato	XII	D	1996
		Lower Reach	Cotabato			

39.	Panguil Bay	Lanao del Norte	XII	SC	1996
40.	Pulangi	Cotabato	XII	D	1995
41.	Rio Grande del Mindanao	Cotabato	XII	C	1995

Henceforth, all industrial establishments, business, commercial and agricultural firms, political subdivisions, government-owned or controlled corporations and other similar entities and instrumentalities, including persons discharging liquid wastes into the said water bodies are hereby required to observe and comply with the foregoing classification.

This Memorandum Circular shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

Memorandum Circular
No. 97-15
September 8, 1997

TO : All Undersecretaries, Assistant Secretaries, Bureau Directors, Regional Directors, PENROs and CENROs

SUBJECT : Prescribing Guidelines and Procedures on the Appraisal, Selection, and Approval of Project Proposals Submitted to the Central Office for Funding as Special Projects

Consistent with the provisions of Department Administrative Order No. 97-19 which provides the guidelines for the regionalization and institutionalization of foreign assisted and special projects, and in order to promote the optimal use of limited funds appropriated for the implementation of special projects, the following guidelines and procedures in the appraisal, selection, and approval of project proposals submitted for consideration under the special projects fund of the DENR Central Office are hereby promulgated.

1. DEFINITION OF TERMS

The following terms and phrases used in this Circular are defined as follows.

- .2. Special projects — refers to DENR Central Office-funded projects which are short term or interim undertakings that address specific critical issues or anticipated needs in the ENR sector. Such projects may involve the development of appropriate policy, program, management strategy, or technology, or the

implementation of strategic, high impact projects that will provide solutions to immediate issues and needs in the sector.

- .3. **.Special Projects Fund** — refers to the DENR appropriation under Program II - Support to Operations, specifically under item II.g. which is entitled Conduct of Special Studies, Design and Development in Support of Forestry, Mining, and Environmental Management Operations in the General Appropriations Act of 1997, and other such appropriations which the Secretary may designate for the purpose of implementing special projects.

2. **CRITERIA FOR PROJECT SELECTION**

2.1 **Categories**

Project proposals under the following types or categories shall qualify for funding as special project:

- 2.1.1 Project or studies that address an environmentally critical situation or emergency events, which may be manmade or caused by natural phenomena, such as those that may result in the loss of lives, loss of sources of livelihood, or gravely endanger health;
- 2.1.2 Impact projects that would result to the upliftment of the socioeconomic conditions of communities in the uplands, coastal areas, and other natural resources dependent communities located in depressed provinces;
- 2.1.3 Proposals promoting the development of new or pioneering technologies;
- 2.1.4 Projects or activities related to the compliance of DENR with its commitments to national, regional, or international bodies, agreements or programmes to address a national or global priority;

- 2.1.5 Researches/studies which address a knowledge gap that is critical in the effective implementation of DENR policies and programs.
- 2.1.6 Other priority or urgent projects which require immediate funding, as determined by the Secretary, such as projects of Likas Yaman Awardees, and other similar commitments of the Secretary.

2.2 Requirements

Qualified project proposals should further meet the following criteria/requirements.

- 2.2.1 It directly supports the current priorities of the ENR sector as promulgated in the DENR Annual Priority Thrusts or Areas of Excellence and/or support national government initiatives such as the Social Reform Agenda, Water Crisis Act, Human Ecology and Security, Gender and Development, and other programs that may be promulgated by the Secretary or the President.
- 2.2.2 It is not a duplication of any ongoing, completed, or pipeline project in terms of area coverage and project activities.
- 2.2.3 It must preferably have a duration of not more than two (2) years to include a phase-out plan.
- 2.2.4 It has a clear definition of the problem or issue to be addressed, the specific objectives it seeks to achieve, the methodology or strategies to be used for implementation, the outputs to be generated, and a sound estimate of the project's budgetary requirement.
- 2.2.5 It must be sustainable, i.e., it has the ability to continue whether through policy advocacy, institutional capacity building, or

replication of similarly related activities, even after the termination of special funding support.

- 2.2.6 The proponent or implementor has the technical and managerial capability to carry out the project.
- 2.2.7 For inter-agency projects, or projects requiring the participation or cooperation of other government agencies, local government units, private institutions or NGOs, the linkages and roles must be well defined and stipulated in any appropriate legal document such as a proposed memorandum of agreement. Counterpart resources to be contributed by the participating agencies and project beneficiaries should be specified.
- 2.2.8 For research projects or studies, it must have a clear definition of the knowledge gap being addressed and must include the documentation procedures and strategy for distribution of research results.
- 2.2.9 The target beneficiaries of the project or study are identified and appropriate evidence or confirmation (e.g. gender-sensitive needs assessment survey, preliminary socioeconomic survey or rapid appraisal, resolution or petition from target community, results of previous studies, etc.) should be provided to ensure that the proposed project or study is consistent with the needs of target beneficiaries;

The Foreign Assisted and Special Projects Office (FASPO) shall devise a Project Appraisal and Rating Form which shall contain the specific criteria or indicators for rating project proposals. This shall be the basis for ranking and prioritizing project proposals to be funded under the special projects fund.

3. QUALIFIED PROPONENTS TO IMPLEMENT SPECIAL PROJECTS

The following may propose or implement special projects:

- 3.1 Units or Offices in the Central Office, including Bureaus and Attached Agencies of DENR;
- 3.2 Units or Offices at the DENR Regional/Provincial/Community offices;
- 3.3 Non-Government Organizations (NGOs) duly accredited by DENR, private institutions/organizations, Local Government Units, and Academic institutions.

4. PROCEDURES FOR SCREENING AND APPROVAL OF PROJECT PROPOSALS

The following procedures shall govern the appraisal, selection and approval of project proposals:

- 4.1 The Foreign Assisted and Special Projects Office (FASPO), in consultation with the Secretary/Undersecretaries, shall issue an Annual Theme or Priority List of Projects to be funded as special projects for the forthcoming fiscal year.
- 4.2 Based on the Annual Theme or Priority List of Projects issued, proponents shall prepare project proposals using the prescribed FASPO format, including information and attachments required under Section 2.2 of this Memorandum Circular. Except for projects falling under category no. 2.1.1 and 2.1.6 proposals should be submitted to FASPO not later than the end of October of the current year.

- 4.3 Proposals from DENR Regional/Field Offices as well as from regional or provincial-based NGOs/POs/LGUs shall be pre-screened and prioritized by a Regional Inter-Sectoral Project Screening Group to be created and headed by the Regional Executive Director, or his duly designated representative, following the criteria set forth in this Circular.
- 4.4 Proposals from Bureaus/Attached Agencies as well as from national-based NGOs/POs shall be pre-screened and prioritized by the concerned Agency Project Screening Group to be created and headed by the Bureau/Agency Head, or his duly designated representative, following the criteria set forth in this Circular.
- 4.5 All pre-screened proposals as well as proposals coming from units in the DENR Central Office shall be submitted to the Foreign Assisted and Special Projects Office (FASPO). A Central Office Project Screening Group shall be created to undertake final screening and prioritization of project proposals. It shall be composed of representatives from FASPO and the Planning and Policy Studies Office (PPSO) and from other concerned Offices as may be deemed necessary.
- 4.6 In the course of project selection and prioritization, project proponents may either be invited to discuss and defend their proposals, or members of the Central Office Project Screening Group may go to the proposed project location/site for validation.
- 4.7 Based on the results of the evaluation, FASPO shall endorse the recommendations of the Project Screening Group to the Secretary, through the Undersecretary for Environment and Programs Development, for approval. Upon approval, FASPO shall proceed to program funds for the implementation of the projects.

The Undersecretary for Environment and Programs Development is hereby authorized to issue additional guidelines or orders as may be necessary to implement this Circular.

This Circular takes effect immediately and shall supersede Memorandum Circular No. 9, series of 1990, and provisions of other Orders inconsistent herewith.

(SGD.) VICTOR O. RAMOS
Secretary

**Memorandum Circular No.
97-19
September 26, 1997**

**SUBJECT : Wearing of Filipina/Filipino Attire/Dress
in Line with the Philippine Centennial
Celebration**

In consonance with Civil Service Commission Resolution No. 97-3461 dated July 24, 1997 which adopts the wearing of Filipina/Filipino Attire/Dress in line with the Philippine Centennial Celebration, the Department hereby enjoins all employees (both men and women) to observe the CSC Circular.

All personnel employed in various DENR offices nationwide regardless of status of appointment are encouraged to wear Filipino dress/attire every Monday. The Filipino dress/attire should be in accordance with the dress code for government offices as directed by the CSC Memo Circular No. 14, s. 1991.

All Bureau Directors, Regional Executive Directors, Heads of Attached Agencies, PENROs and CENROs are likewise encouraged to give due recognition to those who are participating in this initiative.

This Order takes effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

**Memorandum Circular
No. 97-21
November 11, 1997**

SUBJECT : Guidelines on the Grant of Special Privileges Under Civil Service Commission (CSC) Memorandum Circular No. 06, Series of 1996

Pursuant to CSC Memorandum Circular No. 06, Series of 1996 and CSC Resolution No. 962242 dated 21 March 1996, re: grant of special privileges to employees of government, the following guidelines shall be observed and implemented.

1. Availment of special privileges shall be limited under the following conditions:
 - a. **Paternity Leave** — R.A. No. 8187 states that seven (7) days leave may be availed of by married male employees for the first four (4) deliveries of the legitimate spouse whether childbirth or any miscarriage;
 - b. **Birthday Leave** — on the occasion of the employee's actual birthday;
 - c. **Enrollment Leave** — on the occasion of the school enrollment of the employee including his/her spouse and children;
 - d. **Graduation Leave** — on the occasion of the graduation of the employee including his/her spouse and children;
 - e. **Wedding/Anniversary Leave** — on the occasion of the employee's wedding and/or anniversary, to be enjoyed on the actual date of the said leave;

- f. **Accident Leave** — by reason of an accident involving the employee or any member of his/her immediate family.
 - g. **Hospitalization Leave** — by reason of the hospitalization of the employee or any member of his/her immediate family.
 - h. **Funeral/Mourning Leave** — on the occasion of the death of a member of the immediate family of the employee which includes parents, children, brothers and sisters; and
 - i. **Relocation Leave** — by reason of the occurrence of such calamities or disasters such as flood, earthquake or fire which personally affect the employee.
- 2. The term "immediate family" as used herein shall include any relative within the first degree of consanguinity or affinity, living under the same roof and dependent upon the employee for support.
 - 3. These privileges shall be enjoyed only by those employees who have rendered six (6) months of continuous satisfactory service. Casual, emergency employees or laborers may enjoy these privileges after they have rendered at least six (6) months of service.
 - 4. An employee may be granted a maximum of three (3) days within a calendar year for the availment of any of the chosen special privilege/s, except the Paternity Leave specified in par. 1.a of this Circular.
 - 5. Such special privileges shall be non-cumulative and non-commutable.
 - 6. The employee shall seek approval of the application for said special privileges at least one (1) week prior to the availment of the special privilege except for emergency cases.

It is understood that if the privilege is utilized, it shall not be charged to or deducted from the employee's accumulated leave credits.

For information, guidance and compliance of all concerned.

(Sgd.) VICTOR O. RAMOS
Secretary

Memorandum Order
No. 97-04
July 17, 1997

SUBJECT : Strengthening the Internal Control Policy of DENR Foreign-Assisted and Special Projects (FASPs) Officials' and Employees' Accountabilities

Pursuant to the provisions of Civil Service Commission (CSC) Memorandum Order No. 5, Series of 1985, entitled, "Study and Review of Contracts of Personnel and Management Services and of Services of Detailed Personnel" and in order to strengthen internal control system on accountabilities of DENR officials and employees, the following policies are hereby promulgated/adopted:

i) Only permanent officials and employees who are officially detailed and designated as Project Directors/Managers/ Coordinators, Assistant Project Directors/Managers/ Coordinators, Unit Heads and Finance Officers (or equivalent) to Foreign-Assisted and Special Projects (FASPs) are hereby authorized to sign or approve the following administrative and financial documents in accordance with approved guidelines on the delegation of authority in the DENR:

- Reforestation Contract;
- Infrastructure Contract (Vertical and Horizontal);
- Appointment of personnel (Casual or Contractual);
- Travel Authority/Order (TA/O);
- Itinerary of Travel (IT);
- Requisition and Issue Voucher (RIV);
- Purchase Order (P.O.);
- Disbursement Voucher (DV);
- Daily Time Record (DTR);

- Performance Evaluation Report (PER);
 - Payroll;
 - Cheques; and
 - other related documents
- ii) In the absence of the above-mentioned permanent officials and employees in a particular Foreign-Assisted and Special Project (FASP), the CENRO, PENRO, concerned RTD or the RED shall be the designated signatory for field-based FAPs while for central-based FASPs, the FASPO Director, the Administrative Service Director, the Financial and Management Service Director, the concerned Bureau Director, the Assistant Secretaries, the Undersecretaries or the Secretary and their respective permanent staff shall recommend, approve and sign the said documents.
- iii) Hence, all future appointees to these important positions in the Department's FASPs shall be permanent employees so as to strengthen the internal control system on accountability of the DENR and to promote institutionalization and sustainability of these big-budgeted FASPs.

This Order takes effect immediately and automatically revokes or amends accordingly all other previous issuances inconsistent herewith.

(Sgd.) VICTOR O. RAMOS

Secretary

Memorandum Order
No. 97-06
July 19, 1997

SUBJECT : Operational Instructions Relative to the Output of the July 17-19, 1997 Management Conference

Pursuant to the consensus arrived at during the National Management Conference held at Fort Ilocandia Resort Hotel, Ilocos Norte, on July 17-19, 1997, all Regional Executive Directors and the Director, Mines and Geo-Sciences Bureau are hereby instructed, whenever applicable, to:

1. Submit Operational Plans for the implementation of the Community Based Forest Management (CBFM) Program consistent with the CBFM Strategic Action Plan.
2. Sustain the Anti-Illegal Logging Campaign and implement adequate complementary livelihood activities in hotspot areas.
3. Identify and propose prevention/solution of potential disaster problems and develop a workable monitoring of the same;
4. Intensify inventory of all land title/documents and provide safe registry and storage facility of all records, not later than 15 December 1997;
5. Complete groundwork for private investment in Municipal Waste Disposal;
6. Submit the Operational Plans for the establishment of the Contingent Liability Rehabilitation Fund, and for the full implementation of the Environmental Protection and Enhancement Program (EPEC) in mining operations;

7. Undertake intensive Information and Education (IEC) campaign on water conservation in coordination with Other Government Agencies (OGAs), Local Government Units (LGUs) and the Academy;
8. Continue to provide data to the Presidential Task Force on Water Resources Development and Management (PTFWRDM); and
9. Provide support for the Hydrographic Survey team, which will be our contribution to the compliance with the UNCLOS.

Whenever applicable, the lateral coordination between the Regional Executive Directors and the MGB Regional Directors, is hereby encouraged.

(Sgd.) VICTOR O. RAMOS
Secretary

**Memorandum Order
No. 97-08
September 9, 1997**

SUBJECT : Transitory Guidelines for the Implementation of DENR Administrative Order No. 97-23, Updating Department Administrative Order No. 34, Series of 1990, Otherwise Known as the Revised Water Usage Classification/Water Quality Criteria Amending Section No. 68 and 69, Chapter III of the 1978 NPCC Rules and Regulations

To keep in line with internationally-used basis, DENR Administrative Order No. 97-23 (DAO 97-23) has revised the method for determining compliance with the water quality criteria for fecal coliform for tourist zones and bathing areas in tourist zones, from obtaining the three (3) month geometric mean of the Most Probable Number of coliform organism to the geometric mean of the results of at least five (5) consecutive sampling events.

In recognition of the soundness of the method which is now embodied in DAO 97-23, to ensure that the time spent and effort exerted in obtaining water samples before the effectivity of DAO 97-23 are not rendered useless by said amendment, and to ensure a smooth transition from the old to the new basis, it is hereby declared that the results of physical, chemical, and bacteriological analyses of samples taken not later than two (2) months before the effectivity of DAO 97-23 may be considered in determining compliance with DAO 97-23.

This Order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary

**Memorandum Order
No.97-09
September 11, 1997**

**SUBJECT : Delegation of Authority for the Forestry Sector
Project Loan - Central Office Transactions**

In the interest of promoting efficiency and effectiveness in the implementation of the ADB and OECF Forestry Sector Project Loan, authority is hereby delegated to the respective Central Office and NFDO officials as follows:

PERFORMING	OFFICIALS	
	Recom. Approval	Approval Official

FINANCIAL MATTERS

- | | | | |
|----|--------------------------------------------------------------------------------------------------|------------------------------------|--------------------|
| A. | Fund Transfer thru
Letter Advice of
Allotment (LAA) | | |
| a. | P 2 Million and below | APD | PD |
| b. | More than P 2 Million | PD | USEC F.O/Secretary |
| B. | Signing and counter
signing of Funding
Checks for LAA and/or
Working Fund replenishment | | |
| a. | P 2 Million and below | Cashier/Dir. FMSAPD/PD | |
| b. | More than P 2 Million | Cashier/Dir. FMSUSEC F.O/Secretary | |

This Order shall take effect immediately and shall supersede all orders inconsistent herewith.

(Sgd.) VICTOR O. RAMOS
Secretary

Memorandum Order
No. 97-10
November 14, 1997

SUBJECT : Delegation of Authority on Financial and Administrative Matters

In order to achieve greater efficiency and effectiveness in the conduct of service in the Department Proper and pending the amendment of Department Administrative Order No. 38 and 38-A, both Series of 1990 and General Administrative Order No. 01, Series of 1991, the Assistant Secretary for Management and International Environmental Affairs is hereby further authorized to approve Requisition and Issue Voucher (RIV), Purchase Order (PO), Contract of Service (CS), Disbursement Voucher (DV) and Request Obligation of Allotment (ROA) not exceeding One Million Pesos.

This also ratifies all similar documents earlier signed by the Assistant Secretary for Management and International Environment Affairs.

This Order shall take effect immediately and supersedes all Orders inconsistent herewith.

(Sgd.) VICTOR O. RAMOS
Secretary

Memorandum Order
No. 97-11
December 29, 1997

**SUBJECT : Hiring of Assisting Professionals for the
ADB-Forestry Sector Project Subproject Sites**

Pursuant to the thrust of the government to adapt the community-based approach as a strategy for forest management, the DENR through the Forestry Sector Project (FSP) utilized the assistance of Non-Government Organizations (NGOs) to prepare the communities to become future managers of the area. In the process of organizing, some NGOs have not been performing their Terms of Reference (TOR), hence, contracts were cancelled.

In cases of cancellation of NGO contract for Community Organizing (CO), the Regions are allowed to hire Assisting Professionals (APs) to continue the Community Organizing (CO) activity within the subproject site, charged to the remaining amount of the CO contract.

A maximum of two (2) Assisting Professionals (APs) are allowed per subproject site. A maximum of P15,000.00 per month is allowed for their remuneration. The Civil Service qualification standards for Project Development Officers shall be followed for the qualification of APs to be hired. Only those with educational background in Forestry, Social Work, Agriculture, Community Organizing or Livelihood Specialization are qualified.

The Assisting Professionals (APs) should be locally-based and are required to live-on site. They shall work independently. However, they are required to report to the CENRO through the site coordinators. Payment shall be based on their monthly accomplishment, vis-a-vis their Terms of

Reference. Contracts of the Assisting Professionals (APs) shall not exceed the period of one year. In case of unsatisfactory performance, contracts may be revoked anytime.

(Sgd.) VICTOR O. RAMOS
Secretary

OTHER RELATED ISSUES

Executive Order
No. 97-405
June 04, 1997

Subject: : Authorizing the Philippine Ports Authority (PPA) to Reclaim and Develop Submerged Areas Vested in the PPA for Port-Related Purposes

WHEREAS, Article IV of Section 6(b) x of Presidential Decree 857, series of 1975, as amended, otherwise known as the Revised Charter of the Philippine Ports Authority (PPA), granted the latter the power to reclaim, excavate, enclose or raise any part of the lands vested in the Authority;

WHEREAS, under subsection (a) iv of the same section, PPA has the duty to license, control, regulate and supervise any construction or structure within any Port District;

WHEREAS, the substantial increase in domestic and international seaborne trade requires the addition of facilities in identified major ports;

WHEREAS, due to limited available land areas, the expansion of these ports necessitate the reclamation of the contiguous submerged areas;

WHEREAS, land reclamation and development projects are capital intensive requiring huge financial outlays beyond the resources of the PPA;

WHEREAS, it is a declared government policy to encourage and harness private sector participation in undertaking infrastructure projects vital to economic development;

WHEREAS, proposals, have been received from the private sector for the reclamation and development of reclaimed areas for port related purposes;

WHEREAS, Section 6 of RA No. 6957, otherwise known as the Build-Operate-and-Transfer-Law, authorizes the grant of a portion or percentage of the reclaimed land as a repayment scheme, subject to constitutional requirements with respect to ownership of lands;

WHEREAS, Section 1 of Executive Order No. 525, series of 1979, requires all reclamation projects of any government agency or entity authorized by its charter shall be undertaken in consultation with the Public Estate Authority (PEA) upon approval of the President;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the Philippine Ports Authority to reclaim and develop submerged areas vested in the PPA exclusively for port-related purposes.

SECTION 1. *Joint Venture Agreements.* Considering the capital intensive nature of reclamation projects, PPA is authorized to undertake said projects in conjunction with the private sector, in accordance with existing laws.

Sec. 2 *Consultation with PEA.* All reclamation projects undertaken pursuant to this issuance shall be in consultation with PEA and subject to the approval of the President.

Sec. 3 *Issuance of Patents.* The Department of Environment and Natural Resources (DENR), through the Land Management Bureau (LMB) shall, after reclamation, conduct an actual survey of the reclaimed

area and thereafter issue the corresponding patent(s) in the name of the Philippine Ports Authority, subject to private rights, if any.

Sec 4. *Administration Over Reclaimed Areas.* The authority to administer, develop or dispose the land reclaimed pursuant to this Order is hereby vested in the PPA, subject to the provisions of existing laws.

Sec. 5 *Implementing Rules and Regulations.* The PPA, in coordination with the proper agencies, is hereby directed to issue the rules and regulations to implement this Order within thirty days from the date of issuance hereof.

Sec. 6. *Repealing Clause.* All executive orders and issuances inconsistent with this Order are hereby repealed, amended or modified accordingly.

Sec 7. *Effectivity.* This Executive Order shall take effect immediately.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

**Executive Order
No. 406
May 21, 1997]**

SUBJECT : Institutionalizing the Philippine Economic-Environmental and Natural Resources Accounting (PEENRA) System and Creating Units Within the Organizational Structure of the Department of Environment and Natural Resources (DENR), National Economic and Development Authority (NEDA), and National Statistical Coordination Board (NSCB)

WHEREAS, The Philippines has established a firm resolve to pursue sustainable development as contained in the Medium-Term Philippine Development Plan 1993-1998 and the Philippine Agenda 21. Towards this end, there is a need for integrated socio-economic and environmental plans, programs and policies;

WHEREAS, the Philippine System of National Accounts (PSNA), the basis for the formulation of medium and long-term development plans, does not yet capture the role of the environment as a source of natural capital and as sink for the wastes generated by production and other human activities;

WHEREAS, there is a need to establish a PEENRA System as a satellite account to the PSNA to generate macro-indicators that shall reflect the relationships and interactions between the natural environment and the economy;

WHEREAS, the Philippine Agenda 21 includes as one of its targets the initial institutionalization of Environment and Natural

Resources Accounting (ENRA) to develop comprehensive indicator of sustainable development and to improve current efforts to consider and adequately value natural capital or ecosystem services in socio-economic decisions and to establish a reliable database on social valuation estimates of environmental services;

WHEREAS, the APEC Senior Officials and Ministries Meetings on Sustainable Development held in the Philippines in May and July 1996, respectively, recommended the introduction and adoption of Environment and Natural Resources Accounting;

WHEREAS, the NSCB as the agency mandated to develop and maintain the PSNA, and the DENR and NEDA are currently performing functions in support of environment and natural resources accounting.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

SECTION 1 PEENRA and Other Units – PEENRA Units shall be created within the organizational structures of the NSCB and the DENR. A unit at NEDA shall be designated to coordinate ENRA activities and NEDA’s present personnel shall be augmented to assume such functions.

The PEENRA Unit at the NSCB shall:

- a. Compile the environmental accounts, and study and formulate viable approaches and methodologies for the PEENRA;
- b. Explore ways and means to modify and improve current environmental and economic statistics, in coordination with the concerned data producing agencies as well as data users;

- c. Serve as repository of all PEENRA-related data materials through the National Statistical Information Center which the NSCB has established;
- d. Provide technical and secretariat services to the Inter-Agency Committee and Task Forces when the PEENRA Steering Committee may create for the coordinated functioning of the data generating agencies; and
- e. Act as the secretariat of the PEENRA Steering Committee.

The designated Unit at NEDA shall:

- a. Coordinate the conduct of consultations, orientations and training-seminars for the members of the Philippine Council for Sustainable Development (PCSD) and other concerned institutions or units;
- b. Coordinate the conduct of studies and research in support of policy development related to PEENRA; and
- c. Establish mechanisms for the integration of environmental considerations in planning, policy, project development and implementation based on PEENRA results.

The PEENRA Unit at DENR shall:

- a. Compile sectoral resource accounts, and study and formulate viable approaches and methodologies in coordination with NSCB;
- b. Conduct studies and research in support of policy development related to PEENRA;

- c. Ensure that environmental considerations are integrated in their policy, project planning and implementation based on PEENRA results; and
- d. Provide environmental and natural resources data and strengthen its statistical capabilities for PEENRA.

The above PEENRA units shall closely coordinate to ensure consistency/complementarity of activities in support of PEENRA system.

Other agencies which will provide inputs to and adopt PEENRA system may establish their own PEENRA units as necessary.

Sec. 2 Data Support – The NSCB shall designate the required environment and economic statistics and the agencies/bureaus which shall be responsible for generating such data.

Sec. 3 Creation of PEENRA Steering Committee (PEENRA-SC). A Steering Committee on PEENRA is hereby created which shall initially include the NSCB, DENR, NEDA, NSO, DTI and DA. The PEENRA-SC shall provide direction for the coordinated functioning of the PEENRA Units. It shall create ad-hoc or permanent inter-agency committees and task forces which will support the data and technical requirements of the PEENRA. The member agencies shall be represented by designated Undersecretary level officials for DENR, DTI, NSO, and DA and the NSCB. There will also be representatives from non-government sector to include one(1) representative each from the academe, NGO/PO, business and labor sectors. The Secretary of Socio-Economic Planning and NEDA Director General, as the chairman of the PCSD, shall act as the Chairman of the PEENRA-SC.

Sec. 4. Funding. The PEENRA-SC shall submit a budget proposal, for approval of the President, to be sourced from the participating agencies' savings and such other sources as may be identified for initial funding. Subsequent funding shall be included in the budget preparation of each agency to be incorporated in the Annual General Appropriation Bill.

Sec. 5 Implementing Rules – The PEENRA-SC is hereby directed to prepare and adopt guidelines to implement the specific provisions of this Executive Order.

Sec. 5 Effectivity. This Order shall take effect immediately.

Done in the City of Manila, this 21st day of May in the year of our Lord, Nineteen Hundred and Ninety-Seven.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd) RUBEN D. TORRES
Executive Secretary

**Executive Order
No. 409
April 15, 1997**

SUBJECT : Amending Section 2 of Executive Order No. 374 dated 15 October 1996 Which Established the Presidential Task Force on Water Resources Development and Management

I, **FIDEL V. RAMOS**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order amend Section 2 of EO 374 dated 15 October 1996 entitled “Creating the Presidential Task Force on Water Resources Development and Management,” and order the following:

Section 1. Section 2 is hereby amended to read as follows:

“*Sec. 2 Composition.* The Task Force shall have the following composition:

Chairman - Secretary, Department of Environment and Natural Resources

Vice Chairman- Chairman, National Water Resources Board

Members - Secretary, Department of Energy
- Secretary, Department of Health
- Secretary, Department of Agriculture
- Secretary, Department of Interior and Local Government
- Secretary, Department of Science and Technology
- Director General, National Economic and Development Authority

- Secretary General, National Statistics and Coordination Board
- Administrator, MWSS
- Administrator, LWUA
- Administrator, National Irrigation Administration
- President, National Power Corporation
- General Manager, Laguna Lake Development Authority
- Chief Executive Officer, Housing and Land Use Regulatory Board
- President, League of Provinces
- President, League of Municipalities
- Three (3) representatives from the private sector, preferably from the environmentalist water management and consumer groups to be designated by the Task Force Chairman.

Sec. 2 Effectivity. This Executive Order shall take effect immediately.

(Sgd.) FIDEL V. RAMOS
President

By the President

(Sgd) RUBEN D. TORRES
Executive Secretary

**Executive Order
No. 422
June 25, 1997**

**SUBJECT : Creating the National Committee on the
 General Conference of the International
 Federation of Agricultural Producers in
 Manila, 27 May – 4 June 1998**

WHEREAS, it is part of the government's policy thrusts to enhance the competitiveness of the local agricultural sector to attain food sufficiency and security, and therefore promote national growth and development;

WHEREAS, the improved competitiveness of the local agricultural sector shall likewise promote the welfare of the local agricultural producers, in particular that of the Filipino farmers and workers, and thereby advance the Social Reform Agenda of the government;

WHEREAS, the holding of the general Conference of the International Federation of Agricultural Producers (IFAP) in Manila from 27 May to 4 June 1998, which shall be participated in by the local farmer groups and agricultural producers to be led by the IFAP local affiliates, shall significantly serve the furtherance of the above policy thrust and Social Reform Agenda;

WHEREAS, the holding of the above IFAP conference in Manila is deemed part of the Department of Agriculture's program for the centennial celebration of Philippine Independence in 1998;

WHEREAS, there is a need to provide an overall coordinating mechanism to ensure the orderly and productive conduct of the IFAP conference in Manila;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the following;

Section 1. *Creation of the National Committee on the General Conference of the International Federation of Agricultural Producers.* There is hereby created a National Committee, hereafter referred to as the Committee, to ensure the orderly and productive holding of the General Conference of the International Federation of Agricultural Producers in Manila from 27 May to 4 June 1998.

Sec. 2 *Composition.* The Committee shall be composed on the following:

Secretary, Department of Agriculture -	Chairman
Secretary, Department of Foreign Affairs –	Co-Chairman
Head, IFAP Local Organizing Committee	– Vice Chairman
Secretary, Department of Agrarian Reform	- Member
Secretary, Department of Environment and Natural Resources	- Member
Secretary, Department of Trade and Industry	- Member
Secretary, Department of Labor and Employment	- Member
Secretary, Department of Tourism	- Member
Secretary, Department of Transportation and Communication	– Member
Secretary, Department of Public Works and Highways-	Member
Secretary, Department of Science and Technology	- Member
Director General, Philippine National Police	- Member
Director General, National Economic & Development Authority – do-	
Chairman, Metro Manila Development Authority	- Member
President, Philippine Chamber of Commerce & Industry	- Member
President, Philippine Exporters Confederation, Inc.	- Member

Sec. 3 *Duties and Functions.* The Committee shall discharge the following duties and functions:

- a. In coordination with the IFAP, formulate the appropriate program for the orderly and productive conduct of the above IFAP conference;
- b. Promote and coordinate the active participation of the concerned government agencies and local private sector in the IFAAP conference, including the sector-wide participation of the local farmers groups and agricultural producers;
- c. Serve as the focal point of coordination and complementation between the government and IFAP relative to the activities of the conference; and
- d. Perform other functions which may be deemed necessary by the President.

The Committee may create such subcommittees and/or tap other government agencies or any of its instrumentalities for the efficient discharge of the above functions.

Sec. 4 *Secretariat Support*- The Department of Agriculture shall provide secretariat and administrative support to the Committee.

Sec. 5 *Funding*. The needed funding for the conduct of the above conference in Manila shall be jointly defrayed by the IFAP and the government. Government counterpart contributions thereto shall be determined by the Committee and shall be included in the budgetary appropriation of the Department of Agriculture for 1998. This shall also include the funds needed by the Committee and its Secretariat to effectively carry out the provisions of this Order.

Sec. 6 *Reportorial Requirement*. The Committee shall submit to the Office of the President, regular report on its activities, including a post-conference report highlighting the accomplishments of the Committee and of the conference.

Sec. 7 *Effectivity.* This order shall take effect immediately.

(Sgd.) FIDEL V. RAMOS
President

By the President

(Sgd) RUBEN D. TORRES
Executive Secretary

**Republic Act
No. 8371
October 29, 1997**

SUBJECT : An act to Recognize, Protect and Promote the Rights of Indigenous Cultural Communities/Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds Therefor, and for Other Purposes.

Be enacted by the Senate and House of Representatives of the Philippines in Congress Assembled:

CHAPTER I GENERAL PROVISIONS

Section 1. Short Title. This Act shall be known as “The Indigenous Peoples Rights Act of 1997”

Sec. 2. Declaration of State Policies. The State shall recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) hereunder enumerated within the framework of the Constitution:

- a) The State shall recognize and promote the rights of ICCs/IPs within the framework of national unity and development;
- b) The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing

property rights or relations in determining the ownership and extent of ancestral domain;

- c) The State shall recognize, respect and protect the rights and ICCs/IPs to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national laws and policies;
- d) The State shall guarantee that members of the ICCs/IPs regardless of sex, shall equally enjoy the full measure of human rights and freedoms without distinction or discrimination;
- e) The State shall take measures, with the participation of the ICCs/IPs concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population; and
- f) The State recognizes its obligations to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICC/IP participation in the direction of education, health, as well as other services of ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities.

Towards these ends, the State shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, interests, and institutions, and to adopt and implement measures to protect their rights to their ancestral domains.

CHAPTER II DEFINITION OF TERMS

Sec. 3. *Definition of Terms.* For purposes of this Act, the following terms shall mean:

- a) *Ancestral Domains* – Subject to section 56 hereof, refer to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or

through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forest, pasture, residential, agricultural and other lands individually owned whether alienable and disposable or otherwise hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still romantic and/or shifting cultivators;

- b) *Ancestral Lands* – Subject to Section 56 hereof, refers to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth, or as a consequence of government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots;
- c) *Certificate of Ancestral Domain Title* – refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with this law;
- d) *Certificate of Ancestral Lands Title* - refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands;

- e) *Communal Claims* – refers to claims on land, resources and rights thereon, belonging to the whole community with a defined territory;
- f) *Costumary Laws* – refer to a body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted and observe by respective ICCs/IPs;
- g) *Free and Prior Informed Consent* – are used in this Act shall mean the consensus of all members of the ICC/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, an obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community;
- h) *Indigenous Cultural Communities/Indigenous Peoples* – refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions, and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of the conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;
- i) *Indigenous Political Structures* - refers to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation, identified by ICCs,/IPs such as, but not limited to, Council of Elders, Council of

Timuays, Bodong Holders, or any other tribunal or body of similar nature;

- j) *Individual Claims* – refer to claims and rights thereon which have been devolved to individuals, families and clans including, but not limited to, residential lots, rice terraces or paddies and tree lots;
- k) *National Commission on Indigenous Peoples (NCIP)* – refers to the office created under this Act, which shall be under the Office of the President, and which shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to recognize, protect and promote the rights of ICCs/IPs;
- l) *Native Title* – refers to the pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs/IPs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest;
- m) *Nongovernment Organization* – refers to a private, nonprofit voluntary organization that has been organized primarily for the delivery of various services to the ICCs/IPs and has an established track record for effectiveness and acceptability in the community where it serves;
- n) *People's Organization* – refers to a private, non-profit voluntary organization of members of an ICC/IP which is accepted as representative of such ICCs/IPs;
- o) *Sustainable Traditional Resource Rights* - refer to the rights of ICCs/IPs to sustainably use, manage, protect and conserve (a) land, air, water, and minerals; b) plants, animals and other organisms; c) collecting, fishing and hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, beliefs, systems and practices; and
- p) *Time Immemorial* – refers to a period of time when as far back as memory can go, certain ICCs/IPs are known to have occupied,

possessed in the concept of owner, and utilized a defined territory devolved to them, by operation of customary law or inherited from their ancestors, in accordance with their customs and traditions.

CHAPTER III RIGHTS OF ANCESTRAL DOMAINS

Sec. 4. *Concept of Ancestral Lands/Domains.* Ancestral lands/domains shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership.

Sec. 5. *Indigenous Concept of Ownership.* Indigenous concept of ownership sustains the view that ancestral and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ancestral domains are the ICC's/IP's private but community property which belongs to all generations and therefor cannot be sold, disposed or destroyed. It likewise covers sustainable traditional resource rights.

Sec. 6. *Composition of Ancestral Lands/Domains.* Ancestral lands and domains shall consist of all areas generally belonging to ICCs/IPs as referred under Sec. 3, items (a) and (b) of this Act.

Sec. 7. *Rights to Ancestral Domains.* The rights of ownership and possession of ICCs/IPs to their ancestral domains shall be recognized and protected. Such rights shall include:

- a) *Right of Ownership* – The right to claim ownership over lands, bodies of water traditionally and actually occupied by ICCs/IPs, sacred places, traditional hunting and fishing grounds, and all improvements made by them at any time within the domains.

- b) *Right to Develop Lands and Natural Resources.* Subject to Section 56 hereof, right to develop, control and use lands and territories traditionally occupied, owned, or used; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; to benefit and share the profits from allocation and utilization of the natural resources found therein; the right to negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and the conservation measures, pursuant to national and customary laws; the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they may sustain as a result of the project; and the right to effective measures by the government to prevent any interference with, alienation and encroachment upon these rights;
- c) *Right to Stay in the Territories.* The right to stay in the territory and not to be removed therefrom. No ICCs/IPs will be relocated without their free and prior informed consent, nor through any means other than eminent domain. Where relocation is considered necessary as an exceptional measure, such relocation shall take place only with the free and prior informed consent of the ICCs/IPs concerned and whenever possible, they shall be guaranteed the right to return to their ancestral domains, as soon as the grounds for relocation cease to exist. When such return is not possible, as determined by agreement or through appropriate procedures, ICCs/IPs shall be provided in all possible cases with lands of quality and legal status at least equal that of the land previously occupied by them, suitable to provide for their present needs and future development. Persons thus relocated shall likewise be fully compensated for any resulting loss or injury;

- d) *Right in Case of Displacement.* In case displacement occurs as a result of natural catastrophes, the State shall endeavor to resettle the displaced ICCs/IPs in suitable areas where they can have temporary life support systems: *Provided*, that the displaced ICCs/IPs shall have the right to return to their abandoned lands until such time that the normalcy and safety of such lands shall be determined; *Provided, further*, That should their ancestral domain cease to exist in normalcy and safety of the previous settlements are not possible, displaced ICCs/IPs shall enjoy security of tenure over lands to which they have been resettled: *Provided furthermore*, that basic services and livelihood shall be provided to them to ensure that their needs are adequately addressed.
- e) *Right to Regulate Entry of Migrants -* Right to regulate the entry of migrant settlers and organizations into the domains;
- f) *Right to safe and Clean Air and Water –* For this purpose, the ICCs, IPs shall have access to integrated systems for the management of their inland waters and air space;
- g) *Right Claim Parts of Reservation.* The right to claim parts of the ancestral domains which have been reserved for various purposes, except those reserved and intended for common public welfare and service; and
- h) *Right to Resolve Conflict.* Right to resolve land conflicts in accordance with customary laws of the area where the land is located, and only in default thereof shall the complaints be submitted to amicable settlement and to the Courts of Justice whenever necessary.

Sec. 8. Rights to Ancestral Lands. The right of ownership and possession of the ICCs/IPs to their ancestral lands shall be recognized and protected.

- a) *Right to transfer land/property.* - Such right shall include the right to transfer land or property rights to/among members of the same ICCs/IPs, subject to customary laws and traditions of the community concerned.

- b) *Right to Redemption* - In cases where it is shown that the transfer of land/property rights by virtue of any agreement or devise, to a non-member of the concerned ICCs/IPs is tainted by the vitiated consent of the ICCs/IPs, or is transferred for unconscionable consideration or price, the transfer or ICC/IP shall have the right to redeem the same within a period not exceeding fifteen (15) years from the date of transfer.

Sec. 9. Responsibilities of ICCs/IPs to their Ancestral Domains. ICCs/IPs occupying a duly certified ancestral domain shall have the following responsibilities:

- a) *Maintain Ecological Balance.* To preserve, restore and maintain a balanced ecology in the ancestral domain by protecting the flora and fauna, watershed areas, and other reserves;
- b) *Restore Denuded Areas.* To actively initiate, undertake and participate in the reforestation of denuded areas and other development programs and projects subject to just and reasonable remuneration; and
- c) *Observe Laws.* To observe and comply with the provisions of this Act and the rules and regulations for its effective implementation.

Sec. 10. Unauthorized and Unlawful Intrusion. Unauthorized and unlawful intrusion upon, or use of any portion of the ancestral domain, or any violation of the rights herein before enumerated, shall be punishable under this law. Furthermore, the Government shall take measures to prevent non-ICCs/IPs from taking advantage of the ICCs/IPs customs or lack of understanding of laws to secure ownership, possession of land belonging to said ICCs/IPs.

Sec. 11. Recognition of Ancestral Domain Rights. The rights of ICCs/IPs to their ancestral domains by virtue of Native Title shall be recognized and respected. Formal recognition, when solicited by ICCs/IPs

concerned, shall be embodied in a Certificate of Ancestral Domain Title (CADT), which shall recognize the title of the concerned ICCs/(IPs) over the territories identified and delineated.

Sec 12. Option to Secure Certificate of Title Under Commonwealth Act 141, or the Land Registration Act 496. Individual members of cultural communities, with respect to their individually-owned ancestral lands who, by themselves or through their predecessors-in-interest, have been in continuous possession and occupation of the same in the concept of owner since time immemorial or for a period of not less than thirty (30) years immediately preceding the approval of this Act and uncontested by the members of the same ICCs/IPs shall have the option to secure title to their ancestral lands under the provisions of Commonwealth Act 141, as amended, or the Land Registration Act 496.

For this purpose, said individually-owned ancestral lands, which are agricultural in character and actually used for agricultural, residential, pasture, and tree farming purposes, including those with a slope of eighteen percent (18%) or more, are hereby classified as alienable and disposable agricultural lands.

The option granted under this section shall be exercised within twenty (20) years from the approval of this Act.

CHATER IV RIGHT TO SELF GOVERNANCE AND EMPOWERMENT

Sec. 13. *Self Governance.* The State recognizes the inherent right of ICCs/IPs to self-governance and self-determination and respect the integrity of their values, practices and institutions. Consequently, the

State shall guarantee the right of ICCs/IPs to freely pursue their economic, social and cultural development.

Sec. 14. *Support of Autonomous Regions.* The state shall continue to strengthen and support the autonomous regions created under the Constitution as they may require or need. The State shall likewise encourage other ICCs/IPs not included or outside Muslim Mindanao and the Cordilleras to use the form and content of their ways of life as may be compatible with the fundamental rights defined in the Constitution of the Republic of the Philippines and other internationally recognized human rights.

Sec. 15. *Justice System, Conflict Resolution Institutions, and Peace Building Processes.* The ICCs/IPs shall have the right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights.

Sec. 16. *Right to Participate in Decision-Making.* ICCs/IPs shall have the right to determine and decide their own priorities for development affecting their lives, beliefs, institutions, spiritual well-being, and the lands they own, occupy and use. They shall participate in the formulation, implementation and evaluation of policies, plans and programs for national, regional and local development which may directly affect them.

Sec 17. *Right to Determine and Decide Priorities for Development.* The ICCs/IPs shall have the right to determine and decide their own priorities for development and affecting their lives, beliefs, institutions, spiritual well-being, and the lands they own. , occupy or use. They shall participate in the formulation, implementation and evaluation

of policies, plans and programs for national, regional and local development which may directly affect them.

Sec. 18. *Tribal Barangays.* The ICCs/IPs living in contiguous areas or communities where they form the predominant population but which are located in municipalities, provinces or cities where they do not constitute the majority in accordance with the Local Government Code on the creation of tribal barangays.

Sec. 19. *Role of Peoples Organizations.* The State shall recognize and respect the role of independent ICCs/IPs organizations to enable the ICCs/IPs to pursue and protect their legitimate and collective interests and aspirations through peaceful and lawful means.

Sec. 20. *Means for Development/Empowerment of ICCs/IPs.* The Government shall establish the means for the full development/empowerment of the ICCs/IPs own institutions and initiatives and, where necessary, provide the resources needed therefor.

CHAPTER V SOCIAL JUSTICE AND HUMAN RIGHTS

Sec. 21. *Equal Protection and Non-discrimination of ICCs/IPs.* Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Charter of the United Nations, the Universal Declaration of Human Rights including the Convention on the Elimination of Discrimination Against Women and International Human Rights Law, the State shall, with due recognition of their distinct characteristics and identity, accord to the members of the ICCs/IPs the rights, protections and privileges enjoyed by the rest of the citizenry. It shall extend to them the same employment rights, opportunities, basic

services, educational and other rights and privileges available to every member of the society. Accordingly, the State shall likewise ensure that the employment of any form of force or coercion against ICCs/IPs shall be dealt with by law.

The State shall ensure that the fundamental human rights and freedoms as enshrined in the Constitution and relevant international instruments are guaranteed also to indigenous women. Towards this end, no provision in this Act shall be interpreted so as to result in the diminution of rights and privileges already recognized and accorded to women under existing laws of general application.

Sec. 22. *Rights during Armed Conflict.* ICCs/IPs have the right to special protection and security in periods of armed conflict. The State shall observe international standards, in particular, the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not recruit members of the ICCs/IPs against their will into the armed forces, and in particular, for use against other ICCs/IPs; nor recruit children of ICCs/IPs into the armed forces under any circumstance; nor force indigenous individuals to abandon their lands, territories and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition.

Sec. 23. *Freedom from Discrimination and Right to Equal Opportunity and Treatment.* It shall be the right of the ICCs/IPs to be free from any form of discrimination, with respect to recruitment and conditions of employment, such that they may enjoy equal opportunities for admission to employment, medical and social assistance, safety as well as other occupationally-related benefits, informed to their rights under existing labor legislation and of means available to them for redress, not subject to any coercive recruitment systems, including bonded labor and

other forms of debt servitude; and equal treatment in employment for men and women, including the protection from sexual harassment.

Towards this end, the State shall within the framework of national laws and regulations, and in cooperation with the ICCs/IPs concerned, adopt special measures to ensure the effective protection with regard to the recruitment and conditions of employment of persons belonging to these communities, to the extent that they are not effectively protected by laws applicable to workers in general.

ICCs/IPs shall have the right to association and freedom for all trade union activities and the right to conclude collective bargaining agreement with employers' organizations. They shall likewise have the right no to be subject to working conditions hazardous to their health, particularly through exposure to pesticides and other toxic substances.

Sec. 24. *Unlawful Acts Pertaining to Employment.* It shall be unlawful for any person:

- a) To discriminate against any ICC/IP with respect to the terms and conditions of employment on account of their descent. Equal remuneration shall be paid to ICC/IP and non_ICC/IP for work of equal value; and
- b) To deny any ICC/IP employee any right or benefit herein provided for or to discharge them for the purpose of preventing them from enjoying any of the rights or benefits provided under this Act.

Sec. 25. *Basic Services.* The ICCs/IPs have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security. Particular attention, shall be paid to the rights and special needs of indigenous women, elderly, youth, children and differently-abled persons.

Accordingly the State shall guarantee the right of ICCs/IPs to government's basic services which shall include, but not limited to, water and electrical facilities, education, health, and infrastructure.

Sec. 26 Women. ICC/IP women shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition.

The State shall provide full access to education, maternal and child care, health and nutrition, and housing services to indigenous women. Vocational, technical, professional and other forms of training shall be provided to enable these women to fully participate in all aspects of social life. As far as possible, the State shall ensure that indigenous women have access to all services in their own languages.

Sec. 27 Children and Youth. The State shall recognize the vital role of the children and youth of ICCs/IPs in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. Towards this end, the State shall support all government programs intended for the development and rearing of the children and youth of ICCs/IPs for civic efficiency and establish such mechanisms as may be necessary for the protection of the rights of the indigenous children and youth.

Sec. 28. Integrated System of Education. The State shall, through the NCIP, provide a complete, adequate and integrated system of education, relevant to the needs of the children and young people of ICCs/IPs.

CHAPTER VI CULTURAL INTEGRITY

Sec. 29. *Protection of Indigenous Culture, Traditions and Institutions.* The State shall respect, recognize and protect the right of ICCs/IPs to preserve and protect their culture, traditions and institutions. It shall consider these rights in the formulation and application of national plans and policies.

Sec. 30. *Educational Systems.* The State shall provide equal access to various cultural opportunities to the ICCs/IPs through the educational system, public and private cultural entities, scholarships, grants and other incentives without prejudice to their right to establish and control their educational systems and institutions by providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning. Indigenous children/youth shall have the right to all levels and forms of education of the State.

Sec. 31. *Recognition of Cultural Diversity.* The State shall endeavor to have the dignity and diversity of the cultures, traditions, histories, and aspirations of the ICCs/IPs appropriately reflected in all forms of education, public information and cultural-educational exchange. Consequently, the State shall take effective measures, in consultation with ICCs/IPs concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations among ICCs/IPs and all segments of society. Furthermore, the Government shall take effective measures to ensure that the State-owned media duly reflect indigenous cultural diversity. The State shall likewise ensure the participation of appropriate indigenous leaders in schools, communities and international cooperative undertakings like festivals, conferences, seminars and workshops to promote and enhance their distinctive heritage and values.

Sec. 32. *Community Intellectual Rights.* ICCs/IPs have the right to practice and revitalize their own cultural traditions and customs. The State shall preserve, protect and develop the past, present and future manifestations of their cultures as well as the right to the restitution of cultural, intellectual, religious and spiritual property taken without their free and prior informed consent or in violation of their laws, traditions and customs.

Sec. 33. *Rights to Religious, Cultural Sites and Ceremonies.* ICCs/IPs shall have the right to manifest, practice, develop, and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect and have access to their religious and cultural sites; the right to use and control of ceremonial objects; and the right to the repatriation of human remains. Accordingly, the State shall take effective measures, in cooperation with the ICCs/IPs concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected. To achieve this purpose, it shall be unlawfully to:

- a) Explore, excavate or make diggings on archeological sites of the ICCs/IPs for the purpose of obtaining materials of cultural values without the free and prior informed consent of the community concerned; and
- b) Deface, remove or otherwise destroy artifacts which are of great importance to the ICCs/IPs for the preservation of their cultural heritage.

Sec. 34. *Right to Indigenous Knowledge Systems and Practices and to Develop Own Sciences and Technologies.* ICCs/IPs are entitled to the recognition of the full ownership and control and protection of their cultural and intellectual rights. They shall have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, including derivatives of these resources, traditional medicines and health practices, vital medicinal plants, animals and minerals, indigenous knowledge

systems and practices, knowledge of the properties of fauna and flora, oral traditions, literature, designs, and visual and performing arts.

Sec. 35. *Access to Biological and Genetic Resources.*

Access to biological and genetic resources and to indigenous knowledge related to the conservation, utilization and enhancement of these resources, shall be allowed within ancestral lands and domains of the ICCs/IPs only with a free and prior informed consent of such communities, obtained in accordance with customary laws of the concerned community.

Sec. 36. *Sustainable Agro-Technical Development.*

The State shall recognize the right of ICCs/IPs to a sustainable agro-technological development and shall formulate and implement programs of action for its effective implementation. The State shall likewise promote the biogenetic and resource management systems among the ICCs/IPs and shall encourage cooperation among government agencies to ensure the successful sustainable development of ICCs/IPs.

Sec. 37. *Funds for Archeological and Historical Sites.*

The ICCs/IPs shall have the right to receive from the national government all funds especially earmarked or allocated for the management and preservation of their archeological and historical sites and artifacts with the financial and technical support of the national government agencies.

**CHAPTER VII
NATIONAL COMMISSION ON INDIGENOUS PEOPLE
(NCIP)**

Sec. 38. *National Commission on Indigenous Cultural Communities/Indigenous Peoples (NCIP).* To carry out the policies herein set forth, there shall be created the National Commission on

ICCs/IPs, which shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the ICCs/IPs and the recognition of their ancestral domains as well as the rights thereto.

Sec. 39. *Mandate.* The NCIP shall protect and promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs, traditions and institutions.

Sec. 40. *Composition.* The NCIP shall be an independent agency under the Office of the President and shall be composed of seven (7) Commissioners belonging to ICCs/IPs, one (1) of whom shall be the Chairperson. The Commissioners shall be appointed by the President of the Philippines from a list of recommendees submitted by authentic ICCs/IPs: *Provided*, That the seven (7) Commissioners shall be appointed specifically from each of the following ethnographic areas: Region I and the Cordilleras; Region II; the rest of Luzon; Island groups including Mindoro, Palawan, Romblon, Panay, and the rest of the Visayas; Northern and Western Mindanao; Southern and Eastern Mindanao; and Central Mindanao: *Provided*, That at least two (2) of the seven (7) Commissioners shall be women.

Sec. 41. *Qualifications, Tenure, Compensation.* The Chairperson and the six (6) Commissioners must be natural born Filipino citizens, bonafide members of the ICCs/IPs as certified by his/her tribe, experienced in ethnic affairs and who have worked for at least ten (10) years with an ICC/IP community and/or any agency involved in ICC/IP, at least thirty five years of age at the time of appointment, and must be of proven honesty and integrity: *Provided*, That at least two (2) of the seven (7) commissioners shall be members of the Philippine Bar: *Provided further*, That the members of the NCIP shall hold office for a period of three (3) years, and may be subject to re-appointment for another term: *Provided, furthermore*, That no person shall serve for more than two (2) terms. Appointment to any vacancy shall only be for the expired term of the predecessor and in no case shall a member be appointed or designated

in a temporary or acting capacity. *Provided finally*, That the Chairperson and the Commissioners shall be entitled to compensation in accordance with the Salary Standardization Law.

Sec. 42. *Removal from Office.* Any member of the NCIP may be removed from office by the President, on his own initiative or upon recommendation by any indigenous community, before the expiration of his term for cause and after complying with due process requirement of the law.

Sec. 43. *Appointment of the Commissioners.* The President shall appoint the seven (7) Commissioners of the NCIP within ninety (90) days from the effectivity of this Act.

Sec. 44. *Powers and Functions* To accomplish its mandate, the NCIP shall have the following powers, jurisdiction and function:

- a) To serve as the primary government agency through which ICCs/IPs can seek government assistance and as the medium, through which such assistance may be extended;
- b) To review and assess the conditions of ICCs/IPs including existing laws and policies pertinent thereto and to propose relevant laws and policies to address their role in national development;
- c) To formulate and implement policies, plans, programs and projects for the economic, social and cultural development of the ICCs/IPs and to monitor the implementation thereof;
- d) To request and engage the services and support of experts from other agencies of government or employ private experts and consultants as may be required in the pursuit of its objectives;
- e) To issue certificate of ancestral land/domain title;

- f) Subject to existing laws, to enter into contracts, agreements or arrangement, with government or private agencies or entities as may be necessary to attain the objectives of this Act, and subject to the approval of the President, to obtain loans from government lending institutions and other lending institutions to finance its programs;
- g) To negotiate for funds and to accept grants, donations, gifts and/or properties in whatever form and from whatever source, local and international, subject to the approval of the President of the Philippines, for the benefit of ICCs/IPs and administer the same in accordance with the terms thereof; or in the absence of any condition, in such manner consistent with the interest of ICCs/IPs as well as existing laws;
- h) To coordinate development programs and projects for the advancement of the ICCs/IPs and to oversee the proper implementation thereof;
- i) To convene periodic conventions or assemblies of IPs to review, assess as well as propose policies or plans;
- j) To advise the President of the Philippines on all matters relating to the ICCs/IPs and to submit within sixty (60) days after the close of each calendar year, a report of its operations and achievements;
- k) To submit to Congress appropriate legislative proposals intended to carry out the policies under this Act;
- l) To prepare and submit the appropriate budget to the Office of the President;
- m) To issue appropriate certification as a pre-condition to the grant of permit, lease, grant or other similar authority for the disposition, utilization, management and appropriation by any private individual, corporate entity or any government agency, corporation or subdivision thereof on any part of portion of the ancestral domain taking into consideration the consensus approval of the ICCs/IPs concerned;
- n) To decide all appeals from the decisions and acts of all the various offices within the Commission;

- o) To promulgate the necessary rules and regulations for the implementation of this Act;
- p) To exercise such other powers and functions as may be directed by the President of the Republic of the Philippines; and
- q) To represent the Philippine ICCs/IPs in all international conferences and conventions dealing with indigenous peoples and other related concerns.

Sec. 45. *Accessibility and Transparency.* Subject to such limitations as may be provided by law or rules and regulations promulgated pursuant thereto, all official records, documents and papers pertaining to official acts, transactions or decisions, as well as research data used as basis for policy development of the Commission shall be made accessible to the public.

Sec. 56. *Offices within the NCIP.* The NCIP shall have the following offices which shall be responsible for the implementation of the policies hereinafter provided:

- a) *Ancestral Domains Office* – The Ancestral Domain Office shall be responsible for the identification, delineation and recognition of ancestral lands/domains. It shall also be responsible for the management of ancestral lands/domains in accordance with a master plan as well as the implementation of the ancestral domain rights of the ICCs/IPs as provided in Chapter III of this Act. It shall also issue, upon the free and prior informed consent of the ICCs/IPs concerned, certification prior to the grant of any license, lease or permit for the exploitation of natural resources affecting the interests of ICCs/IPs or their ancestral domains and to assist the ICCs/IPs in protecting the territorial integrity in all ancestral domains. It shall likewise perform such other functions as the Commission may deem appropriate and necessary;
- b) *Office on Policy, Planning and Research* - The Office on Policy, Planning and Research shall be responsible for the formulation of

appropriate policies and programs for ICCs/IPs such as, but not limited to, the development of a Five Year Master Plan for the ICCs/IPs. Such plan shall undergo a process such that every five years, the Commission shall endeavor to assess the plan and make ramifications in accordance with the changing situations. The Office shall establish and maintain a Research Center that would serve as a depository of ethnographic information for monitoring, evaluation and policy formulation. It shall assist the legislative branch of the national government in the formulation of appropriate legislation benefiting ICCs/IPs;

- c) *Office of Education , Culture and Health* – The Office on Culture, Education, and Health shall be responsible for the effective implementation of the education, cultural and related rights as provided in this Act. It shall assist, promote and support community schools, both formal and non-formal, for the benefit of the local indigenous community, especially in areas where existing educational facilities are not accessible to members of the indigenous group. It shall administer all scholarship programs and other educational rights intended for ICC/IP beneficiaries in coordination with the Department of Education, Culture and Sports and the Commission on Higher Education. It shall undertake, within the limits of available appropriation, a special program which includes language and vocational training, public health and family assistance program and related subjects.

It shall also identify ICCs/IPs with potential training in the health profession and encourage and assist them to enroll in schools of medicine, nursing, physical therapy and other allied courses pertaining to the health profession.

Towards this end, the NCIP shall deploy representative in each of the said offices who shall personally perform the foregoing task and who shall receive complaints from the ICCs/IPs and

compel action from appropriate agency. It shall also monitor the activities of the National Museum and other similar government agencies generally intended to manage and preserve historical and archeological artifacts of the ICCs/IPs and shall be responsible for the implementation of such other functions as the NCIP may deem appropriate and necessary.

- d) *Office on Socio-Economic Services and Special Concerns.* – The Office on Socio-Economic Services and Special Concerns shall serve as the Office through which the NCIP shall coordinate with pertinent government agencies specially charged with the implementation of various basic socio-economic services, policies, plans and programs affecting the ICCs/IPs to ensure that the same are properly and directly enjoyed by them. It shall also be responsible for such other functions as the NCIP may deem appropriate and necessary;
- e) *Office of Empowerment and Human Rights* – The Office of Empowerment and Human Rights shall ensure that indigenous socio-political, cultural and economic rights are respected and recognized. It shall ensure that capacity building mechanisms are instituted and ICCs/IPs are afforded every opportunity, they so choose, to participate in all levels of decision making. It shall likewise ensure that the basic human rights, and such other rights as the NCIP may determine, subject to existing laws, rules and regulations, are protected and promoted;
- f) *Administrative Office* - The Administrative Office shall provide the NCIP with economical, efficient and effective services pertaining to personnel, finance, records, equipment, security, supplies and related services. It shall also administer the Ancestral Domain Fund; and
- g) *Legal Affairs Office* – There shall be a Legal Affairs Office which shall advise the NCIP on all legal matters concerning ICCs/IPs and which shall be responsible for providing ICCs/IPs with legal assistance in litigation involving community interest. It shall conduct preliminary investigation on the basis of complaints filed

by the ICCs/IPs against a natural or juridical person believed to have violated ICCs/IPs rights. On the basis of its findings, it shall initiate the filing of appropriate legal or administrative action to the NCIP.

Sec. 47. *Other Offices.* The NCIP shall have the power to create additional offices as it may deem necessary subject to existing rules and regulations.

Sec. 48. *Regional and Field Offices.* Existing regional and field offices shall remain to function under, the strengthen organizational structure of the NCIP. Other field offices shall be created whenever appropriate and the staffing pattern thereof shall be determined by the NCIP: *Provided*, That in provinces where there are ICCs/IPs but without field offices, the NCIP shall establish field offices in said provinces.

Sec. 49. *Office of the Executive Director.* – The NCIP shall create the Office of the Executive Director which shall serve as its secretariat. The Office shall be headed by an Executive Director who shall be appointed by the President of the Republic of the Philippines upon recommendation of the NCIP on a permanent basis. The staffing pattern of the office shall be determined by the NCIP subject to the existing rules and regulations.

Sec. 50. *Consultative Body.* A body consisting of the traditional leaders, elders and representatives from the women and youth sectors of the different ICCs/IPs shall be constituted by the NCIP from time to time to advise it on matters relating to the problems, aspirations and interests of the ICCs/IPs.

CHAPTER VIII DELINEATION AND RECOGNITION OF ANCESTRAL DOMAINS

Sec. 51. *Delineation and Recognition of Ancestral Domains* - Self-delineation shall be the guiding principle in the identification and delineation of ancestral domains. As such, the ICCs/IPs concerned shall

have a decisive role in all the activities pertinent thereto. The Sworn Statement of the Elders as to the scope of the territories and agreements/pacts made with neighboring ICCs/IPs, if any, will be essential to the determination of these traditional territories. The Government shall take the necessary steps to identify lands which the ICCs/IPs concerned traditionally occupy and guarantee effective protection of their rights of ownership and possession thereto. Measures shall be taken in appropriate cases to safeguard the right of the ICCs/IPs concerned to land which may no longer be exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities, particularly of ICCs/IPs who are still nomadic and/or shifting cultivators.

Sec. 52. Delineation Process. – The identification and delineation of ancestral domains shall be done in accordance with the following procedures:

- a) *Ancestral Domains Delineated Prior to this Act* – The provisions hereunder shall not apply to ancestral domains/lands already delineated according to DENR Administrative Order No. 2, series of 1993, nor to ancestral lands and domains delineated under any other community/ancestral domain program prior to the enactment of this law. ICCs/IPs whose ancestral lands/domains were officially delineated prior to the enactment of this law shall have the right to apply for the issuance of a Certificate of Ancestral Domain Title (CADT) over the area without going through the process outlined hereunder;
- b) *Petition for Delineation*- The process of delineating a specific perimeter may be initiated by the NCIP with the consent of the ICC/IP concerned, or through a Petition for Delineation filed with the NCIP, by a majority of the members of the ICCs/IPs;
- c) *Delineation Proper* – The official delineation of ancestral domain boundaries including census of all community members therein, shall be immediately undertaken by the

Ancestral Domains Office upon filing of the application by the ICC/IPs concerned. Delineation will be done in coordination with the community concerned and shall at all times include genuine involvement and participation by the members of the communities concerned;

- d) *Proof Required* - Proof of Ancestral Domain claims shall include the testimony of elders or community under oath, and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such ICCs/IPs in the concept of owners which shall be any one (1) of the following documents:
- 1) Written accounts of the ICCs/IPs customs and traditions;
 - 2) Written accounts of the ICCs/IP political structure and institution;
 - 3) Pictures showing long term occupation such as those of old improvements burial grounds, sacred places and old villages;
 - 4) Historical accounts, including pacts and agreements concerning boundaries entered into by the ICCs/IPs concerned with other ICCs/IPs;
 - 5) Survey plans and sketch maps;
 - 6) Anthropological data;
 - 7) Genealogical surveys;
 - 8) Pictures and descriptive histories of traditional communal forest and hunting grounds;
 - 9) Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like; and
 - 10) Write ups of names and places derived from the native dialect of the community.
- e) *Preparation of Maps*. On the basis of such investigation and the findings of fact based thereon, the Ancestral Domains Office of the NCIP shall prepare a perimeter map,

- complete with technical descriptions, and a description of the natural features and landmarks embraced therein;
- f) *Report of Investigation and Other Documents.* – A complete copy of the preliminary census and a report of investigation, shall be prepared by the Ancestral Domains of the NCIP.
- g) *Notice and Publication.* – A copy of each document, including a translation in the native language of the ICCs/IPs concerned shall be posted in a prominent place therein for at least fifteen (15) days. A copy of the document shall also be posted at the local, provincial and regional offices of the NCIP, and shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from date of such publication: *Provided*, That in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute: *Provided, further*, That mere posting shall be deemed sufficient if both newspaper and radio station are not available;
- h) *Endorsement to NCIP.* Within fifteen (15) days from publication, and of the inspection process, the Ancestral Domains Office shall prepare a report to the NCIP endorsing a favorable action upon a claim that is deemed to have sufficient proof. However, if the proof is deemed insufficient, the Ancestral Domains Office shall require the submission of additional evidence: *Provided*, That the Ancestral Domains Office shall reject any claim that is deemed patently false or fraudulent after inspection and verification. *Provided further*, That in case of rejection, the Ancestral Domains Office shall give the applicant due notice, copy furnished all concerned, containing the grounds for denial, The denial shall be appealable to the NCIP: *Provided, furthermore*, That in cases where there are conflicting claims among ICCs/IPs on the boundaries of ancestral domain claims, the Ancestral Domains Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict,

without prejudice to its full adjudication according to the below:

- i) *Turnover of areas Within Ancestral Domains Managed by Other Government Agencies.* The Chairperson of the NCIP shall certify that the area covered is an ancestral domain. The secretaries of the Department of Agrarian Reform, Department of Environment and Natural Resources, Department of Interior and Local Government, and Department of Justice, the Commissioner of the National Development Corporation, and any other government agency claiming jurisdiction over the area shall be notified thereof. Such notification shall terminate any legal basis for the jurisdiction previously claimed;
- j) *Issuance of CADT.* ICCs/IPs whose ancestral domains have been officially delineated and determined by the NCIP shall be issued a CADT in the name of the community concerned containing a list of all those identified in the census; and
- k) *Registration of CADT's* – The NCIP shall register issued certificates of ancestral domain titles and certificates of ancestral lands titles before the Register of Deeds in the place where the property is situated.

Sec. 53. *Identification, Delineation and Certification of Ancestral Lands.*

- a) The allocation of lands within any ancestral domain to individual or indigenous corporate (family or clan) claimants shall be left to the ICCs/IPs concerned to decide in accordance with customs and traditions;
- b) Individual and indigenous corporate claimants of ancestral lands which are not within ancestral domains, may have their claims officially established by filing applications for the identification and delineation of their claims with the Ancestral Domains Office. An individual or recognized head of a family or clan may file such application in his behalf or in behalf of his family or clan, respectively;

- c) Proofs of such claims shall accompany the application form which shall include the testimony under oath of elders of the community and other documents directly or indirectly attesting to the possession or occupation of the areas since time immemorial by the individual or corporate claimants in the concept of owners which shall be any of the authentic documents enumerated under Sec 52(d) of this Act, including tax declarations and proofs of payment of taxes;
- d) The Ancestral Domains Office may require from each ancestral claimant the submission of such other documents, Sworn Statements and the like, which in its opinion, may shed light on the veracity of the contents of the application/claim;
- e) Upon the receipt of the applications for delineation and recognition of ancestral land claims, the Ancestral Domains Office shall cause the publication of the application and a copy of each document submitted including a translation in the native language of the ICCs/IPs concerned in a prominent place therein for at least fifteen (15) days. A copy of the documents shall also be posted at the local, provincial, and regional offices of the NCIP and shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of such publication: *Provided*, That in areas where no such newspaper exists, broadcasting in a radio station will be valid substitute: *Provided, further*, That mere posting shall be deemed sufficient if both newspaper and radio station are not available;
- f) Fifteen (15) days after such publication, the Ancestral Domains Office shall investigate and inspect each application, and if found to be meritorious, shall cause a parcellary survey of the area being claimed. The Ancestral Domains Office shall reject any claim that is deemed patently false or fraudulent after inspection and verification. In case of rejection, the Ancestral Domains Office shall give the applicant due notice, copy furnished all concerned,

containing the ground for denial. The denial shall be appealable to the NCIP. In case of conflicting claims among individuals or indigenous corporate claimants, the Ancestral Domains Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to Sec. 62 of this Act. In all proceedings for the identification or delineation of the ancestral domains as herein provided, the Director of Lands shall represent the interest of the Republic of the Philippines; and

- g) The Ancestral Domain Office shall prepare and submit a report on each and every application surveyed and delineated to the NCIP, which shall, in turn, evaluate the report submitted. If the NCIP finds such claim meritorious, it shall issue a certificate of ancestral land, declaring and certifying the claim of each individual or corporate (family or clan) claimant over ancestral lands.

Sec. 54. *Fraudulent Claims* . The Ancestral Domains Office may, upon written request from the ICCs/IPs, review existing claims which have been fraudulently acquired by any person or community. Any claim found to be fraudulently acquired by, and issued to, any person or community may be cancelled by the NCIP after due notice and hearing of all parties concerned.

Sec. 55. *Communal Rights*. Subject to Section 56 hereof, areas within the ancestral domains whether delineated or not, shall be presumed to be communally held: *Provided*, That communal rights under this Act shall not be construed as co-ownership as provided in Republic Act No. 386, otherwise known as the New Civil Code.

Sec.. 56. *Existing Property Rights Regimes*. Property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected.

Sec. 57. *Natural Resources with Ancestral Domains.* – The ICCs/IPs shall have priority rights in the harvesting, extraction, development, exploitation of any natural resources within the ancestral domains. A non-member of the ICCs/IPs concerned may be allowed to take part in the development and utilization of the natural resources for a period of not exceeding twenty-five (25) years renewable for not more twenty-five (25) years: *Provided*, that a formal written agreement is entered into with the ICCs/IPs concerned or that the community, pursuant to its own decision making process, has agreed to allow such operation: *Provided, finally*, That the NCIP may exercise visitorial powers and take appropriate action to safeguard the rights of the ICCs/IPs under the same contract.

Sec. 58. *Environmental Considerations.* Ancestral domains or portions thereof, which are found to be necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected areas, forest cover, or reforestation as determined by appropriate agencies with the full participation of the ICCs/IPs concerned shall be maintained, managed and developed for such purposes. The ICCs/IPs concerned shall be given the responsibility to maintain, develop, protect, and conserve such areas with the full and effective assistance of government agencies. Should the ICCs/IPs decide to transfer the responsibility over the areas, said decision must be made in writing. The consent of the ICCs/IPs should be arrived at in accordance with its customary laws without prejudice to the basic requirements of existing laws on free and prior informed content: *Provided*, The transfer shall be temporary and will ultimately revert to the ICCs/IPs in accordance with a program for technology transfer: *Provided, further*, That no ICCs/IPs shall be displaced or relocated for the purpose enumerated under this section without the written consent of the specific persons authorized to give consent.

Sec. 59. *Certification Precondition.* – All departments and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing or granting any concession, license or lease, or entering into any production-sharing agreement, without prior certification from the NCIP that the area affected does not overlap with any ancestral domain.. Such certification shall only be issued after a field-based investigation is conducted by the Ancestral Domains Office of the area concerned: *Provided*, That no certification shall only be issued by the NCIP without the free and prior informed and written consent of ICCs/IPs concerned: *Provided, further*, That no department, government agency or government-owned or controlled corporation may issue new concession, license, lease, or production sharing agreement while there is a pending application for CADT: *Provided, finally*, That the ICCs/IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied the requirement of this consultation process.

Sec. 60. *Exemption from Taxes.* - All lands certified to be ancestral domains shall be exempted from real property taxes, special levies, and other forms of exaction except such portion of the ancestral domains as are actually used for large-scale agriculture, commercial forest plantation and residential purposes or upon titling, by private persons: *Provided*, That all exactions shall be used to facilitate the development and improvement of ancestral domains.

Sec. 61. *Temporary Requisition Powers.* – Prior to the establishment of an institutional surveying capacity whereby it can effectively fulfill its mandate, but in no case beyond three (3) years after its creation, the NCIP is hereby authorized to request the Department of

Environment and Natural Resources (DENR) survey teams as well as other equally capable private survey teams, through a Memorandum of Agreement (MOA), to delineate ancestral domain perimeters. The DENR Secretary shall accommodate any such request within one (1) month of its issuance: *Provided*, That the Memorandum of Agreement shall stipulate, among others, a provision for technology transfer to the NCIP.

Sec. 62. *Resolution of Conflicts.* In cases of conflicting interest, where there are adverse claims within the ancestral domains as delineated in the survey plan, and which can not be resolved, the NCIP shall hear and decide, after notice to the proper parties, the disputes arising from the delineation of such ancestral domains: *Provided*, that if the dispute is between and/or among ICCs/IPs regarding the traditional boundaries of their respective ancestral domains, customary process shall be followed. The NCIP shall promulgate the necessary rules and regulations to carry out its adjudicatory functions. *Provided, further*, That any decision, order, award or ruling of the NCIP on any ancestral domain dispute or on any matter pertaining to the application, implementation, enforcement and interpretation of this Act may be brought for Petition for Review to the Court of Appeals within fifteen (15) days from receipt of a copy thereof.

Sec. 63. *Applicable Laws.* – Customary laws, traditions and practices of the ICCs/IPs of the land where the conflict arises shall be applied first with respect to property rights, claims and ownership, hereditary succession and settlement of land disputes. Any doubt or ambiguity in the application and interpretation of laws shall be resolved in favor of the ICCs/IPs.

Sec. 64. *Remedial Measures.* – Expropriation may be resorted to in the resolution of conflicts of interest following the principle of the “common good”. The NCIP shall take appropriate legal action for the cancellation of officially documented titles which were acquired illegally: *Provided*, That such procedure shall ensure the rights of possess in good faith shall be respected: *Provided, further*, That the action for cancellation shall be initiated within two (2) years from the effectivity of this Act:

Provided, finally, That the action for reconveyance shall be within a period of ten (10) years in accordance with existing laws.

CHAPTER IX JURISDICTION AND PROCEDURES FOR ENFORCEMENT OF RIGHTS

Sec. 65. *Primacy of Customary Laws and Practices.* – When disputes involve ICCs/IPs, customary laws and practices shall be used to resolve the dispute.

Sec. 66. *Jurisdiction of the NCIP.* – The NCIP, through its regional offices, shall have jurisdiction over all claims and disputes involving rights of ICCs/IPs: *Provided, however,* That no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws. For this purpose, a certification shall be issued by the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved, which certification shall be a condition precedent to the filing of a petition with the NCIP.

Sec. 67. *Appeals to the Court of Appeals.* – Decisions of the NCIP shall be appealable to the Court of Appeals by way of a petition for review.

Sec. 68. *Execution of Decisions, Awards, Orders.* - Upon expiration of the period herein provided and no appeal is perfected by any of the contending parties, the Hearing Officer of the NCIP, on its own initiative or upon motion by the prevailing party, shall issue a writ of execution requiring the sheriff or the proper officer to execute final decisions, orders or awards of the Regional Hearing Officer of the NCIP.

Sec. 60. *Quasi-Judicial Powers of the NCIP.* _ The NCIP shall have the power and authority;

- a) To promulgate rules and regulations governing the hearing and disposition of cases filed before it as well as those pertaining to its internal functions and such rules and regulations as may be necessary to carry out the purposes of this Act.
- b) To administer oaths, summon the parties to a controversy, issue subpoenas requiring the attendance and testimony of witnesses or the production of such books, papers, contracts, records, agreements and other documents of similar nature as may be material to a just determination of the matter under investigation or hearing conducted in pursuance of this Act;
- c) To hold any person in contempt, directly or indirectly, and impose appropriate penalties therefor; and
- d) To enjoin any or all acts involving or arising from any case pending before it which, if not restrained forthwith, may cause grave or irreparable damage to any of the parties to the case or seriously affect social or economic activity.

Sec. 70. *No Restraining Order or Preliminary Injunction.* – No inferior court of the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the NCIP or any of its duly authorized or designated offices in any case, dispute or controversy arising from, necessary to, or interpretation of this Act and other pertinent laws relating to ICCs/IPs and ancestral domains.

CHAPTER X ANCESTRAL DOMAINS FUND

Sec. 71. *Ancestral Domains Fund.* - There is hereby created a special fund, to be known as the Ancestral Domains Fund, an initial amount of One Hundred thirty million pesos (P130,000,000) to cover compensation for expropriated lands, delineation and development of ancestral domains. An amount of Fifty million pesos (P50,000,000) shall be sourced from the gross income of the Philippine Charity Sweepstakes Office (PCSO) from its Lotto operations. Ten Million Pesos

(P10,000,000) from the gross receipts of the travel tax of the preceding year, the fund of the Social Reform Council intended for survey and delineation of ancestral lands/domains, and such other source as the government may deem appropriate. Thereafter, such amount shall be included in the annual General Appropriations Act. Foreign as well as local funds which are made available for the ICCs/IPs through the government of the Philippines shall be coursed through the NCIP. The NCIP may also solicit and receive donations, endowments and grants in the form of contributions, and such endowments shall be exempted from income or gift taxes and all other taxes, charges or fees imposed by the government or any political subdivision or instrumentality thereof.

CHAPTER XI PENALTIES

Sec. 72. Punishable Acts and Applicable Penalties. – Any person who commits violation of any of the provisions of this Act, such as, but not limited to, unauthorized and/or unlawful intrusion upon any ancestral lands or domains as stated in Sec. 10, Chapter III, or shall commit any of the prohibited acts mentioned in Sections 21 and 24, Chapter V, Section 33, Chapter VI hereof, shall be punished in accordance with the customary laws of the ICCs/IPs concerned: *Provided*, That no such penalty shall be cruel, degrading or inhuman punishment: *Provided, further*, That neither death penalty or excessive fines be imposed. This provision shall be without prejudice to the right of ICCs/IPs to avail of the protection of existing laws. In which case, any person who violates any provision of this Act shall upon conviction, be punished by imprisonment of not less than nine (9) months but not more than twelve (12) years or a fine of not less than One hundred thousand pesos (P100,000) nor more than Five hundred thousand pesos (P500,000) or both such fine and imprisonment upon the discretion of the court. In addition, he shall be obliged to pay to the ICCs/IPs concerned whatever

damage may have been suffered by the latter as a consequence of the unlawful act.

Sec. 73. *Persons subject to Punishment.* - If the offender is a juridical person, all officers such as, but not limited to, its president, manager, or head of office responsible for their unlawful act shall be criminally liable therefor, in addition to the cancellation of certificates of their registration and/or license: *Provided*, That if the offender is a public official, the penalty shall include perpetual disqualification to hold public office.

CHAPTER XII MERGER OF THE OFFICE FOR NORTHERN CULTURAL COMMUNITIES (ONCC) AND THE OFFICE FOR SOUTHERN CULTURAL COMMUNITIES (OSCC)

Sec. 74. *Merger of ONCC/OSCC.* – The Office for Northern Cultural Communities (ONCC) and the Office of Southern Cultural Communities (OSCC), created under Executive Order Nos. 122-B and 122-C respectively, are hereby merged as organic offices of NCIP and shall continue to function under a revitalized and strengthened structures to achieve the objectives of the NCIP: *Provided*, That the positions of Staff Directors, except positions of Regional Directors and below, are hereby phased-out upon the effectivity of this Act: *Provided, further*, That officials and employees of the phased-out offices who may be qualified may apply for reappointment with the NCIP and may be given prior rights in the filling up of the newly created positions of NCIP, subject to the qualifications set by the Placement Committee: *Provided, furthermore*, That in the case where an indigenous person and a non-indigenous person with similar qualifications apply for the same position, priority shall be given to the former Officers and employees who are to be phased out as a result of the merger of their offices shall be entitled to gratuity a rate

equivalent to one and a half (1 ½) months salary every year of continuous and satisfactory service rendered or the equivalent nearest fraction thereof favorable to them on the basis of the highest salary received. If they are already entitled to retirement or gratuity, they shall have the option to select either such retirement benefits or the gratuity herein provided. Officers and employees who may be reinstated shall refund such retirement benefits or gratuity received: *Provided, finally*, That absorbed personnel must still meet the qualifications and standards set by the Civil Service and Placement Committee herein created.

Sec. 75. *Transition Period.* The ONCC/OSCC shall have a period of six (6) months from the effectivity of this Act within which to wind up its affairs and to conduct audit of its finances.

Sec. 76. *Transfer of Assets/Properties.* – All real and personal properties which are vested in, or belonging to, the merged offices as aforestated shall be transferred to the NCIP without further need of conveyance, transfer or assignment and shall be held for the same purpose as they were held by the former offices: *Provided*, That all contracts, records and documents relating to the operations of the merged offices shall be transferred to the NCIP. All agreements and contracts entered into by the merged offices shall remain in full force and effect unless otherwise terminated, modified or amended by the NCIP.

Sec. 77 *Placement Committee.* – Subject to rules on government reorganization, a Placement Committee shall be created by the NCIP, in coordination with the Civil Service Commission, which shall assist in the judicious selection and placement of personnel in order that the best qualified and most deserving persons shall be appointed in the reorganized agency. The Placement Committee shall be composed of seven (7) commissioners and an ICCs/IPs representative from each of the first and second level employees association in the Offices for Northern and

Southern Cultural Communities (ONCC/OSCC), Non-government Organizations (NGOs) who have served the community for at least five (5) years and Peoples Organizations (POs) with at least five (5) years of existence. They shall be guided by the criteria of retention and appointment to be prepared by the consultative body and by the pertinent provisions of the civil service law.

CHAPTER XIII FINAL PROVISIONS

Sec. 78. *Special Provision.* – The City of Baguio shall remain to be governed by its Charter and all lands proclaimed as part of its townsite reservation shall remain as such until otherwise reclassified by appropriate legislation: *Provided*, That prior land rights and titles recognized and/or acquired through any judicial, administrative or other processes before the effectivity of this shall remain valid: *Provided further*, That this provision shall not apply to any territory which becomes part of the City of Baguio after the effectivity of this Act.

Sec. 79. *Appropriations.* - The amount necessary to finance the initial implementation of this Act shall be charged against the current year’s appropriation of the ONCC and the OSCC. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

Sec. 80. *Implementation Rules and Regulations.* – Within sixty (60) days immediately after appointment, the NCIP shall issue the necessary rules and regulations, in consultation with the Committees on National Cultural Communities of the House of Representatives and the Senate, for the effective implementation of this Act.

Sec. 81. *Saving Clause.* – This Act will not in any manner adversely affect the rights and benefits of the ICCs/IPs under other conventions, recommendations, international treaties, national laws, awards, customs and agreements.

Sec. 82. *Separability Clause.* – In case any provision of this Act or any portion thereof is declared unconstitutional by a competent court, other provisions shall not be affected thereby.

Sec. 83. *Repealing Clause.* – Presidential Decree No. 410, Executive Order Nos. 122-B and 122-C, and all other laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 84. *Effectivity.* – This Act shall take effect fifteen (15) days upon its publication in the Official Gazette or in any two (2) newspapers of general circulation.

FIDEL V. RAMOS
President

**Republic Act
No. 8425
Dec. 11, 1997**

SUBJECT : An Act Institutionalizing the Social Reform and Poverty Alleviation Program, Creating for the Purpose the National Anti-Poverty Commission, Defining Its Powers and Functions and for Other Purposes.

Be enacted by the Senate and House of Representatives of the Philippines in Congress Assembled:

Section 1. Title. This Act shall be known as the “Social Reform and Poverty Alleviation Act.”

Sec. 2. Declaration of Policy. It is the policy of the State to:

- 1) Adopt an area based, sectoral and focused intervention to poverty alleviation wherein every poor Filipino family shall be empowered to meet its minimum basic needs of health, food and nutrition, water and environmental sanitation, income security, shelter and decent housing, peace and order, education and functional literacy, participation in governance, and family care and psycho-social integrity;
- 2) Actively pursue asset reform of redistribution of productive economic resources to the basic sector including the adoption of a system of public spending which is targeted towards the poor;

- 3) Institutionalize and enhance the Social Reform Agenda, hereinafter known as the SRA, which embodies the results of the series of consultations and summits on poverty alleviation;
- 4) Adopt and operationalize the following principles and strategies as constituting the national framework integrating various structural reforms and anti-poverty initiatives:
 - a) Social reform shall be a continuing process that addresses the basic inequities in Philippine society through a systematic package of social intervention;
 - b) The SRA shall be enhanced by government in equal partnership with the different basic sectors through appropriate and meaningful consultations and participation in governance;
 - c) Policy, programs and resource commitments from both government and the basic sectors shall be clearly defined to ensure accountability and transparency in the implementation of the Social Reform Agenda;
 - d) A policy environment conducive to sustainable social reform shall be pursued;
 - e) The SRA shall address the fight against poverty through a multi-dimensional and cross-sectoral approach which recognizes and respects the core values, cultural integrity and spiritual diversity of target sectors and communities;
 - f) The SRA shall pursue a gender-responsive approach to fight poverty;
 - g) The SRA shall promote ecological balance in the different ecosystems, in a way that gives the basic sectors a major

stake in the use, management, conservation and protection of productive resources;

- h) The SRA shall take into account the principle and interrelationship of population and development in the planning and implementation of social reform programs thereby promoting self-help and self-reliance; and,
- i) The SRA implementation shall be focused on specific target areas and basic sectors.

Sec. 3. *Definition of Terms.* As used in this Act, the following terms shall mean:

- a) “Artisanal fisherfolk” – Refers to municipal, small scale or subsistence fishermen who use fishing gear which do not require boats or which only require boats below three (3) tons;
- b) “Basic sectors” – Refers to the disadvantaged sectors of Philippine society, namely: farmer-peasant, artisanal fisherfolk, workers in the formal sector and migrant workers, workers in the informal sector, indigenous peoples and cultural communities, women differently-abled persons, senior citizens, victims of calamities and disasters, youth and students, children, and urban poor;
- c) “Cooperative” – Refers to a duly registered association of at least fifteen (15) persons, majority of which are poor, having common bond of interest, who voluntarily join together to achieve a lawful common social and economic end. It is organized by the members who equitably contribute the required share capital and accept a fair share of the risks and benefits of their undertaking in accordance with the universally accepted corporate principles and practices;

- d) “Capability building” – Refers to the process of enhancing viability and sustainability of microfinance institutions through activities that include training in microfinance technologies, upgrading of accounting and auditing systems, technical assistance for the installation or improvement of management information systems, monitoring of loans and other related activities. The term capability building shall in no way refer to the provision of equity investments, seed funding, partnership’s seed funds, equity participation, start-up funds or any such activity that connotes the infusion of capital or funds from the government or from the people’s development trust fund to microfinance institution as defined in this Act. Capability building precludes the grant of any loan or equity funds to the microfinance institution;
- e) “Collateral-free arrangement” – A financial arrangement wherein a loan is contracted by the debtor without the conventional loan security of a real estate or chattel mortgage in favor of the creditor. In lieu of these conventional securities, alternative arrangements to secure the loans and ensure repayment are offered and accepted;
- f) “Group character loan” – A loan contracted by a member and guaranteed by a group of persons for its repayment.. The creditor can collect from any of the members of the group which guaranteed the said loan, without prejudice to the right of reimbursement of the members of the group who had advanced the payment in favor of the actual debtor;
- g) “Indigenous cultural communities/indigenous peoples” – As defined in Republic Act No. 8371, otherwise known as “The Indigenous Peoples Rights Act of 1997”;
- h) “Migrant workers” – As defined in Rrepublic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipino Act of 1995”;

- i) “Micro-enterprise” – Any economic enterprise with a capital of one hundred fifty thousand pesos (P150,000.00) and below. This amount is subject to periodic determination of the Department of Trade and Industry to reflect economic changes;
- j) “Microfinance” – A credit and savings mobilization program exclusively for the poor to improve the asset base of households and expand the access to savings of the poor. It involves the use of viable alternative credit schemes and savings programs including the extension of small loans, simplified loan application procedures, group character loans, collateral-free arrangements, alternative loan repayments, minimum requirements for savings, and small denominated savers’ instruments.
- k) “Minimum basic needs” – Refers to the needs of a Filipino family pertaining to survival (food and nutrition,; health; water and sanitation; clothing), security (shelter; peace and order; public safety; income and livelihood) and enabling (basic education and literacy; participation in community development family and psycho-social care);
- l) “Human development index” – Refers to the measure of how well a country has performed, based on social indicators of people’s ability to lead a long and healthy life, to acquire knowledge and skills, and to have access to the resources needed to afford a decent standard of living. This index looks at a minimum of three outcomes of development: the state of health (measured by life expectancy at birth), the level of knowledge and skill (measured by a weighted average of adult literacy and enrollment rates), and the level of real income per capita, adjusted to poverty considerations;
- m) “Non-government organizations” – Refers to duly registered non-stock, non-profit organizations focusing on the upliftment of the basic or disadvantaged sectors of

society by providing advocacy, training, community organizing, research, access to resources, and other similar activities;

- n) “People’s organization” – Refers to a self-help group belonging to the basic sectors and/or disadvantaged groups composed of members having a common bond of interest who voluntarily join together to achieve a lawful common social or economic end;
- o) “Poor” – Refers to individuals and families whose income fall below the poverty threshold as defined by the National Economic and Development Authority and/or cannot afford in a sustained manner to provide the minimum basic needs of food, health, education, housing and other essential amenities of life;
- p) “Poverty alleviation” – Refers to the reduction of absolute poverty and relative poverty;
- q) “Absolute poverty” – Refers to the condition of the household below the food threshold level;
- r) “Relative poverty” – Refers to the gap between the rich and the poor;
- s) “Social reform” – Refers to the continuing process of addressing the basic inequities in Filipino society through a systematic, unified and coordinated delivery of socioeconomic programs or packages;
- t) “Small Savers Instrument (SSI) – Refers to an evidence of indebtedness of the Government of the Republic of the Philippines which shall be in small denominations and sold at a discount from its redemption value, payable to bearer and redeemable on demand according to a schedule printed on the instrument, with a discount lower than the full stated rate if not held to maturity. The resources generated

under this scheme shall be used for micro-credit for the poor, SSIs are not eligible as legal reserve of banks and legal reserves prescribed of insurance companies operating in the Philippines;

- u) “Urban poor” – Refers to individuals or families residing in urban centers and urbanizing areas whose income or combined household income falls below the poverty threshold as defined by the National Economic Development Authority and/or cannot afford in a sustained manner to provide their minimum basic needs of food, health, education, housing and other essential amenities of life;
- v) “Workers in the formal sector” – Refers to workers in registered business enterprises who sell their services in exchange for wages and other forms of compensation;
- w) “Workers in the informal sector” – Refers to poor individuals who operate businesses that are very small in scale and are not registered with any national government agency, and to the workers in such enterprises who sell their services in exchange for subsistence level wages or other forms of compensation; and
- x) “Youth” – Refers to persons fifteen(15) to thirty (30) years old.

Sec. 4 Adoption and Integration of Social Reform Agenda (SRA) in the National Anti-Poverty Action Agenda. The National Anti-Poverty Action Agenda shall principally include the score principles and programs of the Social Reform Agenda (SRA). The SRA shall have a multi-dimensional approach to poverty consisting of the following reforms:

- 1) Social dimension access to quality basic services – These are reforms which refers to equitable control and access to social services and facilities such as education, health, housing, and other basic services

which enable the citizens to meet their basic human needs and to live decent lives;

- 2) Economic dimension asset reform and access to economic opportunities. – Reforms which address the existing inequities in the ownership, distribution, management and control over natural and man-made resources from which they earn a living or increase the fruits of their labor;
- 3) Ecological dimension sustainable development of productive resources – Reforms which ensure the effective and sustainable utilization of the natural and ecological resource base, thus assuring greater social acceptability and increased participation of the basic sectors in environmental and natural resources conservation, management and development.
- 4) Governance dimension democratizing the decision-making and management processes. – Reforms which enable the basic sectors to effectively participate in decision-making and management processes that affect their rights, interests and welfare.

The SRA shall focus on the following sector-specific flagship programs:

- 1) For farmers and landless rural workers – agricultural development;
- 2) For the fisherfolk – fisheries and aquatic resources conservation, management and development;
- 3) For the indigenous peoples and indigenous communities – respect, protection and management of the ancestral domain;

- 4) For workers in the informal sector – worker’s welfare and protection;
- 5) For the urban poor - socialized housing; and
- 6) For members of other disadvantaged groups such as the women, children, youth, persons with disabilities, the elderly, and victims of natural and man-made calamities - the Comprehensive Integrated Delivery of Social Services (CIDSS).

Additionally, to support the sectoral flagship programs, the following cross-sectoral flagships shall likewise be instituted:

- 1) Institution-building and effective participation in governance;
- 2) Livelihood programs;
- 3) Expansion of micro-credit/microfinance services and capability building; and
- 4) Infrastructure of micro-credit/microfinance services and capability building; and
- 5) Infrastructure buildup and development.

TITLE I

NATIONAL ANTI-POVERTY COMMISSION

Sec. 5. *The National Anti-Poverty Commission.* – To support the above-stated policy, the National Anti-Poverty Commission hereinafter referred to as the NAPC, is hereby created under the Office of the President, which shall serve as the coordinating and advisory body for the implementation of the SRA. The Presidential Commission to Fight Poverty (PCFP), the Social Reform Council (SRC), and the Presidential Council for Countryside Development (PCCD) are hereby abolished and the NAPC shall exercise the powers and functions of these agencies.

The NAPC shall be the successor-in-interest of the three (3) abolished commissions and councils.

The creation and operationalization of the NAPC shall be guided by the following principles:

- 1) Incorporation of the Social Reform Agenda into the formulation of development plans at the national, regional, and subregional and local levels;
- 2) Efficiency in the implementation of the anti-poverty programs by strengthening and/or streamlining present poverty alleviation processes and mechanisms, and reducing the duplication of functions and activities among various government agencies;
- 3) Coordination and synchronization of social reform and poverty alleviation programs of national government agencies;
- 4) Exercise of policy oversight responsibilities to ensure the attainment of social reform and poverty alleviation goals;
- 5) Institutionalization of basic sectoral and NGO participation in effective planning, decision-making, implementation, monitoring and evaluation of the SRA at all levels;
- 6) Ensuring adequate, efficient and prompt delivery of basic services to the poor; and
- 7) Enjoining government financial institutions to open credit and savings windows for the poor, and advocating the creation of such windows for the poor among private banking institutions.
- 8) Enjoining government financial institutions to open credit and savings windows for the poor, and advocating the creation of such windows for the poor among private banking institutions.

Sec. 6. *Compostion of the NAPC.* - The President of the Republic of the Philippines shall serve as Chairperson of the NAPC. The President shall appoint the Lead Convenor of the NAPC, either from the government or private sector, who shall likewise serve as the head of the National Anti-Poverty Commission Secretariat, and shall have the rank of a Cabinet Secretary. There shall be a vice-chairperson for the government sector and vice-chairperson for the basic sectors; the former to be designated by the President, and the latter to be elected among the basic sector representatives of the NAPC as vice-chairperson for the basic sector; and the following as members:

1) Head of the following government bodies:

- a) Department of Agrarian Reform (DAR);
- b) Department of Agriculture (DA);
- c) Department of Labor and Employment (DOLE);
- d) Department of Budget and Management (DBM);
- e) Department of Social Welfare and Development (DSWD);
- f) Department of Health
- g) Department of Education, Culture and Sports (DECS);
- h) Department of Interior and Local Government (DILG);
- i) Department of Environment and Natural Resources (DENR)
- j) Department of Finance (DOF)
- k) National Economic and Development Authority (NEDA);
- l) People's Credit and Finance Corporation (PCFC), subject to Section 17 to this Act; and
- m) Presidential Commission and Urban Poor (PCUP).

2) President of the Leagues of Local Government Units:

- a) League of Provinces;
- b) League of Cities;
- c) League of Municipalities;
- d) Liga ng mga Barangay

3) Representatives from each of the following basic sectors:

- a) Farmers and landless rural workers;
- b) Artisanal fisherfolk;
- c) Urban poor;
- d) Indigenous cultural communities/indigenous peoples;
- e) Workers in the formal sector and migrant workers;
- f) Workers in the informal sector;
- g) Women;
- h) Youth and students;
- i) Persons with disabilities;
- j) Victims of disasters and calamities;
- k) Senior citizens;
- l) Nongovernment organizations (NGOs);
- m) Children; and
- n) Cooperatives.

Sectoral councils formed by and among the members of each sector shall respectively nominate three (3) nominees from each sector within six (6) months after the effectivity of the implementing rules and regulations of this Act, and every three (3) years thereafter and in case of vacancy. The President of the Republic of the Philippines shall, within thirty (30) days after the submission of the list of nominees, appoint the representatives from the submitted list. Sectoral representatives shall serve for a term of three (3) years without reappointment. Appointment to any vacancy for basic sector representatives shall be only for the expired term of the predecessor.

The implementing rules and regulations (IRR) of this Act shall contain the guidelines for the formation of sectoral councils, the nomination process, recall procedures and such other mechanisms to ensure accountability of the sectoral representatives.

Sec. 7. Powers and Functions. The NAPC shall exercise the following powers and functions:

- 1) Coordinate with different national and local government agencies and the private sector to assure full implementaton of all social reform and poverty alleviation programs;
- 2) Coordinate with local government units in the formulation of social reform and poverty alleviation programs for their respective areas in conformity with the National Anti-Poverty Action Agenda;
- 3) Recommend policy and other measures to ensure the responsive implementation of the commitments under the SRA;
- 4) Ensure meaningful representation and active participation of the basic sectors;
- 5) Oversee, monitor and recommend measures to ensure the effective formulation, implementation and evaluation of policies, programs and resource allocation and management of social reform and poverty alleviation programs;
- 6) Advocate for the mobilization of funds by the national and local governments to finance social reform and poverty alleviation programs and capability building activities of people's organizations;
- 7) Provide financial and non-financial incentives to local government units with counterpart resources for the implementation of social reform and poverty alleviaton programs; and
- 8) Submit an annual report to Congress including but not limited to all aspects of its operations and programs and project implementation,

financial status and other relevant data as reflected by the basic reform indicator.

Sec. 8 *Principal Office.* - The NAPC shall establish its principal office in Metro Manila and may establish such branches within the Philippines as may be deemed necessary by the President of the Philippines to carry out the powers and functions of the NAPC.

Sec. 9 *The NAPC Secretariat.* – The NAPC shall be supported by a Secretariat, which shall be headed by the Lead Convenor referred to under Section 6 hereof. The Secretariat shall provide technical and administrative support to the NAPC. It shall be formed from the unification of the secretariats of the following bodies:

- 1) Presidential Commission to Fight Poverty (PCFP);
- 2) Social Reform Council (SRC); and
- 3) Presidential Council for Countryside Development (PCCD).

Within three (3) months from the effectivity of this Act, the Office of the President shall finalize the organizational plan for the NAPC.

To provide the continuity of existing social reform and poverty alleviation related programs, all accredited organizations under the three (3) unified councils and commissions shall be automatically accredited under the NAPC until such time that additional accreditation requirements may be provided by NAPC.

Sec. 10. *The People's Development Trust Fund.* – The People's Development Trust Fund (PDTF) is hereby established, which shall be monitored by the NAPC.

The Trust Fund in the amount of Four billion and five hundred million pesos (P4,500,000,000.00) shall be funded from the earnings of the PAGCOR in addition to appropriations by Congress, voluntary contributions, grants, gifts from both local and foreign sources as may be accepted or decided on by the NAPC. Any additional amount to the Trust Fund shall form part of the corpus of the Trust Fund, unless the donor, contributor or grantor expressly provides as a condition that the amount be included in the disburseable portion of the Trust Fund.

The President of the Philippines shall assign to any existing government department or agency the administration of the Trust Fund, based on the expertise, organizational capability, and orientation or focus of the department or agency. The NAPC shall be limited to the function of monitoring the utilization of the PDTF, while the government departments or agencies designated by the President shall directly administer the utilization of the earnings of the PDTF.

Only the fruits of the PDTF shall be used for the purposes provided in this Act. Any undisturbed fruits for the preceding year shall form part of the disburseable portion of the PDTF in the following year.

For the purpose of monitoring the earnings of the PDTF, the NAPC shall:

- 1) Source funds for the establishment of and augmentation to the Trust Fund;
- 2) Recommend to the appropriate government department or agency the accreditation of organizations and institutions that shall act as resource partners in conducting institutional development and capability building activities for accredited organizations and beneficiaries of microfinance and microenterprise programs;

- 3) Ensure the validation and monitoring activities are conducted for funded institutional development and capability building projects/programs/beneficiaries; and
- 4) Promote research and development work on livelihood and microfinance technology and publications/communications programs that assist the poor beneficiaries.

Sec. 11. Purpose of the People's Development Trust Fund (PDTF).

The earnings of the PDTF shall be utilized for the following purposes:

- 1) Consultancy and training services for microfinance institutions and their beneficiaries on the establishment of the necessary support services, social and financial preparation of beneficiaries, preparation of plans and programs including fund sourcing and assistance, establishment of credit and savings monitoring and evaluation mechanisms;
- 2) Scholarships or training grants fro microfinance staff and officers, and selected beneficiaries;
- 3) Community organizing for microfinance, livelihood and micro-enterprises training services;
- 4) Livelihood/micro-enterprise projects/program feasibility studies and researches;
- 5) Savings mobilization and incentive programs, and other similar facilities;
- 6) Information and communication systems such as baseline surveys, development monitoring systems, socioeconomic mapping surveys, organizational assessments, and other similar activities;

- 7) Legal and other management support services such as registration, documentation, contract review and enforcement, financial audit and operational assessment;
- 8) Information dissemination of microfinance as approved by the designated agency administering the PDTF.

The PDTF may be accessed by the following:

- a) Registered microfinance organizations engaged in providing micro-enterprise services for the poor to enable them to become viable and sustainable;
- b) Local government units providing microfinance and microenterprise programs to their constituents: *Provided*, That the PDTF shall not be used by the LGUs for personal services and maintainance and other operating expenses; and
- c) Local government units undertaking self-help projects where at least twenty-five percent (25%) of the total earnings of the PDTF shall be used exclusively for the provision of materials and technical services.

Sec. 12. *The Role of Local Government Units (LGUs).* The local government units, through the local development councils of the province, city, municipality, or barangay shall be responsible for the formulation, implementation, monitoring and evaluation of the National Anti-Poverty Action Agenda in their respective jurisdictions. The LGUs shall:

- a) Identify the poor in their respective areas based on indicators such as the minimum basic needs approach and the human development index, their location, occupation, nature of employment, and their primary

resource base and formulate a provincial/city/municipality anti-poverty action agenda;

- b) Identify and source funding for specific social reform and poverty alleviation projects;
- c) Coordinate, monitor and evaluate the efforts of local government units with the private sector on planning and implementation of the local action program for social reform and poverty alleviation; and
- d) Coordinate and submit progress reports to the National Anti-Poverty Commission regarding their local action program.

TITLE II

MICROFINANCE SERVICES FOR THE POOR

Sec. 13. *Microfinance Program.* The programs and implementing mechanisms of the Social Reform Agenda's Flagship Program on Credit shall be integrated, adopted and further enhanced to effectively support the objectives of this Act along the following thrusts:

- 1) Development of a policy environment, especially in the area of savings generation, supportive of basic sector initiatives dedicated to serving the needs of the poor in terms of microfinance services;
- 2) Rationalization of existing government programs for credit and guarantee;
- 3) Utilization of existing government financial entities for the provision of microfinance products and services for the poor; and

- 4) Promotion of mechanisms necessary for the implementation of microfinance services, including indigenous microfinance practices.

Sec. 14. *People's Credit and Finance Corporation (PCFC).* The People's Credit and Finance Corporation (PCFC), a government-controlled corporation registered with the Securities and Exchange Commission and created in accordance with Administrative Order No. 148 and Memorandum Order No. 261, shall be the vehicle for the delivery of microfinance services for the exclusive use of the poor. As a government-owned and controlled corporation, it shall be the lead government entity specifically tasked to mobilize financial resources from both local and international funding sources for microfinance service for the exclusive use of the poor.

Sec. 15. *Increase in the Capitalization of PCFC.* To facilitate the increase in the capitalization of the PCFC, the President of the Republic of the Philippines shall take measures to enable the amendment of the Articles of Incorporation of the PCFC such that:

- a) The authorized capital stock of the PCFC may be increased from One hundred million pesos (P100,000,000.00) to Two billion pesos (P2,000,000,000) divided into twenty million common shares with a par value of One hundred pesos (P100.00) per share;
- b) The subscribed capital stock may be increased from One hundred million pesos (P100,000,000.00) to Six hundred million pesos (P600,000,000.00) and the national government may subscribe the difference of Five hundred million pesos (P500,000,000.00);
- c) The initial paid-up capital may be increased from One hundred million pesos (P100,000,000.00) to Two hundred fifty million

pesos (P250,000,000.00), to be increased subsequently to a total of Six hundred million pesos (P600,000,000.00), such that at the end of a period of four (4) years the subscribed capital shall be fully paid-up, in the following manner:

For the initial increase in paid-up capital during the first year, the difference of One hundred fifty million pesos (P150,000,000.00) shall be paid and appropriated for by government; for the second year, One hundred fifty million pesos (P150,000,000.00); for the third year, One hundred million pesos (P100,000,000.00); and for the fourth year, One hundred million pesos (P100,000,000.00).

The appropriations for the additional paid-up capital shall be sourced from the share of national government in the earnings of the PAGCOR, in the manner provided for under Section 18, which provides for the appropriations under this Act.

Sec. 16. *Special Credit Windows in Existing Government Financing Institutions (GFIs).* The existing government financial institutions shall provide for the savings and credit needs of the poor. The GFIs such as the Land Bank of the Philippines, Philippine Postal Bank, Al Amanah Bank, and the Development Bank of the Philippines are hereby mandated to coordinate NAPC and PCFC in setting up special credit windows and other arrangements, such as the servicing of Small Savers Instruments (SSIs), that will promote the microfinance program of the Act.

The private financing institutions may also provide the savings and credit requirements of the poor by setting up credit windows and other arrangements to promote the savings component of microfinance program of this Act.

Special Credit windows for the poor shall, as far as practicable, include an allocation for the basic sectors, as defined in this Act,

particularly those living in the rural areas, agrarian reform communities, and women in the countryside.

Sec. 17. PCFC Privatization. In the event that the ownership of the majority of the issued voting stocks of the PCFC shall have passed to private investors (exclusively qualified nongovernment organizations, people's organizations, and cooperatives), the stockholders shall cause the registration with the Securities and Exchange Commission (SEC) of the revised Articles of Incorporation and By-laws. The PCFC shall thereafter be considered as a privately organized entity subject to the laws and regulations generally applied to private corporations.

The chairman of the PCFC may still be a member of the National Anti-Poverty Commission (NAPC) upon the privatization of the PCFC: *Provided*, That the PCFC will continue its main purpose of providing for the savings and credit needs of the poor.

TITLE III

APPROPRIATIONS FOR THE NATIONAL ANTI-POVERTY COMMISSION (NAPC) AND THE PEOPLE'S DEVELOPMENT TRUST FUND (PDTF)

Sec. 18. Appropriations. To carry out the provisions of this Act, the following amounts are appropriated as follows:

- 1) The sum of one hundred million pesos (P100,000,000.00) is hereby appropriated as the initial operating fund in addition to the unutilized funds of the rationalized commission and councils. The sum shall be sourced from the President's Contingent Fund. In subsequent years, the amount necessary to implement this Act shall be included in the annual appropriations. The said amounts shall be under the management of the NAPC.

- 2) The aggregate sum of Four billion and five hundred million pesos (P4,500,000,000.00) for ten years is hereby appropriated for the establishment of the People's Development Trust Fund (PDTF) from the share of the national government in the earnings of the Philippine Amusement and Gaming Corporation (PAGCOR), in the following manner: on the first year, Three hundred fifty million pesos (P350,000,000.00); on the second year, Three hundred fifty million pesos (P350,000,000.00); on the third year, Four hundred million pesos (P400,000,000.00); on the fourth year, Four hundred million pesos (P400,000,000.00); on the fifth year and every year thereafter until the tenth year, Five hundred million pesos (P500,000,000.00).

Sec. 19 *Transitory Provision.* The Social Reform Council (SRC) and the representatives therein shall, in temporary capacity, exercise the powers and assume the duties of the NAPC shall have been duly appointed and designated.

The Office of the President shall formulate the implementing rules and regulations (IRR) of this Act within six (6) months after its effectivity.

The assets, liabilities and personnel of the PCFP, SRC and PCCD are hereby transferred to the NAPC. Personnel who cannot be absorbed by NAPC shall be entitled to a separation pay of one-and-a-half(1 ½) months for every year of service and other benefits under existing retirement laws, at the option of the personnel concerned.

Sec. 20. *Repealing Clause.* All laws, executive orders, rules and regulations, or parts thereof, inconsistent with this Act are hereby repealed, amended or modified accordingly. The provisions of the Act shall not be repealed, amended or modified unless expressly provided in subsequent general or special laws.

Sec. 21. *Separability Clause.* If any provision of this Act shall be held invalid or unconstitutional, the remaining provisions thereof not affected thereby shall remain in full force and effect.

Sec. 22. *Effectivity Clause.* This Act shall be effective on June 30, 1998.

Approved,

(Sgd.) ERNESTO M. MACEDA President of the Senate	(Sgd.) JOSE DE VENECIA, JR. Speaker of the House of Representatives
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This Act which is a consolidation of House Bill No. 9360 and Senate Bill No. 1731 was finally passed by the House of Representatives and the Senate on December 9, 1997 and December 8, 1997, respectively.

(Sgd.) LORENZO E. LEYNES, JR. Secretary of the Senate	(Sgd.) ROBERTO P. NAZARENO Secretary General House of Representatives
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(Sgd.) **FIDEL V. RAMOS**
President of the Philippines

Malacanang Administrative Order
No. 97-341
June 11, 1997

SUBJECT : Implementing the Philippine Health Promotion Program Through Healthy Places

WHEREAS, Section 15,, Article II of the Philippine Constitution provides that “the State shall protect and promote the right to health of the people and instill health consciousness”;

WHEREAS, there has been a reported increase in the incidence of preventable diseases in Asia and in the country;

WHEREAS, there is a need to undertake more health promotion and disease preventive measures;

WHEREAS, health promotion must involve all people and all places at all times requiring concerted and collaborative efforts among the various national and local government agencies as well as the private sector;

NOW, THEREFORE , I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby direct the following:

SECTION 1. *Establishment of the Philippine Health Promotion Program Through Healthy Places.* A national multi-sectoral health promotion strategy which aims to communicate health messages and build health supportive environment through advocacy, networking and community action, to be known as the Philippine Health Promotion Program Through Healthy Places, is hereby established.

Sec. 2 *Goal and Objectives.* The program's goal shall be a Healthy Philippines by the year 2000, with the following objectives:

- a. Identify strategic health messages and maximize their communication to the people;
- b. Promote these health messages through multi-sectoral action, networking and inter-sectoral linkages;
- c. Increase awareness and understanding of the interaction between health, environment and development as these apply to different places and context; and
- d. Identify and address the socio-cultural, environmental, religious and ethnic factors that bring about poor health and advocate for true social reforms, particularly among the disadvantaged groups.

Sec. 3. *Strategy.* Social mobilization for health promotion shall be the key strategy of the program. This shall involve advocacy, networking, information, education and communication (IEC), capability building, community organization, monitoring and evaluation.

Sec. 4. *The Department of Health as Lead Agency.* The Department of Health shall be the lead agency for the program. As the lead agency, the Department of Health shall formulate a comprehensive, continuing and integral plan of action and manual of operations for a health promotion containing the rationale, objectives, target clientele, indicators, and standards/checklists.

Sec. 5. *Role of the Local Government Units and Involvement of NGOs, POs, and Private Sector.* The local government units, in coordination with concerned agencies, shall ensure continued promotion of strategic health messages in key settings in provinces, cities, municipalities and barangays.

Through multi-sectoral consultations, advocacy, networking, capability building and community action, they shall also be responsible in building and sustaining a health supportive environment based on the standard health indicators for each key setting.

Sec. 6. *Key Settings.* The program shall work through key settings or “Healthy Places” which shall include homes, schools, workplaces, vehicles, streets/bus stations, eating places, hospitals, hotels, markets, movie houses, rest rooms, ports, prisons, and resorts.

Sec. 7 *Recognition and Awards.* The Barangay Technical Working Group, as created under Section 8 hereof, shall give due recognition to the key settings which receive the highest rating in accordance with the basic indicators enumerated in Section 9 hereof.

Sec. 8 *Creation of Technical Working Groups.* There is hereby created the following Technical Working Groups with their respective compositions:

I. National Technical Working Group (NTWG). The NTWG shall be composed of the following:

A. Government Agencies:

Department of Health, National Intra-Sectoral Committee, from which the Chairman shall be appointed by the Secretary of Health.

A representative from each of the following departments:

- a) Department of Interior and Local Government
- b) Department of Education, Culture and Sports
- c) Department of Environment and Natural Resources
- d) Department of Tourism
- e) Department of Labor and Employment
- f) Department of Trade and Industry

B. Private Sector

A representative each from a non-government organization, private/business sector, people's organization, professional group, civic/religious group and the media, to be appointed by the Secretary of Health upon the recommendation of the Chairman of the NTWG

II. Regional Technical Working Group (RTWG). The RTWG shall be composed of the following:

A. Government Agencies:

Department of Health, Regional Intra-Sectoral Committee, from which the Chairman shall be designated by Regional Director of the Department of Health

A representative from each of the following department's regional offices:

- a) Department of Interior and Local Government
- b) Department of Education, Culture and Sports
- c) Department of Environment and Natural Resources
- d) Department of Tourism
- e) Department of Labor and Employment
- f) Department of Trade and Industry

B. Private Sector

A representative each from non-government organization, private/business sector, people's organization, professional group, civic/religious group and media, to be appointed by the concerned Regional Director, Department of Health upon the recommendation of the Chairman of the RTWG

III. Provincial Technical Working Group (PTWG). The PTWG shall be composed of the following:

A. Provincial Governor or his/her duly authorized representative.

B. A representative each from non-government organization, private/business sector, people's organization, and civic/religious group, to be appointed by the provincial governor upon the recommendation of the provincial health officer.

IV. Municipality/City Technical Working Group (M/CTWG). The M/CTWG shall be composed of the following:

A. Municipal or City Mayor or his/her duly authorized representative

B. A representative each from non-government organization, private/business sector, people's organization, and civic/religious group, to be appointed by the provincial governor upon the recommendation of the provincial health officer.

V. Barangay Technical Working Group (BTWG). The BTWG shall be composed of the following:

A. The Barangay Chairman

- B. A representative each from the people's organization and civic/religious group

Sec. 9 Functions. The Technical Working Groups shall discharge the following functions:

- a. implement the objectives set forth in Section 2 of this Order; and
- b. evaluate the contenders in their areas of jurisdiction and confer the "Most Healthy Award".

Sec. 10 Criteria for Judgement. The place shall be judge as "healthy" based on the following 14 basic indicators:

- a) Percentage of households with access to safe and adequate drinking water;
- b) Percentage of households using sanitary toilets;
- c) Presence and maintenance of provincial/city/municipal/barangay waste collection and disposal system (waste management);
- d) Percentage of food establishments with rating of Satisfactory (S), Very Satisfactory, and Excellent (E);
- e) Safety Environment
 - presence of appropriate danger and road signs
 - incidence of vehicular traffic accidents;]
 - fire incidence;
 - crime rate;
- f) Non-Pollution of the environment
 - percentage of factories accredited by the National Pollution Control Commission (NPCC) and with certificate issued by the Department of Environment and Natural Resources (DENR);
 - percentage on non-smoke belching vehicles;
 - meets water quality standards of the Environmental Management Bureau (EMB) of DENR (rivers, streams, canals, etc.);

- absence of garbage litters in public places;
- g) Availability of health services
 - ratio of health personnel with the population;
 - availability of health facilities and supplies;
- h) Health practices
 - percentage of fully immunized children;
 - percentage of breast feeding mothers;
- i) Presence of health and environment-friendly livelihood programs;
- j) Nutritional status of the population with attention to the percentage of moderate and severe malnutrition among 0-5 age group;
- k) Morbidity and mortality rate of diseases;
- l) Provision of services to the elderly (ages 60 years) and the handicapped;
- m) Presence of insect and vermin control measures;
- n) Prevention of trees and ornamental plant gardens along roads, pathways, parks, etc.

Sec. 11 *Funding.* The funds necessary for the implementation of the Program shall be sourced from the Comprehensive Health Care Agreement between local government units and the Department of Health.

Sec. 12 *Submission of Regular Reports.* The Department of Health shall submit regular reports to the Office of the President on the status of the implementation of the Program.

Sec. 13 *Participation in Program.* All departments and agencies of the government, as well as all local government units, are hereby directed to actively participate in the Program, using all channels of communication available to ensure widest dissemination of health messages. They are further ordered to integrate the program into existing health and environment-related programs. Finally, all multi-sectoral groups are enjoined to participate in the implementation of the program.

Sec. 14 *Effectivity* This Administrative Order shall take effect immediately.

Done in the City of Manila, this 11th day of June, in the year of Our Lord, nineteen hundred and ninety-seven.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

Malacanang Memorandum Order
No. 97-424
April 01, 1997

SUBJECT : Approving the 1997 Investment Priorities Plan

Pursuant to Article 29 of the Omnibus Investment Code of 1987 (EO 226), the attached 1997 Investment Priorities Plan (IPP) is hereby approved.

This Memorandum Order shall take effect fifteen (15) days after its publication as required under Article 31 of the Omnibus Investments Code of 1987.

Done in the City of Manila, this 1st day of April, in the year of Our Lord, nineteen hundred and ninety-seven.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

1997 INVESTMENT PRIORITIES PLAN

FOREWORD

“Pole-vaulting to Global Competitiveness” is the theme of this year’s Investment Priorities Plan (IPP). Philippine economy at a stage where initial economic reforms have begun to make its impact positively felt through the country’s main economic indicators. Although reforms are still continuing and more investment enhancing measures are still being pursued, there are indications that the country can fast tract priority economic activities to pole-vault the economy’s development. The 1997 IPP is crafted in such a way that it seeks to reinforce past and current measures that are aimed at expanding productivities and improving on capabilities for Philippine global competition.

The 1997 IPP, in this regard, reflects the current year’s overall plan for investments eligible for investment incentives that are provided under the Omnibus Investments Code of 1987, as amended.

The 1977 IPP continually supports the objectives of the Medium-Term Philippine Development Plan (MTPDP) (1993-1998) of the government. The MTPDP has set three objectives in attaining a sustainable agri-industrial development.

1. Industrial restructuring for worldwide competitiveness and expansion of capacities for the production of goods and services for the domestic and export markets, including tourism;
2. Strong productive and ecological-sound links between agriculture and industry; and
3. Higher income and productivity, and better access to resources among small entrepreneurs, farmers and fishermen.

Together with support to the MTPDP is support to the social programs of Government by the 1997 IPP. Firstly, there is the Special Zone of Peace and Development (SZOPAD) primarily for the Filipinos in the south which seeks to ensure the new-found peace, cooperation and development in that part of the country. Then, there is the continuing Social Reform Agenda of the Government to which the 1997 IPP addresses in its goals and in the less developed areas it is presently covering. Finally, the 1997 IPP seeks to push for economic activities it deems shall deliver the Philippine economy to a higher place of economic state as the country prepares to celebrate the Philippine Centennial or the 100th year of Philippine Centennial or the 100th year of Philippine political independence. This social programs substantially impact on the economy and ultimately the Filipino.

The goals for the 1997 IPP are the same as those laid down in earlier IPPs, to wit:

1. To further enhance global competitiveness of Philippine industrial products;
2. To increase exports;
3. To support small and medium enterprises (SMEs);
4. To increase agricultural productivity;
5. To set-up and upgrade infrastructure and support facilities;
6. To ensure efficient environmental management;
7. To disperse industry in the countryside; and
8. To alleviate poverty.

As these goals are of the medium –term, basis the major categories under the 1997 IPP are carried from the 1996 IPP as follows:

1. Export-oriented Industries
2. Catalytic Industries
3. Industries Undergoing Adjustment
4. Support Activities

5. Mandatory Inclusions

The major difference though is that the 1997 IPP focuses and qualifies further the following activities: a) Reinforced support to the agricultural sector as its activities link up with the manufacturing sector; b) Modernization programs-19 critical economic activities in the current IPP are identified to warrant a modernization program for these industries to compete globally through technology upgrade of existing capacities or via complete adoption of state-of-the-art technology. As modernization of industries is not an overnight activity, but a continuing one until breakthroughs are attained, the program is envisioned to run until the year 2000. Industries availing of the program shall, however, complete the modernization in either 2 or 3 years from date of registration of the individual project and c) Environment activities are made more focused by more specific listings of environmental projects.

Thirty-two (32) economic activities are listed in this year's plan as compared to the 35 areas listed in 1996.

In addition to the national listing of the 1997 IPP is a special listing of economic activities determined for promotion and eligible for investment incentives by the Autonomous Region for Muslim Mindanao (ARMM). The ARMM IPP is the list of priority areas which have been independently determined by the Regional Board of Investment (RBOI) of the ARMM in accordance with E.O. 458. Economic activities in this special listing shall be pursued in the ARMM only. However, economic activities listed in the national IPP may have its location also inside ARMM.

The 1997 IPP was completed in consultation with the Inter-agency Working Group on the IPP (members of which are Presidential Management Staff (PMS), the National Economic and Development Academy (NEDA), the Department of Agriculture (DA), Environment and Natural Resources (DENR), Labor and Employment (DOLE), Finance (DOF), Science and Technology (DOST), Tourism (DOT), Trade and Industry (DTI) Board of Investment (BOI) in December 1996. Public hearings in consultation with multisectoral groups in Manila and the

provinces o Cebu, North Cotabato, Albay, Leyte and Zamboanga were also held in February 1997. Consultation with the Special Joint Cabinet Clusters A and B was held in March 1997.

(Sgd.) C.B. BAUTISTA
Chairman, Board of Investments
And Secreary, Dept. of Trade and Industry

Malacanang Memorandum Order
No. 97-425
April 04, 1997

SUBJECT : Constituting a Special Cluster Under Cabinet Cluster “E” (Security and Political Development Cluster) to Oversee Implementation of the GRP-MNLF Peace Agreement

WHEREAS, various directives have been issued by the President to implement the provisions of the GRP-MNLF Peace Agreement signed on 2 September 1996, specifically on economic development programs in the Special Zone of Peace and Development (ZOPAD);

WHEREAS, there is a need to strengthen coordination and undertake closer supervision among concerned government agencies for effective implementation of the Peace Agreement; and

WHEREAS, Memorandum Order No. 142 dated 7 July 1993 created Cabinet Cluster “E” (Security and Political Development Cluster) to recommend measures on policy and operational matter affecting security and political development.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

SECTION 1. *Constituting a Special Cluster Under Cabinet Cluster “E” to Oversee Implementation of the GRP MNLF Peace Agreement.* There shall be constituted a Special Cluster under Cabinet Cluster “E” to oversee the implementation of the GRP-MNLF Peace Agreement.

Sec. 2. *Composition.* The Special Cluster shall be chaired by the Executive Secretary with the Head of the Presidential Management Staff as Vice–Chair and the Secretary of National Defense as Co-Vice-Chair. The Special Cluster shall have the following members:

- a. Secretary, Department of Agriculture
- b. Secretary, Department of Agrarian Reform
- c. Secretary, Department of Education, Culture and Sports
- d. Secretary, Department of Environment and Natural Resources
- e. Secretary, Department of Interior and Local Government
- f. Secretary, Department of Public Works and Highways
- g. Secretary, Department of Trade and Industry
- h. Secretary, Department of Transportation and Communications
- i. Director General, National Economic Development Authority
- j. Chairman, Commission of Higher Education
- k. Director General Technical Education and Skills Development Authority
- l. Presidential Adviser on the Peace Process

The concerned Secretaries may designate their respective action officers at the level of an Undersecretary to oversee the participation of their respective agencies in monitoring the implementation of the Peace Agreement.

Sec. 3. *Assistance from Other Agencies.* The Chairman may call on any government agency to provide the necessary assistance and support to the Special Cluster, especially on economic development aspects.

Sec. 4. *Secretariat.* The Presidential Management Staff shall provide technical and secretariat support to the Special Cluster.

Sec. 5. *Submission of Report to the President.* The Special Cluster shall submit regular reports to the President every month through Cabinet Cluster “E”.

Sec. 6. *Effectivity.* This Memorandum Order shall take effect immediately.

Done in the City of Manila, this 4th day of April, in the year of our Lord, nineteen hundred and ninety-seven.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

**JOINT DENR-DA-DILG-DND
Administrative Order
No. 97-01
September 08, 1997**

**SUBJECT : Setting of Moratorium on the Deployment
of Artificial Reef Nationwide**

WHEREAS, artificial reefs are defined as sets of any hard structure or material placed on the seabed to provide dwelling or shelter for fish and other marine organisms;

WHEREAS, experiences with the deployment of ARs in the country since 1977 point to disadvantages rather than advantages;

WHEREAS, deployment of ARs is believed to cause further overfishing and depletion of fish stocks; serving as “fish aggregating devices” or FADs, ARs aggregate fish in one area to increase Catch Per Unit Effort (CPUE) or “catchability” by fishermen;

WHEREAS, an interagency committee should be organized to review the results of the study and to formulate policy guidelines for implementation.

NOW, THEREFORE, by virtue of the powers vested in the undersigned Department Secretaries, an inter-agency committee is hereby organized to:

1. Institute the moratorium on the deployment of artificial reefs nationwide effective immediately until such time that the policy guidelines on this matter are formulated after a year;

2. Formulate policy guidelines on the deployment and use of artificial reefs in the country immediately after completion of the policy study;
3. Consist of the following agencies with a Chairman chosen by and from among themselves;
 - a. Secretary, Department of Environment and Natural Resources
 - b. Secretary, Department of Agriculture
 - c. Secretary, Department of Interior and Local Government
 - d. Secretary, Department of National Defense
 - e. Secretary, Presidential Management Staff

And two (2) additional members to be chosen by the Committee from the Federations of fishing associations and non-government organizations actively engaged in fisheries research and conservation.

Should any member coming from the government not be able to attend any of the Committee's regular meetings, such member may designate a representative to appear in his stead, provided, such representative shall be duly authorized in writing, to act and decide for his principal.

4. Coordinate all government and non-government efforts in the study and formulation of policy guidelines on the deployment, use and management of artificial reefs;
5. To submit to the President a periodic report of its activities and accomplishments.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 8th day of September in the year of our Lord, nineteen hundred and ninety-seven.

(Sgd.) VICTOR O. RAMOS Secretary Department of Environment and Natural Resources	(Sgd.) SALVADOR H. ESCUDERO III Secretary Department of Agriculture
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(Sgd.) ROBERT Z. BARBERS Secretary Department of Interior And Local Government	(Sgd.) RENATO S. DE VILLA Secretary Department of National Defense
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Lot – 17 TS – 308, Case 4 New Banicain Elementary School
Lot – 20 TS – 308, Case 4 New Olongapo General Hospital
Lot – 1745 TS – 308, Case 2 Sanitary Health Center
Lot – 3845 TS – 308, Case 3 School and Market
Lot – 4210 TS – 308, Case 1 Barangay Hall and Health Center
Lot – 4211 TS – 308, Case 1 Barangay Hall and Health Center
Lot – 4222 TS – 308, Case 1 Child Minding Center and Day Care

(technical description omitted)

The aggregate area covered by this proclamation is One Hundred Seventy-Eight Thousand and Ninety-Five (178,095) Square Meters.

This proclamation is subject to the minimum road right of way requirements of the Department of Public Works and Highways pursuant to Executive Order No. 113 as amended by Executive Order No. 621.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

**Proclamation
No. 955
February 03, 1997**

SUBJECT : Amending Proclamation No. 889, Dated September 30, 1996 to Include Certain Parcels of Land of the Private Domain Situated in Barangay Cantao-an, Municipality of Naga, Province of Cebu, in the Area Designated as the New Cebu Township-Ecozone.

By virtue of the powers vested in me under R.A. No. 7916, I, Fidel V. RAMOS, President of the Philippines, do hereby amend Proclamation No. 889 dated September 30, 1996, subject to the provisions of Republic Act No. 7916, its Implementing Rules and Regulations and Resolution No. 96-374 dated 20 November 1996 of the Board of Directors of the Philippine Economic Zone Authority, to include certain parcels of land of the private domain in the area designated as the New Cebu Township – Ecozone situated in Barangay Cantao-thereby expanding the area covered by Proclamation No. 889 from 366,643 sq.m. to 1,228,261 sq.m. more or less, of contiguous lots particularly described in survey plan SK-07-000014 approved by the Department of Environment and Natural Resources and Lands Management Services Region VII, on 29 November 1996 with the following technical description:

(technical description omitted)

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

**Proclamation
No. 962
February 05, 1997**

**SUBJECT ; Creating and Designating Certain
Lands of the Private Domain
Situated in Barangay Ilang, City of
Davao, Island of Mindanao, as a
Special Economic Zone Pursuant
to Republic Act No. 7916**

Pursuant to the powers vested in me under Republic Act No. 7916, the Special Economic Zone Act of 1995, I, FIDEL V. RAMOS, President of the Philippines, do hereby create and designate, subject to the provisions of Republic Act No. 7916, its Implementing Rules and Regulations and Resolution No. 96-270 dated 14 August 1996 of the Board of Directors of the Philippine Economic Zone Authority, an area located in Barangay Ilang, City of Davao, as a Special Economic Zone (Ecozone) to be known as the FIRST ORIENTAL BUSINESS AND INDUSTRIAL PARK – ECOZONE, consisting of Five Hundred Seventy Two Thousand Six Hundred Forty Two (572,642) square meters, more or less of contiguous lots owned by First Oriental Business and Industrial Park particularly described in survey plan SK-11-0018 as approved on 29 August 1996 by the Department of Environment and Natural Resources and Lands Management Services Region XI, Davao City, with the following technical description:

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

**Proclamation
No. 965
February 12, 1997**

SUBJECT : Supplementing Proclamation No. 295, Dated 9 November 1993, Entitled “Excluding from the Operations of Executive Order No. 63, Dated 25 June 1914 and Proclamation No. 391, Dated 13 March 1939, which Established the Mineral Land Reservation in the Province of Surigao, Island of Mindanao Certain Alienable and Disposable Parcels of Land Embraced therein, and Declaring the same Open to Disposition Under the Comprehensive Agrarian Reform Program of the Department of Agrarian Reform and Other Pertinent Laws Relative to Titling of Lands Suitable for Agriculture”, by Including Certain Parcels of Land Further Identified as Suitable for Agriculture in the Municipalities of Basilisa, Tubajon, Loreto, Island of Dinagat and Municipality of Claver, all Within the Province of Surigao del Norte.

WHEREAS, Proclamation No. 295 dated 9 November 1993, segregated and released portions of land within Surigao Mineral Reservation for distribution to qualified beneficiaries under the Comprehensive Agrarian Reform Program of the Department of Agrarian Reform;

WHEREAS, the Secretaries of the Environment and Natural Resources and the Department of Agrarian Reform have entered into a Memorandum of Agreement to conduct geological surveys for the

determination of lands classified as alienable and disposable and those suitable for residential and/or agricultural purposes:

WHEREAS, per the findings of the DAR-DENR geological and field survey team, there exist portions of the Surigao Mineral Reservation which have low geological potential for minerals and could be possibly reclassified as agricultural areas which were not included in Presidential Proclamation No. 295;

WHEREAS, the residents of the parcels of lands covered by this amended proclamation are clamoring for the inclusion by the government of said parcels under the agrarian reform program;

WHEREAS, Executive Order No. 448, as amended by Executive Order No. 506 of 1992 provides that “except national parks and other protected areas, all lands or portions of the public domain reserved by virtue of proclamation or law for specific purposes or uses by departments, bureaus and agencies of the government, which are suitable for agriculture and no longer actually, directly and exclusively used or necessary for the purpose for which they have been reserved shall be segregated from the reservations and transferred to the Department of Agrarian Reform for distribution to qualified beneficiaries under the Comprehensive Agrarian Reform Program”.

WHEREAS, Section 7 of R.A. No. 7942, series of 1995, otherwise known as the Philippine Mining Act of 1995 provides that the Secretary shall periodically review existing mineral reservations for the purpose of determining whether their continued existence is consistent with the national interest, and upon his recommendation, the President may, by proclamation, alter or modify the boundaries thereof or revert the same to the public domain without prejudice to prior existing rights.

NOW, THEREFORE, upon the recommendation of the Secretaries of Environment and Natural Resources and Agrarian Reform, and pursuant to the provisions of Section 7 of Republic No. 7942, otherwise known as the Philippine Mining Act of 1995, and by virtue of the powers vested in me by law, I, FIDEL V. RAMOS, President of the Republic of the Philippines, do hereby supplement Proclamation 295 dated 9 November 1993 so as to include certain parcels of land suitable for agricultural purposes located in the municipalities of Basilisa, Tubajon, and Loreto, Island of Dinagat and the municipality of Claver, all in the Province of Surigao del Norte, covering an aggregate area of two thousand six hundred forty three (2,643.3278) hectares, more or less, which parcels of land are more particularly described as follows, to wit:

(technical description omitted)

The following areas are excluded from the coverage of this Proclamation:

1. All areas within the proclamation which fall under the classification of timberland, forestland or unclassified public land or those covered by the National Integrated Protected Areas System (NIPAS);
2. All rivers and creeks; and
3. All easements requirements pursuant to the provisions of P.D. No. 705, as amended, otherwise known as the Revised Forestry Code of the Philippines, P.D. 1067 otherwise as the Water Code of the Philippines, Republic Act No. 1273 otherwise known as an Act to Amend Section 90 of C.A. 141, known as the Public Land Act and other pertinent rules and regulations.

These areas are hereby reserve for environmental protection purposes.

The Department of Environment and Natural Resources shall retain jurisdiction over the portions covered by public land applications. Vested rights in the areas subject of this Proclamation shall be respected.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

**Proclamation
No. 978
March 10, 1997**

SUBJECT : Amending Letter of Instruction 917-A Dated September 7, 1979 by Declaring Certain Parcels of Land of the Public Domain and Its Coastal Waters Covering Northern Sierra Madre Situated in the Municipalities of Palanan, Divilacan, Maconacon and Portions of San Pablo, Cabagan, Tumauni, Ilagan, San Mariano and Dinapigue, All in the Province of Isabela as Protected Area Under the Category of Natural Park.

Upon the recommendation of the Secretary of Environment and Natural Resources pursuant to the authority vested in me by law, I, FIDEL V. RAMOS, President of the Republic of the Philippines, do hereby set aside and declare certain parcels of land of the public domain and its coastal waters covering Northern Maconacon, and portions of San Pablo, Cabagan, Tumauni, Ilagan, San Mariano and Dinapigui, all in the Province of Isabela, subject to private rights, if any, as Protected Area under the category of Natural Park, subject to ground verification.

The technical descriptions which follow natural topographic features (river banks, ridges, mountain peaks) provided hereunder are based on a table survey and therefore subject to ground survey and verification to be conducted by DENR, for which additional funds are to be requested for the purpose from the Department of Budget and Management.

Beginning at a point marked 1 on the map which is a point located at the Provincial Boundary of Isabela and Cagayan province:

(technical description omitted)

Containing an approximate land area of 287,861 hectares and coastline water area of 71,625 hectares. The municipal water boundary stretch along the boundary of the protected area will serve as a buffer zone.

The above-described area shall be known as the Northern Sierra Madre Natural Park and shall be under the administrative jurisdiction of the Department of Environment and Natural Resources (DENR) to be administered by the Protected Area Management Board (PAMB) as constituted pursuant to RA 7586 (NIPAS Act of 1992) and its implementing rules and regulations.

The purpose for the establishment of the Natural Park is to protect and conserve the ecological, biological, scientific and educational features of the area. Sustainable development of the area shall be pursued to address the socio-economic needs of the local communities without causing adverse impact on the environment.

Insofar as the rules and regulations over national parks are consistent with the provisions of the NIPAS Act, they shall continue to apply until Congress shall otherwise declare. All other applicable laws shall remain in full force and effect.

A person qualifying for a tenured migrant status as of the effectivity of the NIPAS Act shall be eligible to become a steward of a portion of land within the appropriate management zone of the protected area, and from which he may derive subsistence.

The Protected Area Management Board (PAMB) appointed by the Secretary shall perform such powers and duties as specified in the NIPAS Act and as delegated to it by the Secretary under such Act. All decisions made pursuant to these rules and regulations shall have the force and effect of acts of a final PAMB under the NIPAS Act.

Letter of Instruction (LOI) 917-A, dated September 7, 1979 is hereby amended accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

**Proclamation
No. 1005
May 08, 1997**

SUBJECT : Amending Presidential Proclamation No. 721, Dated August 08, 1934, by Declaring Certain Parcels of Land Covering Mount Kanla-on Situated in the Municipalities of Murcia and La Castellana, and Cities of Bago, La Carlota, Canlaon and San Carlos, All Within the Negros Island as Protected Area Under the Category of Nature Park

Upon the recommendation of the Secretary of Environment and Natural Resources and pursuant to the powers vested in me by law, I, FIDEL V. RAMOS, President of the Philippines, do hereby set aside and declare certain parcel of land covering Mount Kanlaon situated in the municipalities of Murcia and La Castellana, and cities of Bago, La Carlota, Canlaon and San Carlos, all within the Negros Island, subject to prior valid private rights, if any and as herein provided, as Protected Area under the category of Natural Park, subject to ground verification.

The technical descriptions provided hereunder are based on a table survey and therefore subject to ground survey and verification to be conducted by the DENR, for which additional funds are to be requested for the purpose from the Department of Budget and Management.

Beginning at a point 1 on the Map which is marked on N.P. or P.B. M. No. 4 between Negros Occidental and Negros Oriental under Pontevedra Cadastre No. 60, B.L. Case no. 2 of Negros Oriental.

(technical description omitted)

Containing an approximate total land area of 24,557 hectares as Natural Park, subject to the following:

- a) a total of 1,437 hectares more or less shall be allocated and devoted to the exploration, development and utilization of geothermal energy resources. The geothermal block is hereby described as follows: Beginning at a point marked "1" on the map (Annex 1), being S. 49o21"E, 3491.99 meters from MBM No. 30, Bago City;

(technical description omitted)

- b) the geothermal block shall be managed as a buffer, special use or any other management zone as may be determined by the DENR Secretary;
- c) areas of the geothermal block subsequently determined not to be suited to geothermal development shall be classified to other management uses as may be determined by the DENR Secretary; and
- d) a person qualifying for tenured migrant status as of the effectivity of the NIPAS Act shall be eligible to become a steward of a portion of land within the appropriate management zones of the protected area, and from which he may derive subsistence.

The above-mentioned area shall be known as the Mount Kan-laon Natural Park and shall be under the administrative jurisdiction of the Department of Environment and Natural Resources (DENR) to be

administered by the Protected Area Management Board (PAMB) as constituted to RA 7586 (NIPAS Act Of 1992) and its implementing rules and regulations.

The purpose for the establishment of Mount Kanlaon as Natural Park is to protect and conserve the ecological, biological, scientific and educational features of the area.

Insofar as the rules and regulation over national park are consistent with the provisions of the NIPAS Act, they shall continue to apply until Congress shall otherwise declare. All other applicable laws shall remain in full force and effect.

The Protected Area Management Board (PAMB) appointed by the Secretary shall perform such powers and duties as specified in the NIPAS Act and as delegated to it by the Secretary under such Act. All decisions made pursuant to these rules and regulations shall have the force and effect of acts of a final PAMB under the NIPAS Act.

Presidential Proclamation No. 721, dated August 8, 1934 is hereby amended accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

(Sgd.) FIDEL V. RAMOS
President

By the President

(Sgd.) RUBEN D. TORRES
Executive Secretary

**Proclamation
No. 1028
June 28, 1997**

SUBJECT : Declaring the Entire Sulu and Celebes Seas as an Integrated Conservation and Development Zone, Creating a Presidential Commission for the Integrated Conservation and Development of the Area and Providing Funds Therefor

WHEREAS, the Sulu and Celebes Seas represent large marine ecosystems with outstanding and universal value on marine biodiversity;

WHEREAS, the Sulu and Celebes Seas harbor an extremely rich diversity of corals, reef, fish, sea turtles, sea birds, whales, dolphins and large pelagic such as tuna, shark, jacks, mackerels, whale sharks and manta rays;

WHEREAS, the Sulu Sea is a major source of livelihood for local fishermen from Palawan, Visayas, Mindanao, Quezon and Bicol and is regarded as the most important fishery basin in central and southern Philippines;

WHEREAS, the Tubbataha Reef National Marine Park and the Turtle Islands Heritage Protected Area, the first marine park and the only UNESCO World Heritage site in the country and the world's first transborder protected area of endangered sea turtles, respectively, are both found in the Sulu Sea;

WHEREAS, the Celebes Sea is the richest tuna fishing ground of the country and where rare endangered marine mammals may be found;

WHEREAS, it's the national policy to promote the well-being of the Filipino people through an integrated approach to conservation and development of coastal and marine resources;

WHEREAS, it is a national commitment to promote the global conservation of highly diverse coastal and marine areas for the benefit of humanity;

WHEREAS, there is a need to vigorously pursue a joint partnership program with local communities and business for maintaining marine conservation areas in the Sulu Sea;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers granted in me by law, and upon the recommendation of the Secretary of Environment and Natural Resources, do hereby declare the Sulu and Celebes Seas as Marine and Coastal Integrated Conservation and Development Zone (MCICDZ)).

The primary purpose of this proclamation is to conserve the rich biodiversity of the Sulu and Celebes Seas while implementing sustainable development activities particularly in the fisheries and tourism sector, thus ensuring the economic well-being of coastal communities surrounding the Sulu and Celebes Seas.

Section 1. Organization. There is hereby created a Presidential Commission for the Integrated Conservation and Development of the Sulu and Celebes Seas, hereinafter referred to as the "Commission" to formulate, recommend and implement programs aimed at ensuring the conservation of the rich marine biodiversity while providing income-generating opportunities to coastal communities through sustainable development activities.

Sec. 2. Composition. The Commission shall be composed of the following:

- a. Secretary of Environment and Natural Resources – Chairman
- b. Secretary of National Defense - Member
- c. Secretary of Agriculture - Member
- d. Secretary of Interior and Local Government - Member
- e. Governor, Autonomous Region of Muslim Mindanao - Member
- f. The Presidential Assistant for Mindanao - Member
- g. Executive Director, Philippine Council for Aquatic and Marine Research and Development - Member
- h. Two NGOs with integrated conservation and development projects in Sulu Sea or Celebes Sea, to be appointed by the Chairman of the Commission - Member

Sec. 3. *Duties and Responsibilities.* The Commission shall perform the following duties and responsibilities:

- a. Formulate and recommend to the President policies pertinent to the conservation and development of the Sulu and Celebes Seas and their environs;
- b. Formulate a framework for the development and implementation of Integrated Conservation and Development Projects in the Sulu and Celebes Seas;
- c. Pursue cooperative projects and agreements with neighboring countries and international organizations;
- d. Consult the communities, up to the barangays and sitios located on the remotest islands and their local government leaders, regarding the values they have for the Sulu and Celebes Seas and their natural riches;
- e. Inform, educate, organize and use these communities and local government units about the importance of these ecosystems for their food security and ecological survival;
- f. Coordinate and facilitate the resolution of issues and concerns affecting the area;
- g. Assist in drawing up a scientific, social and economic research agenda;
- h. Submit quarterly reports to the President on its activities and development; and

i. Perform such other functions as may be assigned to it by the President;

Sec. 4. *Technical Working Group.* The Chairman of the Commission shall create a Technical Working Group (TWG) composed of representatives from each of the aforementioned agencies together with experts from other organizations and institutions. The TWG shall be headed by the Undersecretary for Field Operations – DENR, who shall constitute a Secretariat to support the Commission and the TWG.

Sec. 5 *Establishment of a Trust Fund.* To ensure the sustainability of integrated conservation and development programs for the Sulu and Celebes Seas, the amount of Twenty Million Pesos (P20,000,000.00) from the Office of the President – Department of Budget and Management is hereby provided as a seed capital for a Trust Fund. The Commission is authorized to organize a Board of Trustees to constitute a foundation that will generate additional funds to increase the principal amount.

Ssec. 6 *Effectivity.* This Proclamation shall take effect immediately.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

**Proclamation
No. 1030
June 23, 1997**

SUBJECT : Declaring the Philippine Tarsier (*Tarsius Syrichta*) as a Specially Protected Faunal Species of the Philippines

WHEREAS, the *Tarsius syrichta*, commonly known as the Philippine Tarsier, is an endemic species found in the southeastern part of the Philippine archipelago, particularly on the islands of Bohol, Samar, Leyte, and Mindanao;

WHEREAS, the Philippine Tarsier offers immense ecological aesthetic, educational, historical, recreational and scientific value to the country and to the Filipino people;

WHEREAS, the preservation of the Philippine Tarsier is a matter of national concern since it forms part of the Philippine' heritage;

WHEREAS, the Philippine Tarsier is vanishing due to unabated destructive activities within its known habitats;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, and upon the recommendation of the Secretary of Environment and Natural Resources, do hereby proclaim and declare the Philippine Tarsier as a Specially Protected Faunal Species of the Philippines.

In pursuit thereof, the hunting, killing, wounding, taking away or possession of the Philippine Tarsier and the conduct of activities destructive of its habitats are hereby prohibited. However, the possession of the Philippine Tarsier for educational, scientific or conservation-centered research purposes may be allowed upon certification by the DENR Secretary.

To ensure the effective enforcement of this prohibition, the DENR is hereby directed to spearhead the undertaking of all activities leading to the establishment of appropriate sanctuaries to preserve and protect the species, as prescribed under the provisions of Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act of 1991.

The DENR is also tasked to collaborate with other concerned government agencies, NGOs, local government units and local communities in the conduct of accelerated and expanded field researches and to avail of financial support and technical cooperation from local and international entities, as may be deemed necessary to implement the provisions of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

**Proclamation
No. 1037
July 01, 1997**

SUBJECT : Establishing the One Thousand Seven Hundred Seventy Six (1,776) Hills, More or Less, Popularly Known as the “Chocolate Hills” and the Areas Within, Around, and Surrounding Them Located in the Municipalities of Carmen, Batuan and Sagbayan, Bilar, Valencia and Sierra Bullones, Province of Bohol as a Natural Monument to Protect and Maintain its Natural Beauty to Provide Restraining Mechanisms for Inappropriate Exploitation.

Upon recommendation of the Secretary of the Department of Environment and Natural Resources and pursuant to the powers vested in me by law, I, FIDEL V. RAMOS, President of the Philippines, do hereby set aside and reserve as Chocolate Hills Natural Monument, the one thousand, seven hundred seventy six chocolate hills, more or less and the areas within, around, and surrounding them located in the municipalities of Carmen, Batuan, Valencia and Sierra Bullones, Province of Bohol, to protect and maintain its natural beauty and to provide restraining mechanisms for inappropriate exploitation, subject to private rights, if there be any, and to the operation of previous proclamation reserving any portion thereof for specific purposes and for implementation of tourism-related programs consistent with the objective of the proclamation as may be determined by the Secretary of Environment and Natural Resources, which area is more particularly described as follows:

(technical description omitted)

beginning containing an area of Fourteen Thousand One Hundred Forty Five (14,145) hectares more or less.

The areas and the technical description covered by the Proclamation are subject to confirmation as a result of the actual survey and delineation on the ground for which additional funds shall be requested from the Department of Budget and Management.

Regardless of the existence of prior private rights, no activity of any kind including quarrying, which will alter, mutilate, deface, or destroy the hills shall be conducted.

All public and private lands within, around and surrounding the hills shall not be converted to other purposes which is inconsistent with objectives of this proclamation.

The proclaimed area shall be under the administrative jurisdiction, supervision and control of the Department of Environment and Natural Resources, which shall coordinate with the other government agencies and the local government units with the objective of maintaining and protecting the chocolate hills natural features for tourism, scientific, educational and recreational purposes.

All proclamations and other existing issuances inconsistent herewith are hereby repealed and modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) LUIS C. LIWANAG II
Acting Executive Secretary

**Proclamation
No. 1047
July 22, 1997**

SUBJECT : Amending Proclamation No. 367, Dated February 11, 1953, which Established the Animal Breeding Station Located at Kaychannarianan, Basco, Batanes by Excluding for its Operation a Portion of the Area Embraced Therein and Declaring the Same as Site of the Batanes Hostel

Upon the recommendation of the Secretary of Environment and Natural Resources and by virtue of the powers vested in me by law, I, FIDEL V. RAMOS, President of the Philippines, do hereby established the Animal Breeding Station located at Barangay Kaychanarianan, Municipality of Basco, Province of Batanes, by excluding from its operation a portion of the area embraced therein and reserving the same as site of the Batanes Hostel subject to private right, if any there be, to enhance tourism in said province and which parcels of land is more particularly described as follows:

Lot No. 831-A, Csd-020901-007124

A PARCEL OF LAND, Lot No. 831-A, Csd-0209001-007124, being a portion of Lot 831, Gss-305, as surveyed for Batanes Hostel, situated in the Barrio of Kaychanarianan, Municipality of Basco, Province of Batanes, Island of Luzon. Bounded on the SE., along lines 7-1-2 by National Road; on the SW., along lines 2-3-4 by Miaga Creek (legal easement of 3.00 m. wide shall be excluded per R.A. 1273 and Sec. 51, P.D. 1067); on the NW., NE., and SE., along lines 4-5-6-7 by Lot 831-B,

on the subdivision plan. Beginning at a point marked “1” on the plan being S. 23° 27” W., 1,228.77 from BLLM No. 1, Basco, Batanes thence:

(technical description omitted)

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

**Proclamation
No. 1062
August 25, 1997**

SUBJECT : Reserving for the Indigenous Peoples of the Municipality of Maasim, Province of Sarangani, Certain Parcel of Land of the Public Domain, Situated in the Sitio of Tahakayo, Barangay Amsipit, Sitio Asnalaf, Barangay Lumasal, Sitios Kalon Bong, Data Fofu and Datal Lanao, Barangay Nomoh and Sitio Data Basak, Barangay Kablacan, All in the Municipality of Maasim, Province of Sarangani

Upon the recommendation of the Secretary of the Department of Environment and Natural Resources and by virtue of the powers vested in me by law, I, FIDEL V. RAMOS, President of the Philippines, do hereby withdraw from sale, entry or disposition and set aside for permanent reservation and other related purposes for the Indigenous Peoples, (B'laan and T'boli Communities) subject to prior private rights and/or tenurial rights, if there be any, and subject to future survey, the parcel of land of the public domain located within the sitios of Tahakayo, Asnalaf, Kalon Bong, Datal Fofu, Datal Lanao and Datal Basak, Barangays of Amsipit, Lumasal, Nomoh and Kablacan, respectively. Municipality of Maasim, Province of Sarangani, which parcel of land is more particularly described as follows:

Beginning at a point marked "1" on the Map being identical to Junction of Kamanga River and Unknown Creek, the following Kamanga River in the Northwesterly direction about 7,720 meters straight distance to point 2 thence;

(technical description omitted)

thence following Unknown Creek and Siguel River in a Southeasterly, Southwesterly direction about 6,000 meters straight distance to point 13;

Thence following Amsipit Creek in a Southwesterly direction about 2,000 meters straight distance to point 14 thence:

(technical description omitted)

thence following Unknown Creek in a South-easterly direction about 6,500 m. straight distance to point 1, the point of beginning, containing an area of Ten Thousand One Hundred Seventy-Five (10,175) Hectares more or less.

The area shall be sustainably managed and developed by the said communities in accordance with their indigenous knowledge, systems and practices with assistance from the Department of Environment and Natural Resources, Agrarian Reform, Agriculture, Trade and Industry, Public Works and Highways, Office for Southern Cultural Communities and other concerned agencies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary

**Proclamation
No. 1074
September 2, 1997**

SUBJECT : Amending Proclamation No. 932, Dated June 29, 1992, Which Established the Kotkot-Lusaran Rivers Watershed Forest Reserve, by Incorporating the Corrected Technical Descriptions of its Boundaries after Final Survey and Delineation on the Ground.

Upon recommendation of the Secretary of Environment and Natural Resources and pursuant to the powers vested in me by law, I, FIDEL V. RAMOS, President of the Philippines, do hereby amend Proclamation No. 932, dated June 29, 1992, which established the Kotkot-Lusaran Rivers Watershed Forest Reserve in the Province of Cebu, in accordance with the provision to conduct a final survey and delineation on the ground of the boundaries of the watershed area, by incorporating the corrected technical descriptions of its boundaries after the final survey and delineation on the ground, which final technical descriptions are presented as follows:

**LUSARAN PARCEL
(Lot 1, Nr-07-00300)**

A parcel of land (Lot 1, Nr-07-000300, under AP-07-001876, situated in the municipalities of Consolacion, Liloan, Compostela and Balamban, all province of Cebu and cities of Cebu and Danao. Beginning at a point marked "1" of Lot 1, Sketch Plan No. 07-000013, being N. 36°12" W., 14,517.94 m. from BLLM 1 Cad-1055-D, Liloan Cadastre, Cebu: Thence:

(technical description omitted)

beginning, containing an area of Seven Thousand Four Hundered Sixty-Five (7,465) hectares, more or less. Corners 1-164 are marked by square concrete monuments 15 x 15 x 60 cms., except corner 158 on tree, 154 on boulder, 157 on boulder, 156-65, Lot 16306, Cad-12-Ext., and 148 on boulder.

The area covered by the reservation shall be under the administrative jurisdiction, supervision and control of the Department of Environment and Natural Resources, through the Forest Management Bureau, in coordination with other agencies of the government, with the objective of maintaining its usefulness as a sustainable source of water for irrigation and domestic use and other forestry purposes.

The total area of the reservation is Fourteen Thousand One Hundred Twenty-One (14,121) hectares, more or less.

IT WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

(Sgd.) FIDEL V. RAMOS
President

By the President:

(Sgd.) RUBEN D. TORRES
Executive Secretary