

FORESTRY SECTOR

DENR Administrative Order
No. 2001 – 01
January 03, 2001

SUBJECT : Payment of the Retention Fees for Community Organizing and Comprehensive Site Development of Subprojects Under Forestry Sector Project Funded by the Japan Bank for International Cooperation.

In order to ensure sustainable forest management efforts of the People's Organization (PO) and pump-prime the implementation of livelihood enterprises in all Forestry Sector Project (FSP) subproject sites, the Department hereby issues the following guidelines otherwise known as "Payment of the Retention Fees for Community Organizing (CO) and Comprehensive Site Development (CSD) of FSP Subprojects Funded by the Japan Bank for International Cooperation" for the guidance of all concerned. This is issued in view of the implementation of the new Mangrove Rehabilitation Subprojects and the creation of the Subproject Site Management Unit or SUSIMO pursuant to DAO NO. 2000-65.

SECTION 1. BASIC POLICY

It is the policy of the DENR to ensure full delivery of contracted services under the Forestry Sector Project and to release the retention fees to concerned contractors upon satisfactory compliance of the requirements of the services provided in the CO and CSD contracts.

SEC. 2 OBJECTIVES

The objectives of these guidelines are as follows:

- 2.1 ensure that the goals of the government on forest rehabilitation are properly accomplished in terms of quality and quantity;
- 2.2 provide clear procedures in the payment of retention fees; and
- 2.3 provide incentives to the contractors for satisfactorily completing their contracted services.

SEC. 3 DEFINITION OF TERMS

As used in and for purposes of this Order, the following terms shall mean:

- 3.1 **Community Organizing (CO) Contract** - refers to the contract awarded to the Non-Government Organization (NGO) or Assisting Organization (AO) to strengthen the capabilities of the communities in planning and implementing subproject strategies, monitoring and evaluation, and managing the subproject area.
- 3.2 **Comprehensive Site Development (CSD) Contract** - refers to the contract between the DENR and the PO where the latter agrees to undertake the activities, such as, nursery operations, plantation establishment, maintenance and protection of the subproject area and infrastructure construction.
- 3.3 **Non-Government Organization (NGO) or Assisting Organization (AO)** – refers to a social development group or entity, which has demonstrated the capability and commitment to assist and develop people’s organization in the subproject through community organizing and strengthening.
- 3.4 **People’s Organization (PO)** – refers to a group of people residing within the community who have been organized and strengthened to implement the comprehensive site development of the subproject area and manage the same over the longterm.
- 3.5 **Retention Fee** – refers to the amount equivalent to fifteen per cent (15%) of progress billings retained by the DENR to guarantee satisfactory completion of contracted services.
- 3.6 **Subproject Site Management Office (SUSIMO)** – refers to an office of the DENR that is established within the subproject and under the direct supervision of the CENRO whose main

function and responsibility is to supervise subproject implementation.

3.7 **Validation and Billing Unit (VBU)** – a unit of the SUSIMO in charge of validating PO's and AO's accomplishments and assists the PO in the preparation of billing requests.

SEC. 4 COVERAGE

These guidelines shall cover all requests for retention fee release of subprojects under funding from JBIC. CO contractors in upland watersheds with duly accomplished CO contracts whose requests for retention fee release has not yet been submitted to the Region for processing upon effectivity of this Order, are also covered.

SEC. 5 PARTIAL PAYMENT OF RETENTION FEE AS INCENTIVE FOR GOOD PERFORMANCE

As incentive for good performance, the CSD and CO contractors may request for the release of fifty percent (50%) of retention fees collected from them after the end of each year of operations, provided, that their performance are satisfactory as validated by the SUSIMO. Thus, beginning the second year of operations, the contractors may request one half (1/2) of the fifteen percent (15%) retention fees collected from them in the first year and may be done every year through the succeeding years. This fund maybe used by the contractors for further improvement of their overall performance. For CSD contractors, such fund may also be used for their capital build-up (CBU) and/or reinvestment in viable enterprises or livelihood projects.

The CENRO shall certify for the satisfactory performance of the contractors to the effect that they are able to accomplish the previous year's targets under the standards set for those accomplishments.

SEC. 6 REQUIREMENTS FOR FINAL PAYMENT OF THE RETENTION FEE

The following requirements must be fully complied with prior to the final payment of the retention fee:

6.1 For CO Contractors

- 6.1.1 For watershed subprojects, all requirements specified in MC 92-20, MC 97-01, and the Memorandum of the Undersecretary for Field Operations dated 6 May 1998 are satisfactorily completed. For mangrove subprojects, the requirements of MC 97-01 and DAO 00-57 are likewise satisfactorily completed; and
- 6.1.2 The CO Phase-out Plan, copy of the CBFMA document, Terminal Report and Summary Report of Process Documentation are submitted and accepted by the Region.

6.2 For CSD Contractors in Watershed Subprojects

- 6.2.1 Approved final subproject area is fully planted and developed;
- 6.2.2 The weighted average survival rate of seedlings planted in the whole subproject should be at least eighty percent (80%). Individual component's computation shall be based on the planting density of each component's target;
- 6.2.3 For the reforestation component, the average height of seedlings shall be at least one (1) meter except for rattan, bamboo and other non-timber components whose quality shall be based on the technical judgment of expert evaluators;
- 6.2.4 All structural improvements specified in the latest approved contract have been completed;
- 6.2.5 At least three (3) billboards by component with at least one hundred hectares (100 has.) aggregate area, two (2) billboards for ten to ninety-nine (10-99 has.) and one (1) billboard for nine hectares (9 has.) or less. Plantation

monuments, corner posts or live markers must be existing, properly documented and maintained; and

- 6.2.6 Terminal report with updated maps and dated photographs duly certified by the CENRO as recommended by the SUSIMO. The photographs should be composed of close-ups and panoramic views of the subprojects' accomplishments.

6.3 For Upland Watershed Expansion Areas

- 6.3.1 The contracted expansion area is fully planted and developed;
- 6.3.2 The weighted average survival rate of seedlings planted should be at least eighty percent (80%) of the planting density of the component's target;
- 6.3.3 For the reforestation component, the average height of seedlings shall be at least 0.5 m for 1-year old plantations;
- 6.3.4 All structural improvements specified in the approved contract have been completed;
- 6.3.5 At least three (3) billboards by component with at least one hundred hectares (100 has.) aggregate area, two (2) billboards for ten to ninety-nine (10 - 99 has.) and one (1) billboard for nine hectares (9 has.) or less. Plantation monuments, corner posts or live markers must be existing, properly documented and maintained; and
- 6.3.6 Terminal report with updated maps and dated photographs duly certified by the CENRO as recommended by SUSIMO. The photographs should be composed of close-ups and panoramic views of the subprojects' accomplishments.

6.4 For CSD Contractors in Mangrove Subprojects

- 6.4.1 The subproject area targeted for the contract period is fully accomplished;

- 6.4.2 The survival rate of seedlings/propagules planted should be at least eighty percent (80%) of the planting density of the final subproject target;
- 6.4.3 All structural improvements specified in the contract have been completed. If there were revisions, such modifications must have been approved by the DENR; and
- 6.4.4 Submission of the terminal report for CSD contract with maps and photographs duly certified by the CENRO as recommended by SUSIMO. The photographs should be composed of close-ups and panoramic views of the subprojects' accomplishments.

6.5 Independent Monitoring and Evaluation by NGOs

The final payment of the retention fee for CSD contracts shall commence upon the completion of the independent monitoring and evaluation by contracted NGOs.

SEC. 7 PROCEDURES FOR THE FINAL PAYMENT OF RETENTION FEE

The retention fee for comprehensive site development shall be paid upon compliance of the requirements in SECTION 6 of this Order. Contractors shall be paid under the following procedures:

7.1 For CO Contracts:

- 7.1.1 The CO Contractor shall submit a Phase-Out Plan, a copy of the approved and signed CBFMA document, Terminal Report, Summary Report of CO Process Documentation together with a written request for final validation and proof of turnover of required equipment to the PO;
- 7.1.2 Within five (5) working days from receipt of the written request, the CENRO shall facilitate the validation of CO accomplishments through the SUSIMO/VBU. The Region and the PENRO shall send a representative from

their respective offices to join the validation team. Upon evaluation of the report, the recommendation for payment shall be endorsed to the Regional Office through channels; and

7.1.3 The Regional Office, upon receipt of the billing, shall facilitate the processing of payment following the procedures provided in MC 97-03, including the issuance of the Certificate of Acceptance.

7.2 For CSD Contractors

7.2.1 The SUSIMO, with representatives from the PENRO and the REGION, shall conduct final validation of all developed areas or components accomplished within latest approved CSD Contract. It shall conduct a ten percent (10%) sampling of all developed areas for the survival rate and average height determination;

7.2.2 Upon submission of the final validation report by the SUSIMO through channels, the Region shall evaluate the documents and recommend payment or further courses of action to take;

7.2.3 The Region shall formally inform the POs of the validation results within one (1) week after the completion and submission of the validation report; and

7.2.4 The Region shall issue a Certificate of Acceptance and shall facilitate the release of the retention fee in accordance with the procedures in MC 2000-18.

SEC. 8 SUPPLEMENTAL PROVISIONS

In order to facilitate the implementation of these guidelines, the RED may promulgate supplemental rules and regulations or issue additional instructions, which shall apply to peculiar conditions prevailing in, and appropriate for his/her region, provided, these are consistent and pursuant to this order. In cases where there are different or vague interpretations of any provisions in this Administrative Order, the party concerned shall seek

clarification from the Forest Management Bureau (FMB) for referral to an appropriate legal body for official interpretation.

SEC. 9 REPEALING AND AMENDING CLAUSE

All administrative orders, memorandum circulars, memorandum orders and other pertinent guidelines whose provisions are inconsistent herewith are hereby repealed, modified or amended accordingly.

SEC. 10 EFFECTIVITY

This Order shall take effect fifteen (15) days upon publication in at least one (1) daily newspaper of national circulation and upon acknowledgement of receipt of three (3) copies by the UP Law Center.

(Sgd.) ANTONIO H. CERILLES
Secretary

Publication:

Malaya – January 20, 2001

DENR Administrative Order
No. 2001-06
January 16, 2001

SUBJECT : Declaring and Setting Aside Certain Tracts of Public Forestland for Usufruct Rights in Tree Farming Activities of DENR-CAR Employees.

Pursuant to Memorandum Order No. 99-29 dated September 15, 1999, otherwise known as the guidelines in the implementation of USUFRUCT Rights in Tree Farming within forestlands where occupation is not allowed, Fifteen (15) areas of forestlands within Region CAR containing an aggregate area of 421.26 hectares is hereby declared and set aside for the purpose, subject to private and/or prior rights, if there be any, and subject to further precise actual ground delineation survey, which areas are particularly described as follows:

AREA 1 CENRO Bangued Employees Association

The area falls within open and brushland with an approximate of 39.39 hectares. It is geographically located between latitude 17°39'59" to 17°39'09" and between longitude 120°34'51.43" to 120°34'54.83" situated between Sitio of Tina Barangay of Sagap, Municipality of La Paz, Province of Abra. It is under the administrative jurisdiction of CENRO Bangued, Abra.

AREA 2 CENRO Langilang Employees Association

Open and denuded forestland with an approximate area of 45.04 hectares. It is geographically located between latitude 17°38'22" to 17°38'33.71 and between longitude 120°51'4" to 120°52'16.3" situated between Sitio of Tina, Barangay of Sagap, Municipality of La Paz, Province of Abra. It is under the administrative jurisdiction of CENRO Bangued, Abra.

AREA 3 CENRO Calanasan Employees Multi-Purpose Cooperative

The area is geographically located between latitude 18°24'14" to 18°24.24.66" and between longitude 121°03'44.18 to 121°03'51". It falls within open forestland with an approximate area of 7.0 hectares. It is situated within Barangay Eva Garden, Calanasan, Apayao under the territorial jurisdiction of CENRO Calanasan, Apayao.

AREA 4 CENRO Conner Employees Association

The area is located at Barangay Bululan, Conner, Apayao. It falls within open forestland with an approximate area of 10.89 hectares. It lies between latitude 17°43'40.56" to 17°43'54.7" and between longitude 121°24'52" to 121°25'20.54". It is under the administrative jurisdiction of CENRO Conner, Apayao.

AREA 5 CENRO Luna Employees Multi-Purpose Cooperative

The area is within open forestland with an approximate area of 9.0 hectares. It lies between latitude 18°18'36.82" to 18°18'51.26" and between longitude 121°21'12.4" to 121°21'30.26". It is located within Barangay San Gregorio, Municipality of Luna, Province of Apayao. It is under the jurisdiction of CENRO Luna, Apayao.

AREA 6 CENRO Baguio Employees Association

The site falls within openland with an approximate area of 9.77 hectares. It is located at Sitio Camisong, Barangay Loacan, Itogon, Benguet. It is bounded between latitude 16°24'52.26" to 16°25'01.95" to 16°25'11.64" and between longitude 120°41'17.16" to 120°41'28.10". It is under the administrative jurisdiction of CENRO Baguio, Benguet.

AREA 7 CENRO Buguias Employees Cooperative

The area is located at Man-Atong, Baculongan Norte, Buguias, Benguet falls within openland with an aggregate area of 8.44 hectares. It is bounded between latitude 16°45'51.52" to 16°45'58.15" to 16°46'4.52" and longitude 120°50'05" to 120°50'06.42". It is within the administrative jurisdiction of CENRO Buguias, Benguet.

AREA 8 CENRO La Trinidad Employees Association

The site falls within openland and pine wood young growth forest with an approximate area of 11.57 hectares. It lies between latitude 16°39'09.15" to 16°40'5.43" and longitude 120°42'26.3" to 120°43'1.86". It is located at Sitio Tanusong, Barangay Palina and Madaymen, Kibungan, Benguet. It is under the territorial jurisdiction of CENRO La Trinidad, Benguet.

AREA 9 CENRO Alfonso Lista Employees Association

Open forestland with an aggregate area of 93.64 hectares. It lies between latitude 16°59'42.3" to 17°00'0.03" and longitude 121°30'40.16" to 121°30'59.1" to 121°31'27.4". It is located at Little Tadian, Alfonso Lista, Ifugao under the administrative of CENRO Alfonso Lista, Ifugao.

AREA 10 CENRO DENR Employees Multi-Purpose Cooperative

Open forestland containing an approximate area of 34.29 hectares. It is located at Barangay Payawan, Lamut, Ifugao and lies between latitude 16°40'46.36" to 16°41'17.2" and longitude 121°11'53.6" to 121°12'20.9". It is under the administrative jurisdiction of CENRO Alfonso Lista, Ifugao.

AREA 11 CENRO Kalinga Employees Association

Open forestland with an approximate area of 10.13 hectares. It is located at Barangay Agbannawag, Tabuk, Kalinga.

It lies between latitude 17°15'37.25" to 17°15'53.51" and longitude 121°29'49.32 to 121°30'92". It is under the administrative jurisdiction of CENRO Tabuk, Kalinga.

AREA 12 CENRO Pinukpuk Multi-Purpose Cooperative

Open forestland with an approximate area of 16.21 hectares. It is located at Barangay Camcamalog, Pinukpuk, Kalinga. It lies between latitude 17°34'55.3" to 17°35'16.25" and between longitude 121°25'22.6" to 121°25'36.8" under the territorial jurisdiction of CENRO Pinukpuk, Kalinga.

AREA 13 CENRO Tabuk Employees Association, Inc.

The area falls within Timberland under Project No. 4-F per L.C. Map No. 1853 certified by the Director of Forestry dated May 9, 1955. It has an approximate area of 36.2 hectares and geographically located between latitude 17°22'16.70" to 17°22'46.00" and longitude 121°26'12.40 to 121°26'25.50" situated at Sitio of Callagdao, Barangay of Bulanao, Municipality of Tabuk, Province of Kalinga. It is under the territorial jurisdiction of CENRO Tabuk, Kalinga.

AREA 14 CENRO Paracelis Employees Association

Open forestland with an aggregate area of 35.74 hectares located at Barangay Butigue, Paracelis, Mt. Province. It is geographically situated between latitude 17°04'56.58" to 17°05'16.42" and longitude 121°29'17.46" to 121°29'33.36" to 121°29'44.52" under the administrative jurisdiction of CENRO Paracelis, Mt. Province.

AREA 15 CENRO Sabangan Employees Credit Cooperative

The area is within open forestland with an approximate area of 53.95 hectares. It is located between Sitio of Basabas, Barangay Bana-ao, Municipality of Tadian, Province of Mt. Province. It lies between latitude 16°55'07.16" to 16°55'33" to

16°56'26.53" and longitude 120°49'13.77" to 120°50'06.48". It is under the administrative jurisdiction of CENRO Sabangan, Mt. Province.

The Community Environment and Natural Resources Office concerned shall administer and manage the area consistent with the objectives of the project and pertinent applicable technical provisions of Memorandum Order 99-29.

Any subsequent rule or guidelines that may be issued shall conform or give effect to this Order.

(Sgd.) ANTONIO H. CERILLES
Secretary

**DENR Administrative Order
No. 2001-07
January 16, 2001**

**SUBJECT : Suspending the Implementation of
DAO No. 2000-63 Dated 31 July
2000 and Reverting the Rates of
Forest Charges to and Under DAO
No. 95-19 Pursuant to Republic
Act 7161 (R.A. 7161).**

Pursuant to the provision of Sections 3, 4 and 5 of R.A. 7161 and based on 1999 FOB Market Price survey of timber and other forest products, DAO 2000-63 was issued.

In view however, of the representation made by the Philippine Wood Producers Association and members of the wood industry that they have not been consulted nor participated in the formulation of the new rates as mandated under R.A. 7161 and finding merit in their claim that the new rates of forest charges promulgated under the aforesaid DAO are deemed very high, and not reflective of the actual 1999 FOP market prices, and therefore making local wood products uncompetitive in the market, the implementation of DAO No. 2000-63 is hereby ordered suspended until further notice. Meanwhile, DAO 95-19 shall be in force. The Committee under Section 6 of RA 7161 which is tasked to determine the actual FOB market price shall convene immediately so that the actual current rates of forest charges can be finally determined and implemented with the full participation of all its members.

This Order supersedes DAO 2000-63 and shall take effect immediately.

(Sgd.) ANTONIO H. CERILLES
Secretary

DENR Administrative Order
No. 2001-14
March 29, 2001

**SUBJECT : Creation of the International
Coral Reef Initiative Joint
Philippine – Sweden Secretariat**

Pursuant to the Department's commitment as Partner of the International Coral Reef Initiative (ICRI), consistent with the agreements reached during the last meeting of ICRI's Coordination and Planning Committee (ICRI-CPC) held in Bali, Indonesia last October 28-29, 2000 wherein the Philippines and Sweden will co-host the ICRI Secretariat for the next biennium, 2001-2002, and bilateral agreement between the Government of the Philippines and Government of Sweden, the International Coral Reef Initiative Joint Philippine - Sweden Secretariat is hereby created:

International Coral Reef Initiative Joint Philippine-Sweden Secretariat - An International Coral Reef Initiative Joint Philippine-Sweden Joint Secretariat is hereby created under the Office of the Secretary. It shall report to the Secretariat through the Undersecretary for International Commitment and Local Government Affairs and shall have the following functions and responsibilities:

1. Coordinate and implement ICRI activities based on the plan approved by ICRI's Coordination and Planning Committee (ICRI-CPC), and agreement between the Philippines and Sweden;
2. Prepare an ICRI Joint Philippine-Sweden Secretariat coordination management and framework and guidelines, and develop a detailed work plan for implementation of ICRI activities, including milestone, counterpart budgets, timeframe, monitoring strategies and evaluation criteria;

3. Maintain a close working relationship and communications with ICRI-CPC and ICRI Partners, Embassy of Sweden, and any other related international and national institutions;
4. Monitor the progress of ICRI-related activities implemented by ICRI operational networks such as: Global Coral Reef Monitoring Network (GCRMN); ICRI Information/Awareness Network (ICRIN); and International Coral Reef Action Network (ICRAN),
5. Represent ICRI in UN and international forums such as CBD, CSD, SIDS to ensure that ICRI recommendations and call for actions are conveyed;
6. Maintain ICRI Web Site;
7. Seek funding for ICRI projects and activities; and
8. Perform tasks inherent to ICRI Secretariat as shown in the attached document and as directed by ICRI-CPC.

The International Coral Reef Initiative Joint Philippine-Sweden Secretariat shall be jointly coordinated a designated Philippine ICRI Coordinator and Sweden ICRI Coordinator, whose functions shall be agreed upon by the official representative of the Government of the Philippines and Government of Sweden.

The International Coral Reef Initiative Joint Philippine-Sweden Joint Secretariat shall be composed personnel to be recommended by the Philippine and Sweden ICRI Coordinator.

The Department as host institution for the Government of the Philippines shall provide the necessary office space, staff and needed counterpart funds to cover the operations of the International Coral Reef Initiative Joint Philippine-Sweden Secretariat.

This Order shall take effect immediately and shall supersede, amend or revoke all previous orders and instructions inconsistent herewith.

(Sgd.) JOEMARI D. GEROCHI
OIC, Secretary

The Tasks for the ICRI Secretariat

The ICRI Secretariat has the following specific tasks:

- act as a catalyst by bringing together stakeholders from developing countries, regional and international operational agencies, including NGOS, and agencies able to fund projects of coral reef management and conservation (ICRI does not prepare operational proposals nor does it intend to maintain operational funds);
- expand the current list of ICRI CPC partner countries to include those active in funding coastal resource management projects e.g. other countries of the European Union, Canada etc.;
- assemble lists of coastal resource projects which have coral reef components and ensure these are transmitted widely to ensure that donor resources are distributed efficiently, with minimal overlaps in project funding;
- in consultation with developing countries and other ICRI partners, prepare a listing of suitable projects throughout the coral reef world that fall within the ICRI Action Agenda;
- encourage major donor agencies and governments to fund these projects;
- follow projects and assist in obtaining reviews so that effective projects can either be continued if funding stops, or be advanced to the next stage, and if necessary find another donor,
- provide effective communication on coral reef activities, projects, problems, and resources to ICRI regions and participating governments;

- ensure that international agencies (e.g. UN organizations, country aid agencies, multilateral banks and NGOs) are well informed of ICRI activities;
- maintain an effective Internet website for ICRI partners and the public;
- assemble good examples of best practice in coral reef management and monitoring and publish on the Internet.
- publish summaries of ICRI activities in French, English, and Spanish for use by people without access to the internet;
- ensure that ICRI recommendations and calls for action are conveyed to UN and other international forums (CSD, CBD, SIDS);
- seek funding for existing ICRI operational units such as the Global Coral Reef Monitoring Network (GCRMN);
- catalyze the establishment of other ICRI operational units to achieve the ICRI objectives of raising awareness, building capacity, introducing integrated coastal management, involving the tourism industry in coral reef conservation;
- stimulate the formation of national Coral Reef Initiative committees to include all stakeholders in countries with coral reefs;
- publicize lists of the focal points for coral reefs in all countries and all regions and facilitate

**DENR Administrative Order
No. 2001 – 22
August 16, 2001**

SUBJECT : Addendum to Section 4 of DENR Administrative Order No. 99-46 Providing for the Revised Regulations Governing the Entry and Disposition of Imported Logs, Lumber, Veneer, Plywood, Other Wood-Based Panels, Poles and Piles, Pulpwood and Wood Chips.

In the Interest of the service and in order to assists importers in the entry of imported wood products for domestic utilization, Section 4 of DENR Administrative Order 99-46 is hereby amended to include the **Port of Dumaguete City, Negros Oriental** as additional Port of Entry for the Visayas Region.

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

(Sgd.) HEHERSON T. ALVAREZ
Secretary

Publication:

TODAY – August 27, 2001

**DENR Administrative Order
No. 2001 – 29
November 05, 2001**

SUBJECT : Institutionalizing the Integrated Water Resources Management (IWRM) in DENR Programs and Projects.

In the interest of the service and consistent with DENR's organizational development and with the State policy recognizing the importance of water as precious and valuable resource that naturally refurbish the environment into a clean and healthy condition and cognizant that holistic management comprises of the planning and implementation of technical, institutional, managerial, legal and operational activities necessary for sustainable utilization of the water resources, the following guidelines are hereby promulgated as part of the institutionalization and strengthening processes of the DENR role in the water sector:

SECTION 1 - TITLE: This Administrative Order shall be known as **“Institutionalizing the Integrated Water Resources Management in DENR Programs and Projects.”**

SEC. 2 - BASIC POLICY: It has become increasingly crucial for the DENR to actively intervene in the improvement of the management of water resources. It is the policy of the DENR to attain and maintain a balance between socio-economic growth and environmental protection through the renewal and conservation of the country's natural resources. The DENR shall adopt and promote an integrated water management approach that would address the deficiencies of the water sector not just from the demand side but also from the supply side.

SEC. 3 – OBJECTIVES: The institutionalization of IWRM shall principally streamline and integrate all programs and projects

(both local and international) related to water both surface and groundwater within the framework of Philippine Agenda 21. It aims to institute measures towards promoting greater fiscal discipline through holistic management and prudent national spending, as well as accountability for use of DENR's resources in the water sector. It aims to:

- a) act as the prime mover for national unity and alliance in the water sector;
- b) show and promote the sincerity of DENR in insuring the protection and conservation of water resources (refers to CH. I, Art. 3d of IRR, Water Code of the Philippines);
- c) allow surveillance, monitoring and evaluation of water-users within the context of Philippine Water Code (P.D. No. 1067);
- d) encourage strict regulation of water use and ensure that public interests are protected in the provision of safe drinking water, sanitation, irrigation and other water services by service providers;
- e) advocate and recognize the economic and environmental value of water in all its competing users;
- f) ensure the rehabilitation of river basins, watersheds, waterways, esteros and other fresh and salt water ecosystem for sustainable developments;
- g) advocate strong partnership and participation of the private sector and civil society in all levels of water resources management, development and utilization; and,
- h) promote and encourage the use of renewable water using appropriate and environmentally sound technologies.

SEC. 4 – SCOPE: The Integrated Water Resources Management (IWRM) shall include all water-related programs and projects, both local and international. It would take into account:

- a) all natural aspects of water resources;
- b) all sectoral interests and stakeholders;
- c) the spatial variations of resources and demands;
- d) the relevant policy frameworks;
- e) all institutional levels relevant to IWRM approach.

SEC. 5 – THE DIRECTORATE: The Executive Order No. 374 stipulates that the DENR shall lead the water sector and oversee the implementation of all programs and projects related to the water sector. In order to assimilate this new agenda to the current organizational structure of DENR, this Administrative Order is hereby promulgated to institutionalize the Directorate on Integrated Water Resources Management.

The Directorate shall be directly under the Office of the Secretary. It shall be headed by a Director. The Director shall be entitled to all financial remuneration and benefits.

The Directorate shall act as an apex body to oversee and coordinate all water related issues. In coordination with the Offices of Special Concerns, Special Assignments, Undersecretary for ENR-Operations and Undersecretary for ENR-Planning and Policy, the Directorate shall immediately integrate and shall have oversight and coordinative functions on all water-related programs and projects of DENR, which include but not limited to the following:

- a) Presidential Task Force on Water Resources Development and Management (PTFWERM)
- b) Water Resources Development Project – Watershed Management Improvement Component (WRDP-WMIC)
- c) Environmental Geology and Hydrogeology Research Section of MGB
- d) Watershed Management of FMB
- e) Wetland Conservation of PAWB
- f) Freshwater Environment of ERDB
- g) Water Quality Monitoring of EMB
- h) Pasig River Rehabilitation of EMB
- i) Coastal Environment Program
- j) ASEAN National Water Resources Agencies Network (ANWRA)
- k) International Coral Reef Initiative (ICRI)
- l) All other national and site-specific programs and projects that involve coastal and marine waters (e.g. CRMP, PCICDSCS)

Consequently, the Directorate on Special Projects for Water and Integrated Ecosystems Management and Development (DSPWIEMD) is hereby abolished and named “**Directorate for Integrated Water Resources Management (DIWRM)**.”

The Office of DIWRM shall be composed of the following key staffs:

- Director
- Assistant Director
- Technical Assistant for PROGRAMS and EXTERNAL AFFAIRS
- Technical Assistant for FINANCE and ADMINISTRATIVE AFFAIRS
- Technical Assistant for INFORMATION, COMMUNICATION and EDUCATION
- Technical Assistance for LEGAL and LEGISLATIVE AFFAIRS
- Technical Assistance for Human Resource Development
- Technical Assistant for Database and Information Technology

SEC. 6 – WATER RESOURCE INFORMATION NETWORK: The Directorate, in coordination with concerned sectors of the DENR, shall formulate a framework for a water resource data and information system, promulgate basic criteria, methods and standards for data collection. It shall rationalize existing data collection activities currently undertaken by the DENR central office, its bureaus and attached agencies in the context of integrated water resources management (IWRM).

The Directorate shall establish a national database for water, linkages and partnerships with both the public and private sectors. It shall maintain its own Water Web Resources Information Center. It shall also establish institutional

arrangements with other water-related agencies and civil societies to ensure an efficient collection, processing, storage, retrieval and dissemination of all water-related information.

The Directorate in coordination with the Directorate on Decision Support System Office (DDSSO), National Statistics and Coordination Board (NSCB), National Computer Center (NCC) and National Water Resources Board (NWRB) shall design and develop an information network for data storage, retrieval and exchange. Within the DENR, the Directorate shall serve as the central repository of all data and information related to water resources.

SEC. 7 - WATER RESOURCE ASSESSMENT: The Directorate in coordination with the concerned sectors of the DENR and appropriate agencies shall assess the water situation with relevance to the environment. It shall prepare and publish a Quarterly WATERWATCH Journal and an Annual Water Resource Environmental Assessment Report to include: (a) water supply; (b) water demand; (c) water quality; (d) water technologies; (e) water resources; (f) wastewater treatment and disposal; (g) sanitation; (h) water infrastructure; and, (i) water services.

SEC. 8 – WATER RESOURCE MANAGEMENT AND DEVELOPMENT FRAMEWORK: The Directorate upon the effectivity of this Order, shall formulate and implement the Integrated Water Resources Management and Development Framework to serve as a national water resources development and management plan for the DENR which shall be multi-sectoral, decentralized, community-based and participatory. The Framework shall include but not limited to the following:

- a) efficient use of water;
- b) long-term resource protection;
- c) economic effects of deterioration in water quality;
- d) river basin and watershed-based management of groundwater and wastewater;

- e) data collection and model development;
- f) safe drinking water supply resource development including but not limited to water use and management enforcement;
- g) proper handling and rehabilitation of toxic and contaminated groundwater; and
- h) effective environmental governance of water resources

SEC. 9 – WATER RESOURCES ACTION PLAN.

Upon the formulation of the framework plan, the Directorate shall, with sectoral participation, formulate and implement a water resources action plan consistent with the Integrated Water Resources Management and Development Framework. The action plan shall:

- a) include enforceable effluent limitations;
- b) provide for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on water quality;
- c) include control strategies and control measures including cost effective use of economic incentives, raw water pricing scheme, management strategies, collection action, and environmental education and information;
- d) designate protected river basins/watersheds;
- e) all other measures necessary for the effective control and prevention of water pollution.

SEC. 10 – CAPACITY BUILDING STRATEGY: The Directorate shall formulate and institute the national water resources monitoring network of DENR through “capacity building”, information, communication and education programs. This task shall entail the setting-up of the hydrological monitoring and telemetric equipment necessary for water resources assessment in every region combining the watershed and river basin approaches in the conduct of research studies to determine the following:

- a) an efficient and economical design for establishing the network;

- b) necessity of setting-up network in priority river basins and critical watersheds, nationwide;
- c) training needs on the institutionalization of a coordinated operation of the network;
- d) training needs for field personnel who will be responsible for the collection of water-related data;
- e) supporting programmes to processes and institutions involved in developing private sector and civil society participation in the water sector;
- f) a system of class room style and an “on-the job” training program leading to gaining an award of a certificate of accreditation for competency;
- g) a clear enunciation of the outputs/outcomes being sought;
- h) impacts on social system and cultural values; and,
- i) programmes for institutional strengthening directed both at DENR and key stakeholders.

SEC. 11 – SPECIAL WATER ACTION TEAM (SWAT): SWAT shall be instituted in various staff and line bureaus of the DENR (refer to attached Organizational Chart). It shall serve as a “focal and action unit” of the Directorate. It shall be headed by a Team Leader and shall receive, record and report all concerns and issues relevant to water-related operations of their respective sectors. It shall report directly to the Directorate and assist in all forms of its investigation, surveillance and monitoring activities.

SEC. 12 – “TUBIG PATROL/WATER SURVEILLANCE VOLUNTEERS: The institutionalization of IWRM shall bring together the private sector, non-governmental organizations, civil societies, academe, youths and LGUs to work towards common goal of water resources protection. Upon the effectivity of this Order, the Directorate, thru the Secretariat of the Presidential Task Force on Water Resources Development and Management (PTFWRDM), shall institute the TUBIG PATROL headquarter in every region.

In coordination with the Office of the Regional Executive Director (RED), members of the TUBIG PATROL shall act as “Water Surveillance Volunteers (WSV)” for DENR. They shall be officially accredited by the Office of the Secretary and assist DENR in the implementation of the following tasks:

- a) inventory of deep, industrial and groundwater wells with valid permits;
- b) monitor, apprehend and report illegal extraction and use of water resources;
- c) monitor major esteros, creeks, channelways, rivers and other water bodies against prospective polluters
- d) apprehend and report illegal water haulers, water vendors and service providers;
- e) inspect and monitor compliance of water permit conditionalities;
- f) apprehend and report illegal drilling and construction of deep wells;
- g) apprehend and report illegal commercialization of water (e.g. vendors, refillers);
- h) apprehend and report illegal tapplings of water;
- i) perform other tasks as maybe assigned/delegated by the DENR Secretary.

SEC. 13 - FINANCE AND FISCALIZATION: The Directorate shall review, evaluate and endorse to the Secretary all Work and Financial Plans relevant to water. Under the supervision of the OSEC five percent (5%) of the budget allocated to all water-related programs and projects of the DENR will be retained for use by the Directorate to support its financial/operational requirement.

The Directorate shall oversee and monitor the financial operations and fiscalization of all water-related programs and projects. To ensure proper coordination and effective implementation of these programs and projects, the PMOs, the Bureaus and their concerned units and Regional Offices shall prepare and submit to the Directorate a Monthly Status Report. The Directorate shall standardize the reporting system.

SEC. 14 - HARNESSING TECHNICAL EXPERTS:

The Directorate shall be authorized to tap technical experts/personnel from any of the following: the DENR central office, Bureaus, attached agencies and water related programs and projects, as may deemed necessary.

SEC. 15 – REPEALING CLAUSE AND EFFECTIVITY

All orders, rules and regulations inconsistent with or contrary to the provisions of this DAO are hereby repealed or modified accordingly. This Order takes effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Circular

No. 2001- 03

January 09, 2001

SUBJECT: Guidelines Governing the Utilization of Contingency Fund of Subprojects Under the Forestry Sector Project Funded by Japan Bank for International Cooperation.

Pursuant to Executive Order No. 263, entitled "Adopting Community Based-Forest Management as the National Strategy to Ensure the Sustainable Development of the Country's Forestlands Resources and Providing Mechanisms for its Implementation" and DENR Administrative Order No. 96-29, providing for the "Rules and Regulations for the Implementation of EO 263, otherwise known as "Community-Based Forest Management Strategy (CBFMS)," the following guidelines governing the utilization of contingency fund of subprojects under the Forestry Sector Project (FSP) funded by Japan Bank for International Cooperation (JBIC) are hereby adopted:

SECTION 1. BASIC POLICY

It is the policy of the State to ensure sustainable management of forestland and coastal areas by providing technical and financial support to communities. Pursuant to this policy, the DENR shall ensure the efficient allocation and utilization of Forestry Sector Project funds including the contingency fund as provided for in the approved subproject appraisal reports.

SEC. 2 OBJECTIVES

The objectives of this Circular are as follows:

- 2.1 provide an orderly and clear procedure in the utilization of contingency fund of subprojects under FSP; and
- 2.2 ensure efficiency in the use of such fund in improving subproject implementation.

SEC. 3 COVERAGE

A ten percent (10%) contingency cost is provided in FSP Subproject's appraisal report based on the total direct subproject costs. This fund ensures the financial viability and stability of the subproject considering unexpected increases in the cost of materials and occurrence of circumstances considered as *force majeure* or events beyond control of the People's Organization (PO) and the DENR. As such, the following activities are eligible for the use of contingency fund:

- 3.1 production of additional seedlings, planting materials and purchase of other plantation inputs to cover backlogs from planned targets due to increased materials costs;
- 3.2 replanting of areas damaged by El Niño, typhoons, floods, unusual strong waves, insect or pest infestations and other natural phenomena which are beyond PO's and DENR's control; and
- 3.3 repair of existing subproject infrastructures damaged by storms, typhoons or other natural phenomena.

SEC. 4 ELIGIBLE AMOUNT

The total amount to be requested for eligible activities under contingency fund utilization shall not exceed ten percent (10%) of the total direct costs of PO's CSD accomplishments as certified by the Region. The costs of the proposed activities shall not exceed the amount of contingency fund available for request. The PO, with the

assistance of the SUSIMO, shall prioritize activities to obtain optimum benefits from the contingency fund.

SEC. 5 PROCEDURES FOR REQUEST AND USE OF CONTINGENCY FUND

All requests for the use of contingency funds shall follow the following procedures (Figure 1):

5.1 The PO and Subproject Site Management Office (SUSIMO)

- 5.1.1 The PO, with the assistance of SUSIMO, identifies and determines necessary subproject activities eligible for charging to contingency fund;
- 5.1.2 The PO, with the assistance of SUSIMO, develops an implementation plan to this effect with proper justifications and documentations as to why such plan is needed; estimated cost for each activity including the required labor and materials, with corresponding schedules/time tables;
- 5.1.3 The PO and SUSIMO shall also provide engineering design and bill of materials for the repair of damaged infrastructure;
- 5.1.4 PO formulates a resolution to support the request for the use of the contingency fund;
- 5.1.5 PO submits requests with complete documents to SUSIMO;
- 5.1.6 SUSIMO makes a final review of the request and endorses the request and all the supporting documents to the CENRO,

5.2 Office of the CENR Officer

Within three (3) working days upon receipt of the request for the use of the subproject's contingency fund:

5.2.1 CENRO reviews the request together with the plan and the corresponding supporting documents;

5.2.2 CENRO prepares evaluation report and endorsement of the request to the PENRO.

5.3 Office of the PENR Officer

Within three (3) working days upon receipt of the request for the use of the subproject's; contingency fund:

5.3.1 PENRO reviews the request and pertinent documents;

5.3.2 PENRO notifies CENRO if further actions are necessary. Otherwise, he endorses the request to the Region.

5.4 Office of the RED and NFDO

Within ten (10) working days upon receipt of the request for the use of the subproject's contingency fund:

5.4.1 The Region reviews the request and if everything is in order, approves it accordingly;

5.4.2 The Region drafts the supplemental contract covering the approved plan for review and agreement by the RED and the PO;

5.4.3 The Region submits to NFDO the draft contract with the approved plan. Within three (3) working days upon receipt of the documents, NFDO reviews the request and prepares

the documents for fund transfer to the Region through established FSP fund transfer procedures;

5.4.4 RED and PO representative sign the contract;

5.4.5 RED issues notice to proceed;

5.4.6 RED submits a copy of the original CSD contract and the supplemental contract to the NFDO.

SEC. 6 SCHEDULE OF PAYMENTS

Upon signing of the supplemental contract the RED shall issue Notice to Proceed to the PO within five (5) working days to undertake the activities specified in the contract. The RED shall likewise, prepare a check for the first payment equivalent to fifty percent (50%) of the supplemental contract. The second and last payments, consisting of the remaining fifty percent (50%) of the contract cost, shall be given upon satisfactory completion of the activities/tasks specified in the supplemental contract.

SEC. 7 MONITORING AND EVALUATION

The SUSIMO shall be responsible for the monitoring and evaluation (M & E) of activities covered by contingency fund following the M & E system to be adopted for such purpose. The SUSIMO is also required to submit regular status reports of the activities to the RED through channels.

SEC. 8 TRANSITORY PROVISIONS

The provisions of this Circular shall apply to all Subprojects of the Forestry Sector Project funded by the JBIC. The Regions may translate these provisions into specific instructions or orders to be carried out in the field level, provided these are consistent with the

provisions provided herewith. In cases where there are different or vague interpretations of any provision in this Circular, the parties concerned shall seek clarification from the Forest Management Bureau (FMB) for referral to an appropriate legal body for official interpretation.

SEC. 9 REPEALING CLAUSE

All provisions of previous memorandum circulars, memorandum orders, and other regional memoranda inconsistent herewith are hereby repealed, modified or amended accordingly.

SEC. 10 EFFECTIVITY

This Circular shall take effect immediately.

(Sgd.) ANTONIO H. CERILLES
Secretary

DENR Memorandum Circular
No. 2001- 04
January 10, 2001

SUBJECT : Revised Guidelines on the Conduct of Monitoring and Evaluation of the Forestry Sector Project.

Pursuant to the provisions of Executive Order No. 263 and DENR Administrative Order No. 96-29, the Department shall adopt and implement community-based forest management (CBFM) strategy to ensure the sustainable development of the country's forest lands. One of the programs under CBFM is the Forestry Sector Project (FSP) being implemented by the Department through a Loan Agreement between the Japan Bank for International Cooperation (JBIC) and the Government of the Republic of the Philippines. Pursuant to this Agreement, the following guidelines, which amend Memorandum Circular 99-17, are hereby adopted for the conduct of the Monitoring and Evaluation (M and E) by Non-Government Organizations (NGO) in the community-based Forestry Sector Project.

SECTION 1. BASIC POLICY

It is the policy of the government to enlist the broadest spectrum of participants in the development, conservation, management and utilization of forests and forest resources. In line with this, the Loan Agreement under FSP provides for using the services of Non-Government Organizations (NGOs) in the monitoring and evaluation of the Project. This is to provide greater sectoral participation and an objective view of the implementation efficiency and the benefits of the project.

SEC. 2 OBJECTIVES

The overall objective of these guidelines is to improve the performance of the Project through monitoring and evaluation. The specific objectives are:

- 2.1 to establish appropriate procedures and methodologies for the validation of physical accomplishments, institutional assessment and benefit monitoring and evaluation;
- 2.2 to provide on a regular basis, a third-party analysis of project performance, including recommendations on how to improve project implementation; and
- 2.3 to generate information valuable for policy formulation and future project development.

SEC. 3 DEFINITION OF TERMS

To provide consistent interpretation of terms and acronyms used in this Memorandum Circular, the following are hereby defined:

- 3.1 **AO** - refers to the Assisting Organization or the Non-Government Organization (NGO) contracted by DENR to conduct community organizing in Forestry Sector Project (FSP) sites.
- 3.2 **ARED for Operations** - refers to the Assistant Regional Executive Director for operations of the DENR who has supervision over the implementation of FSP in the regions.
- 3.3 **BME** - refers to Benefit Monitoring and Evaluation, which is the M and E component that looks into the sustained use and effectiveness of project outputs and services, and the immediate and long-term benefits thereof.
- 3.4 **CBFMA** - refers to the Community-Based Forest Management Agreement entered into by the DENR and a qualified people's organization, giving the latter a 25-year management and access rights to a defined area of forestlands.

- 3.5 **CBFM Program** - refers to the Community-Based Forest Management Program of the DENR which serves as the umbrella Program of the FSP.
- 3.6 **CO** - refers to the Community Organizing activity in FSP projects. It is a means to create conditions for development through citizens' participation. It is a strategy for mobilizing people to become fully and collectively involved in activities that aim to improve their lives. It is a systematic, planned and liberating change process of transforming a community into an organized, conscious, empowered, self-reliant, just and humane entity and institution.
- 3.7 **CONTRACT** - refers to the agreement entered into by the DENR and an NGO for the conduct of M & E activities.
- 3.8 **CONTRACTOR** - refers to the NGO which has been awarded an M & E contract by the DENR.
- 3.9 **CSD** - refers to the Comprehensive Site Development activities contracted to the POs. It refers to a set of land-based developmental activities designed to rehabilitate and reforest degraded portions of watersheds, mangrove and other land areas defined within a subproject. Specific activities include survey of land uses, nursery operations, reforestation, agroforestation, enrichment planting, assisted natural regeneration, rattan plantation establishment bamboo stream bank stabilization, lookout tower, path/trail construction, water system installation, mangrove and/or nipa plantation establishment and structural and vegetative soil conservation measures.
- 3.10 **FSP** - refers to the Forestry Sector Project, which is currently funded by the Japan Bank of International Cooperation (JBIC) and until 1999, was also financed by the Asian Development Bank.
- 3.11 **LGU** - refers to a Local Government Unit at the barangay, municipal and provincial levels.

- 3.12 **M & E** - refers to the monitoring and evaluation, which covers both progress monitoring (inputs and outputs) and benefit monitoring and evaluation.
- 3.13 **NFDO** - refers to the National Forestation Development Office, which is based at the DENR Central Office and is in charge of coordinating the activities of all FSP subproject sites, nationwide.
- 3.14 **NGO** - refers to a private organization, which is committed to the cause of socioeconomic development and environment and natural resources management. Included as NGOs are academe-based organizations, professional organizations, and other service organizations.
- 3.15 **POs** - refer to the People's Organization which shall be the primary beneficiary of CBFM projects and which shall conduct CSD activities in approved FSP subproject sites and manage the area over a long-term period.
- 3.16 **SUSIMO** - refers to the Subproject Site Management Office of DENR created under DAO 2000-65 to manage and supervise subproject implementation.

SEC. 4 SCOPE OF M and E BY NGOs

The M and E activities of the NGOs in the subproject sites shall consist of two components: validation of the physical outputs, and institutional and project benefit assessment.

4.1 In the validation and assessment of physical outputs, the NGO is expected to undertake the following:

- 4.1.1 Locate and verify on the ground the project and plantation boundaries and corner/block markers established by the PO;
- 4.1.2 Assess the production and disposition of seedlings;
- 4.1.3 Determine the total area planted as of a particular period;
- 4.1.4 Conduct a 20% systematic sampling (systematic strip sampling in upland projects and line sampling in mangrove

- projects) of all planted areas for purposes of survival counting and seedling height and diameter measurement;
- 4.1.5 Evaluate the maintenance and protection work of the PO and assess the overall quality/health of the plantations established;
 - 4.1.6 Inspect and evaluate the current condition of infrastructure facilities;
 - 4.1.7 Prepare the necessary maps to reflect findings of the above investigations; and
 - 4.1.8 Prepare a report outlining findings on the above with the recommended actions on the problems identified.

4.2 For the institutional and project benefit assessment, the following activities shall be undertaken:

- 4.2.1 Review available documents/records/studies and conduct rapid appraisal/key informant interviews/focused group discussions to assess the organizational, financial and management capability of the PO;
- 4.2.2 Assess the capability of the PO to sustain rehabilitation and forest protection work through key informant interviews with PO members and SUSIMO staff, spot checks of CSD areas and review of site development data/physical validation studies/PO documents;
- 4.2.3 Assess the financial viability of the PO and its capability to sustain its livelihood initiatives through review of records key informant interviews and discussions with PO members and SUSIMO staff;
- 4.2.4 Identify immediate and potential socio-economic benefits of the project to PO members and the community;
- 4.2.5 Identify verifiable evidences that would indicate the future environmental impacts of the project;
- 4.2.6 Prepare a report on the above findings, which should include specific recommendations to address performance gaps and issues;

- 4.2.7 Follow-up studies or subsequent passes, review actions taken on recommendations made in the previous assessment; and
- 4.2.8 Document lessons learned from FSP implementation.

The more detailed M and E guidelines and the methodologies to be used for each of the components are described in Annex A (Field Validation), Annex B (institutional and Project Benefit Assessment) and Annex C (Criteria and Indicators for Sustainable Forest Management: CBFM) of this Circular. There shall be separate reports for each component.

SEC. 5 SCHEDULE OF M & E COMPONENTS

The two components shall be implemented in a series of passes. The physical validation component shall be done one (1) year after planting with at least six (6) months interval between passes. The institutional and project benefit assessment component in upland areas shall be undertaken twice (2x) within the remaining period of the project, with the second pass held on the last year of the project (i.e., end-of-project assessment). Although the physical validation and institutional and benefit monitoring components are related, the two activities need not be undertaken in a sub-project site at exactly the same time.

In mangrove areas, both of the M and E components shall only be done on the last year of the project period.

The commencement of the physical validation pass after the first pass shall require the approval of the Regional Executive Director (RED). The NGO is expected to seek clearance to proceed from the RED at the start of each pass. In subproject sites where community organizing and/or plantation development are encountering significant CSD accomplishments before the validation is undertaken. The

approval of the RED shall also indicate the total area that shall be covered by the validation pass.

All final passes should be completed and final reports submitted not later than four months before the expiration of the Loan Agreement.

SEC. 6 REVISION OF CURRENT M & E CONTRACTS

The physical validation activities covered by existing M and E contracts shall be continued as long as the performance of the NGO-Contractor is satisfactory.

All current NGO-Contractors shall focus their activities on physical validation following the revised validation procedures and requirements that are provided in this Circular. Individual contracts shall be reviewed jointly by the NFDO and the contracting parties to establish the remaining physical validation activities that can realistically be funded with the contract balance, which shall include the unused allocation for the institutional and impact studies. Current contracts shall then be revised accordingly.

SEC. 7 QUALIFIED CONTRACTORS

The two (2) M and E components require different levels of expertise. Thus, they need not be undertaken by the same NGO-Contractor. The contracts for each component shall therefore be bid out separately.

NGOs under any of the following categories may apply as M and E contractors: a) academe-based organization, b) professional organization, and c) other service organization. They should however meet all of the following requirements:

7.1 Registered with the Securities and Exchange Commission (SEC);

- 7.2 Known to be with integrity and commitment to environmental, social and community development concerns;
- 7.3 Accredited by the Department of Environment and Natural Resources (DENR);
- 7.4 Technically capable to implement one or both of the M and E components;
- 7.5 With good track record as an organization of at least three years in similar or related projects; has adequately-trained manpower and with sufficient financial resources; and
- 7.6 Preferably with project experience in the region where the subproject site is located.

SEC. 8 NOTICE OF BIDDING

The Regional Office shall advertise the notice of bidding of contracts for the two components. The concerned Regional Office shall publish a notice of bidding for three (3) consecutive days in at least one newspaper with regional circulation and one with national circulation. This shall be accompanied by announcements posted in conspicuous places within the premises of the Regional Offices, the Provincial Environment and Natural Resources Office (PENRO) and the Community Environment and Natural Resources Office (CENRO).

An NGO may bid for either or both components in two or more subprojects in any region. Those who bid for the physical validation component, however, can only be awarded with one physical validation contract. Those who bid for the other component can be awarded a maximum of three institutional and project benefit assessment contracts covering also a maximum of three (3) sub-project sites. An NGO with a physical validation contract, however, can only obtain at most two (2) institutional and project benefit assessment contracts.

SEC. 9 REQUIREMENTS FOR APPLICATION

The following are required when applying for an M & E contract:

- 9.1 An application letter to be submitted to the RED, attention The Selection Committee, not later than two (2) weeks after the last publication date of the bidding notice. The application letter should indicate the particular component(s) which the NGO is interested to undertake;
- 9.2 NGO profile to include name and address of organization, name of officers and board members, SEC registration, and latest financial statement;
- 9.3 Capability statement highlighting its track record in implementing similar or related projects;
- 9.4 Certification of good standing from at least two of the following:
 - 9.4.1 Head of the organization from at least two of the following:
 - 9.4.2 Head of the LGU (mayor or governor) where it has provided its latest services;
 - 9.4.3 Head of civic or religious group where it has provided its latest services; and
 - 9.4.4 Head of an academic/research institution or NGO, which it has previously worked/associated with.
- 9.5 Other information/documents which may provide additional proof of the NGO's capability or relative advantage to handle the project.

SEC. 10 SELECTION AND AWARDING OF M & E CONTRACTS

Consistent with existing policies and guidelines on awarding service contracts as stipulated in Section 6.0 of MC No. 20, series of 1992, the following additional specific procedures shall be observed in selecting NGOs for M and E contracts:

10.1 The Selection Committee for the physical validation component shall be composed of the following:

Chair ARED for Operations
Vice Chair PENRO Concerned
Members NFDO Senior Officer
 FRDD Chief or CBFM Head
 Regional Focal Person

For the institutional and project benefit assessment component, the Selection Committee shall be composed of the following:

Chair ARED for Operations
Vice Chair NFDO Senior Officer
Members Representative of the Forest Management
 Bureau (FMB)/NFDO
 PENRO Concerned
 Chief of the Forest Resources Development
 Division (FRDD)/or the CBFM Head

- 10.2 The Committees shall evaluate the suitability of the applicants to the components they have applied. It shall then prepare a shortlist consisting of the top three qualifiers for each component;
- 10.3 The short-listed NGOs shall be invited to visit the site and shall be provided materials on the detailed M and E guidelines and the suggested methodologies for the component they are interested in. They shall then be required to submit their proposal not later than fifteen (15) days after the scheduled site visit. The proposal shall essentially contain a description of the general strategy to carry out the task, the composition of the teams that shall be fielded, and the bio-data of the key members of the teams, a proposed schedule and financial plan. They may also provide additional documents that shall support their capability statement;
- 10.4 The committee shall evaluate the proposals and select the most qualified NGO. He committee shall notify the selected NGO for

contract signing not later than one (1) week after their selection and upon issuance by the DENR Regional Accountant of a certification that funds for the contract are available.

SEC. 11 PREPARATION AND SIGNING OF CONTRACT

The Regional Office shall prepare the contract for the physical validation component and the institutional and benefit monitoring component within three (3) working days after notifying the selected NGO. The contract shall be reviewed by the NGO and referred to the RED within three (3) working days. The RED, as the representative of the DENR, shall approve the contracts.

A pro-forma contract for both components is provided in Annex D and Annex E of this Circular.

The NGO shall post a performance bond, either cash or surety, upon signing of the contract, in accordance with existing rules and regulations.

SEC. 12 DURATION OF CONTRACT

The contracts for upland sub-projects shall cover at least two (2) passes and shall be valid for a maximum of two (2) years. Contracts for mangrove areas shall cover only one (1) pass.

SEC. 13 NOTICE TO PROCEED

The RED shall issue a notice to proceed within five (5) working days after the signing of the contract.

SEC. 14 ROLES OF DENR AND THE PO

The NFDO shall conduct the orientation on the proposed guidelines and methodologies that shall be used for both components. The concerned DENR staff and members of the NGO teams are expected to attend the orientation.

The concerned Regional Office shall provide the Contractors the necessary assistance and relevant information for the smooth conduct of the M and E activities. Moreover, the AO and the PO shall provide relevant reports, maps and other information as may be required by the M & E Team.

The SUSIMO and the PO shall have active roles in the two activities. Designated members are to participate in all field activities, meetings, and discussions of findings and recommendations that are organized by the NGO.

The municipal and barangay LGU shall be notified about the conduct of the activities and shall be invited to participate in the NGO-led activities.

SEC. 15 REPORTS

For each pass, the NGO shall be required to submit a draft report and a final report. The outline of the report is part of the guidelines in Annexes A and B.

Upon completion of its draft report, the NGO shall present their findings and recommendations to the PO, AO, SUSIMO, LGU, CENRO, PENRO, Regional Office (ARED for Operations-FRDD and the Planning and Management Division), and NFDO. The NGO and DENR shall document the comments and suggestions during the presentation and the NGO is to address these in the final report. Points

of disagreement that are not resolved during the presentation should be duly noted. The full documentation of the presentation shall be annexed by the NGO to the report.

The Regional Office shall review the NGO reports to check on its completeness and to determine if all the agreements reached with DENR and the PO are reflected in the report. If found in order, after consulting with the SUSIMO and PO, it shall endorse the report to NFDO. If no comments are received from NFDO within one (1) week, the Regional Office shall proceed with the formal acceptance of the report and the payment of the NGO.

SEC. 16. COST OF M and E

16.1 The cost of the validation of physical accomplishments in upland sub-project sites is P 643.00 per hectare per pass while that for the mangrove subproject sites is P 633.00 per hectare per pass. The breakdown of the cost by activity is as follows:

Activity	Upland Subprojects (per ha)	Mangrove Subprojects (per ha)
a. Verification of boundaries, monuments and block corner posts	P 25.00	P 25.00
b. Seedling production inventory/ analysis	P 30.00	P 20.00
c. Survival counting with 20% sampling intensity, including mapping of developed areas	P 400.00	P 400.00
d. Height and diameter measurement, assessment of overall	P 30.00	P 30.00

health/appearance		
e. Inspection of physical infrastructure	P 40.00	P 40.00
f. Project management cost and report preparation	P 118.00	P 118.00
Total cost per hectare per pass	P 643.00	P 643.00

16.2 The cost of the institutional and project benefit assessment shall depend on the number and membership of the POs. The maximum cost per pass that shall be used as basis in evaluating financial bids are as follows:

One PO in sub-project	P 215,000 (PO membership up to 1,000) P 230,000 (PO membership more than 1,000)
Two POs in sub-project	P 275,000
Three POs in sub-project	P 300,000
Four to six POs in sub-project	P 370,000
Seven to twelve POs in sub-project	P 700,000

SEC. 17 SCHEDULE OF PAYMENTS

The Contractor shall be provided a mobilization fee (MF) prior to the conduct of a pass of not more than fifteen percent (15%) of the first year cost of the contract. This shall be deducted from the Contractor's payments for the pass, the amount of which shall be proportionate to the progress payments.

SEC. 18 AMENDMENT OF CONTRACTS

The contract may be amended during the contract period, but only in between passes, through an exchange of letters between the contracting parties. The amendments that shall be allowed shall include changes in the schedule of the passes, in the area coverage of the physical validation activity with the corresponding change in cost, and in the team composition.

In case of changes in team composition, the DENR shall review the credentials of the replacements to make sure that the replacements have equal or better qualifications than those originally proposed or fielded.

SEC. 19 EXTENSION OF THE CONTRACT

The extension of the contract shall be allowed only in the following cases:

- 19.1 The NGO, for a valid reason, is unable to complete the required passes within the contract period;
- 19.2 The DENR decides to have an additional pass undertaken.

In the case of the latter, the corresponding increase in cost shall be indicated in the extension contract.

It must be considered, however, that per Section 5.0 the last pass and submission of the final report should occur not later than four (4) months before the expiration of the Loan Agreement.

SEC. 20 GROUNDS FOR CANCELLATION OF CONTRACTS

The RED, after proper and thorough investigation, may cancel and/or rescind the M & E Contract, for any of the following reasons:

- 20.1 If the contract was obtained through fraud, misrepresentation or omission of facts that affected or would have affected the decision of the Selection Committee at the time of the selection;
- 20.2 Failure of the contractor to start the contracted activity within one (1) calendar month from the receipt of the Notice to Proceed;
- 20.3 Voluntary surrender of the Contract by the Contractor for cause; and
- 20.4 Violation of any law and condition of, or failure to comply with or perform the obligations as stipulated in the contract, or policies, or pertinent laws, rules and regulations affecting the implementation of this Project.

SEC. 21 PENALTIES

In case of the Contractor's commission of any of the acts identified in Section 20.0 at any time that the contract is in force, any one or a combination of the following punitive actions shall apply:

- 21.1 Cancellation of contract;
- 21.2 Forfeiture of the performance bond;
- 21.3 Perpetual disqualification to apply for any DENR contract; and
- 21.4 Prosecution in court for Civil or Criminal liabilities, whichever applied and where conditions and circumstances warrant.

SEC. 22 SUPPLEMENTAL RULES AND REGULATIONS

The RED may issue memoranda and specific instructions to the concerned DENR units and personnel pursuant to this Circular.

SEC. 23 REPEALING CLAUSE

DENR Memorandum Circular 99-17 and other related DENR issuances inconsistent with this Circular are hereby repealed or are amended, accordingly.

SEC. 24 EFFECTIVITY

This Circular shall take effect immediately.

(Sgd.) ANTONIO H. CERILLES
Secretary

ANNEX A

VALIDATION OF PHYSICAL ACCOMPLISHMENTS

1. Objectives

The validation of physical accomplishments will be conducted by an NGO for the following objectives:

- To verify and establish the actual CSD accomplishments of the PO;
- To assess survival rates, quality of plantations and use and maintenance of infrastructure facilities;
- To recommend corrective measures to improve the PO's CSD performance.

2. Scope of Study

The physical validation component will include the following activities:

- Verification of the boundaries, monuments and block corner posts of the CSD areas;
- Seedling production inventory/analysis;
- Plantation perimeter survey and mapping;
- Survival counting with ten percent (10%) sampling intensity;
- Height and diameter measurements and assessment of overall quality/health of plantations;
- Inspection of physical infrastructure.

3. Composition of the Validation Team

The size of the Validation Team will depend on the area that will be covered by a pass. However, a Senior Forester knowledgeable

on the use of a GSP should head the team. The Senior Forester should be assisted by at least two (2) other team members.

4. Methods of Validation/Measurement and Analysis

The method/process to be used for each of the activities is described below. It is expected that before the start of these activities, the NGO will organize a meeting with the PO, AO, SUSIMO and other DENR representatives to present the objectives of the exercise and their suggested work plan. The NGO, PO and SUSIMO should agree on the schedule that will be followed and on the roles of the PO and SUSIMO.

4.1 Verification of boundaries/markers

Secure a copy of the PO's map showing the location of the markers/monuments installed along the boundary or corners of the CSD. Inspect the reported location, determine its location using a GPS, and plot the marker in the map indicating also the station number and other descriptions that are necessary. Missing or improperly located markers should be noted and be discussed with the PO. Recommendations on what to do to correct markers should be agreed upon with the PO.

In subsequent passes, return to the markers that were recommended for correction and determine if the agreed actions were implemented by the PO. Determine if further actions are still necessary. If all recommendations are followed and all markers are found in order, indicate so in the report.

4.2 Seedling Production Inventory/Analysis

This will require an examination of the nursery records of the PO, interviews with PO members managing the nurseries,

and inspection of current seedling stocks in nurseries (main, satellite, and backyard). The following should be noted:

- Source, quantity and quality of seeds procured/gathered, by species;
- Quantity and quality of seedlings produced in the nursery by species (to include cuttings, suckers, and other planting materials);
- Quantity and quality of the seedlings and other procured planting materials, by species;
- Seedlings disposed for planting and current balance of seedling stock in the PO nurseries; presence of over-aged stocks;
- Adequacy of seedling production vis-a-vis requirements;
- Mortality rate in nurseries compared with assumed seedling mortality rate in work and financial plan;
- Adequacy of current nursery recording system;
- Maintenance of nursery facilities.

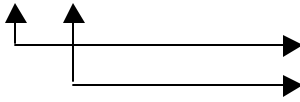
Prepare a seedling production and disposal summary using the format suggested in Table 1 (see Report Outline).

4.3 Survival Inventory and Mapping of Established Areas

4.3.1 Initial Mapping of Reported Established Areas

Using the CSD progress map of the PO, take note of the PO's demarcation of the compartments, and the parcels planted every year under the different CSD components. (Make at least two (2) copies of the PO's progress map to serve as the validation team's working maps.) With the concerned PO members, identify each parcel with a code. The suggested code format is as follows:

I – Ref 1-Ma – 96 where



Compartment Code: I, II, III, IV, V

Component Code: Ref, AF, Rt, BM,
ANR.TSI

Parcel Number

Species Code

Year of Planting

The following species code will be adopted:

Au	-	A. Auriculiformis
Av	-	Avocado
Ba	-	Bagras
Bn	-	Banana
De	-	E. Deglupta
Du	-	Durian
Fa	-	Falcata
Gm	-	Gmelina
Gu	-	Guyabano
In	-	Other indigenous species
Ka	-	Kakawati
Kt	-	Kawayang tinik
Kb	-	Kawayang bayog
La	-	Lanzones
Li	-	Limuran
Lk	-	Langka
Ma	-	Mahogany
Mg	-	Marang
Mn	-	Mangium
Mo	-	Mango
Na	-	Narra
Of	-	Other fast-growing species
Or	-	Other rattan species
Pa	-	Palasan
Ra	-	Rambutan

Rb	-	Rubber trees
Si	-	Sika

4.3.2 Survival Inventory

The survival inventory in watershed subprojects will use the systematic strip sampling method while in mangrove subprojects will adopt the line sampling design, both with a sampling intensity of twenty percent (20%). The survival inventory is to cover all components of the subproject.

Systematic Strip Sampling Method for Upland Sub-Projects

For each plantation parcel (or component, if the parcel has more than one component), establish a baseline, preferably along the longest section of the component or parcel's polygon. Establish perpendicular strips ten meters (10m) in width along the baseline at fifty meters (50m) apart between each strip's center (see Figure 1). The first strip shall be located twenty meters (20m) from the boundary of the component or parcel. The total length of the baseline and the strips should be surveyed and recorded. This procedure will be done in all components/parcels.

Count all surviving seedlings inside the strip. The validation team can subdivide the strips into 10 x 50 blocks as they measure the distance so it can map out the condition of the plantations with respect to survival rate for each strip can be computed by dividing the total surviving seedlings counted in a particular strip by the total number of expected seedlings planted (given the component's planting spacing) multiplied by 100.

$$\% \text{ Survival Rate} = \frac{\text{Total surviving seedlings counted}}{\text{Total no. of expected seedlings}} \times 100$$

The weighted average survival rate for the parcel shall also be determined.

(Figure 1: omitted)

Line Sampling Method for Mangrove Sub-Projects

After identifying in the map and on the ground the different mangrove development components that will be subjected to validation, establish the baseline, preferably along the longest section of the component's/parcel's polygon and traversing the planting lines (see figure 2). The total length of the baseline and the rows should be surveyed and recorded. This procedure will be done in all components/parcels: direct planting areas, areas planted with nursery-raised seedlings, enrichment planting areas, etc.

Count all surviving seedlings in every fifth planted row or line along the baseline. The validation team can subdivide the strips into 10 x 50 blocks as they measure the distance so they can map out the conditions of the plantations with respect to survival and maintenance. Compute the percentage survival rate for each row by dividing the total surviving seedlings counted in a particular row by the total number of expected seedlings planted (given the component's spacing) multiplied by 100.

$$\% \text{ Survival Rate} = \frac{\text{Total surviving seedlings counted}}{\text{Total no. of expected seedlings}} \times 100$$

The weighted average survival rate for each component/parcel shall also be determined.

The survival rates generated every pass should be compared with the results of the previous passes and with the target survival rate of eighty percent (80%). They should also be compared with survival rates generated through the monitoring done by SUSIMO and the PO. Discrepancies should be discussed and explained. Recommendations to improve survival rates should be agreed upon.

(Figure 2: omitted)

4.3.3 Computation and Mapping of Established Areas

In the process of survival counting, determine the end points of each sample strip or row using the GPS. These will serve as the validated plantation boundaries. Plot in the PO's progress map. Label the validated parcel using the coding suggested in the Section 4.3.1. For each validated parcel shown on the map, the area can be computed using this formula:

$$\text{Area of component/parcel} = \frac{\text{Total length of baseline}}{\text{Ave. Length of all strips or rows}} \times \text{Ave. Length of all strips or rows}$$

$$\text{Ave. Length of all strips or rows} = \frac{\text{Total length of all strips or rows}}{\text{Rows/number of strips or rows sampled}}$$

Enter the validated area in the map. Also indicate (on the map) the survival rate arrived at for the parcel in the survival inventory.

Compare the map of the PO and the map of the validated parcels then identify and record the parcels where there are discrepancies. Determine the discrepancies per CSD component and present the data using Table 3. These discrepancies and other observations should be discussed with the PO and DENR representatives to establish the reasons. Prepare recommendations and discuss these with the PO and DENR.

4.4 Height and Diameter Measurements and Assessment of Plantation Quality/Health

The sample strips/rows used for survival counting will be the same strips/rows where height and diameter measurements will be undertaken. The height and diameter will be measured on at least a 10% sample within each strip/row. For uniformity, the diameter of seedlings will be taken 30 cm from the ground while those for grown trees (at least 5 cm dbh) will be at breast height. The measurements for each parcel and eventually for each species of the same age will eventually be averaged. The suggested format for reporting height and diameter measurements is in Table 4.

The results should be analyzed by comparing them with the ideal height and diameter standards that have been set for each species. Parcels where growth is significantly below the standard should be further investigated to identify the reasons for such.

The height of planted mangrove is not a critical indicator of survival or quality of plantation. The height measurements that will be taken in mangrove areas will be used mainly to show that the plantation is growing (but it will not have any bearing on the release of the retention fee).

In the course of doing the survival counts and height and diameter measurements, observe the general health and condition of the planted seedlings within and outside the sample plots and take note of (or photograph) indications that there is lack of maintenance and protection. Note areas where there is lack of maintenance and protection. Note areas where there are tall grasses, yellowing of leaves, broken stems, insect infestations, symptoms of diseases and nutrient deficiencies, presence of stray animals, etc.

These observations should be noted down and their general location indicated in the map. These observations should be validated with the PO and courses of action agreed upon.

Also take note if there are name boards describing the parcels. Check if these name boards meet the specifications agreed upon with the PO and if the information shown is correct.

4.5 Inspection of Physical Infrastructure

All infrastructure facilities established up to the time of the M and E period will be inspected and the following should be noted:

- Compliance with standards or specifications set in the Work and Financial Plan, and with ECC/CNC conditionalities, if any;
- Current uses of the facility compared to the intended used;

- Present condition of the facility (i.e., well-maintained, needs maintenance or repair, not useable, etc); and
- Arrangements and resources available for their maintenance.

Recommendations to improve the condition and utility of the infrastructure facility will be drawn up and discussed with the PO.

In subsequent passes, infrastructure facilities, which were recommended for improvement/rehabilitation should be revisited, and their condition noted in the report.

It is best for the report on infrastructure facilities to be supported with pictures.

5. Documentation

The findings of the NGO-Contractor will be recorded in maps and tables as indicated in the discussion of the methodologies. Photographs should be taken to show the condition of particular areas/facilities and to document critical activities undertaken (e.g., meetings with PO).

Discussions with the PO on findings and recommendations during the conduct of the pass and the presentation of the draft report should also be fully documented with a summary provided on the agreements reached. Points of disagreement with the DENR/PO/AO should be indicated.

The documentations that will be done, whether in narrative form or in maps, tables and pictures, should allow for the comparison of the present findings with past findings. They should therefore be properly labelled with the dates indicated.

6. Reports

The NGO is required to prepare a report for every pass undertaken. Prior to the finalization and submission of its final report for the current pass, the NGO is expected to present the draft of its report to the PO, DENR and LGU for comment.

The report of the NGO-Contractor will follow the suggested outline that is included in these guidelines. Five copies of the report will be submitted to the Regional Office and these will be distributed, as follows: one (1) copy to the Regional Office, one (1) copy to the SUSIMO (which will also serve as the copy of the CENRO), one (1) copy to the PO, one (1) copy to the PENRO, and one (1) copy to NFD0. If found to be in order, the Regional Office, after consultations with the SUSIMO and PO, will issue a formal acceptance of the report.

The following report outline is suggested:

Report Outline

Table of Contents

Summary of Important Findings and Recommendations. (Select the important findings of the validation and the corresponding recommendations, including the responsibility centers. Present in matrix form. It is expected that these recommendations have already been discussed with the PO as required under the guidelines.)

I. Introduction. (This section will provide information on the period covered by the validation pass, the inclusive dates of the validation activity itself, the area covered and highlights of the activity, including any limitations encountered in the conduct of the validation. There is no need to discuss the methodologies

unless the NGO deviated from the methods suggested in these guidelines. The deviations should then be explained briefly.)

II. Findings and Recommendations (Describe findings in each of the sub-activities and the recommendations that correspond to the issues and problems that are presented. This should provide more details than the Summary of Important Findings and Recommendations above. The presentation of findings may follow the outline below. Summary tables may be provided in each section to present the findings. References should be made to the tables and maps that are to be included in the Annex.)

- a. Validation of boundary/corner markers
- b. Seedling production inventory/analysis
- c. Survival inventory and mapping of established areas
- d. Height and diameter measurements and assessment of plantation quality/health
- e. Inspection of physical infrastructure

III Overall Conclusion. (Provide an overall assessment of the CSD performance of the PO in comparison with the previous passes. Highlight positive trends/developments and notable strengths and identify critical factors that would improve overall performance in subsequent passes.)

Annexes

- A Map showing the location of verified boundaries/corner markers compared to the PO boundary map (omitted)
- B Table 1: Seedling Production and Dispersal Report (for the period covered by the validation period)

- C Map showing the validated boundaries of plantations compared with the PO progress map. The survival rates and the area of the parcels validated during the pass should be indicated in this map.
- D Table 2: Survival Rate by Component and Species, and Overall Weighted Average Survival Rate
- E Table 3: List of Parcels Validated during the Pass and Area Planted, by Component and Species
- F Table 4: Average Height and Diameter, by Species and by Age of Plantation
- G Photo-Documentation
- H Documentation of meetings

Table 1: Seedling Production and Dispersal Report

Period Covered: _____

Species	Plantable Seedlings Available			Total Dispersed	Total Requirements	Plantable Seedlings as % of Requirements	Dispersed as % of Requirements	Actual Mortality Rate in Nurseries	Remarks
	Raised To Date	Procured to Date	Total						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Source of Data	Nursery records and plantation register				Computed from total area planted	Col 4/Col 6 x 100	Col 5/Col 6 x 100	Nursery records of key informant interviews	

Table 2: Survival Rate by Component and Species, and Overall

CSD Component	Species	Compartment No.	Parcel Code	Survival Rate	Weighted Ave. Survival Rate By Species
Reforestation					
	AWSR for Reforestation				
Agroforestry					
	AWSR for Agroforestry				
Rattan					
	AWSR for Rattan				
Bamboo					
	AWSR for Bamboo				
Overall WASR					

Remarks: (If survival rate is below 80% indicate the major reasons for the low survival rate, as derived from the data and observations on dead seedlings).

Table 3: Total Area Planted (Reported and Validated), by Components, Species and Parcels

CSD Component	Species	Compartment No.	Parcel Code	Area Planted		
				Reported by PO and SUSIMO	Validated by M and E Team	Difference
Reforestation						
Agro-forestry						
Rattan						
Bamboo						
Total						

Table 4: Average Height and Diameter, by Species and by Age of Plantation

CSD Component	Species	Compartment No.	Parcel Code	Age of Plantation (no. of years)	Ave. Height (meter)	Ave. Diameter* (cm)	Analysis (Above/ below standards)
Reforestation							
Agro-forestry							
Rattan							
Bamboo							

* For seedlings, the diameter will be taken at 30 cm from the ground while the diameter for grown trees will be measured at breast height.

Annex B

INSTITUTIONAL AND PROJECT BENEFIT ASSESSMENT

1.0 Objectives

The institutional and project benefit assessment will be undertaken in order to:

- Assess the overall development of the People's Organizations (POs) in the various sub-projects;
- Assess the capability of the POs to pursue sustainable resource management;
- Assess the capability of the PO to sustain its livelihood initiatives;
- Identify the various issues/problems/constraints related to the development and strengthening of POs and the relevant support systems; and
- Identify immediate benefits of the project and evidences that would indicate the intermediate-term and long-term socio-economic and environmental impacts.

2.0 Framework of Analysis and Indicators

The framework for institutional development assessment and benefit monitoring of the FSP is set out in the project framework in Figure 1. The project framework defines the project's hierarchy of objectives and the suggested indicators to measure the extent the objectives are being met. Most relevant to the current study are those at the purpose and goal levels of the objectives hierarchy.

Figure 1. FSP Framework

Objectives	Objectivity Verifiable Indicators	Methods of Verification	Assumptions
<p>Goal:</p> <p>1. To improve the living standards of the target upland and coastal communities through increased opportunities to improve incomes and employment</p> <p>2. To reestablish the forest cover and thus improve the</p>	<ul style="list-style-type: none"> • Employment generation during and after the project (in site development, livelihood, others) • Increase in household incomes during and after the project • Increase in crop production from irrigation and agroforestry • Improve fishery production due to mangrove rehabilitation and protection • Improve vegetative cover (of previously 	<ul style="list-style-type: none"> • Post-project study (key informant interviews) • Institutional assessment and benefit monitoring during project implementation • Project benefit monitoring • Physical 	<ul style="list-style-type: none"> • CBFM policy will continue • No serious peace and order problems • Demand and prices for agroforestry and IGP products will remain favorable to farmers • LGU and PO will maintain infrastructure facilities after the project • LGU and other agencies are willing and have the resources to support the community • There will be no developments in the area that will negate the gains of the project

<p>quality of the upland/ forest and mangrove ecosystem in project areas</p>	<p>open/ degraded area upland and mangrove areas</p> <ul style="list-style-type: none"> • <i>Reduced soil erosion</i> • <i>Improvement in water recharge</i> • <i>Increase in the diversity and population of flora and fauna</i> 	<p>validation of outputs/ field observations</p> <ul style="list-style-type: none"> • Environmental performance monitoring by People's Organizations (PO) 	
<p>Purpose:</p> <p>1. To sustain the management of tenured areas by capable communities</p>	<ul style="list-style-type: none"> • Organizational, and technical capability of PO to implement forest management and livelihood plans • Financial viability of PO • Viability of livelihood activities • Quality of plantations • Reduced threats to or pressure on forest resources • Increased 	<ul style="list-style-type: none"> • Institutional and project benefit assessment • Physical validation of outputs 	<ul style="list-style-type: none"> • CBFM policy will remain • No prolonged drought • No serious peace and order problems • Demand and prices for agroforestry and IGGP products will remain favorable • LGU and PO will maintain infrastructure facilities after the project • LGU and other

<p>2. To improve access of PO and community to critical services/ facilities</p>	<p>adoption of soil and water conservation measures</p> <ul style="list-style-type: none"> • Improve services and facilities provided to community • Member-ship in councils/ federations/ multi-sectoral groups • Improved access to markets (better transport facilities and lower travel time) • HH with access to domestic water supply and irrigation 	<ul style="list-style-type: none"> • Institutional and project benefit assessment • Observations and measurements 	<p>agencies are willing and have resources to support the community</p>
<p>Output:</p> <p>1. To organize and strengthen People's Organizations (POs) in FSP subproject sites</p>	<ul style="list-style-type: none"> • POs formally registered • Organizational structure and management systems established in POs • Increased awareness on 	<ul style="list-style-type: none"> • Monthly status reports (AO.AP, PO and SUSIMO) • Field validation reports (TA, SUSIMO, NFDO) • Document 	<ul style="list-style-type: none"> • No prolonged drought • No serious peace and order problems • Demand and prices for agroforestry and IGP

	<p>CBFM, forestry policies and related concerns</p> <ul style="list-style-type: none"> • Competencies developed 	<p>review</p> <ul style="list-style-type: none"> • NGO physical validation 	<p>products will remain favorable</p> <ul style="list-style-type: none"> • LGU will support the project
2. To provide POs with legal tenure over the area they are to manage	<ul style="list-style-type: none"> • POs with CBFMA • Area covered by tenure • CRMF affirmation 		
3. To rehabilitate about 80,000 hectares of forestlands (uplands and mangrove)	<ul style="list-style-type: none"> • Area planted/ developed • Survival rate • Quality of maintenance activities 		
4. To establish livelihood activities and develop PO capability to manage these	<ul style="list-style-type: none"> • Feasibility studies conducted • Livelihood projects established • Investments in livelihood • Management systems established for livelihood projects 		
5. To provide infrastructure support to	<ul style="list-style-type: none"> • Infrastructure projects completed 		

forest protection and livelihood			
Inputs: JBIC Loan - TA services - CO contracts (AO and AP) - CSD contracts - M and E contracts - Equipment - Training GOP Counterpart - Staff services (all levels) - SUSIMO operations	<ul style="list-style-type: none"> • Total disbursements (P) • Loan utilization rate (P) • Contract (CO, CSD, M and E) payments (P) • TA deployment (person-months) • Equipment procurement (types and P) • Training/ IEC programs held) • SUSIMO staffing levels 	<ul style="list-style-type: none"> • SOE reports (from field units) • Monthly TA reports • Financial reports of NFDO Accounting Division 	Funding is available when required

Note: a. Some indicators listed in the purpose and goal levels of the logframe have several sub-indicators and verifying evidences so actual data requirements will be more than the items listed in the logframe.

b. Indicators in italics will not be measurable within the project period. The POs, being the long-term managers of the CBFMA area will be encouraged to establish their own environmental monitoring performance systems so they can document these long-term changes.

The PO capability assessment will look into the organizational, financial and technical capability (skills) of the PO to carry on its long-term responsibility as forest resource managers. The project benefit assessment, on the other hand, will identify the

immediate benefits of the FSP and evidences that will indicate the project's long-term socio-economic and environmental impacts. As identified in the logical framework, the benefit indicators will include:

- Short-term employment and long-term employment mainly from site development and livelihood activities;
- Increased incomes;
- Increased crop production due to irrigation (if provided by the project);
- Production potentials from agroforestry (projections over a 10 year period);
- Potential increase in fishery production from mangrove rehabilitation and protection;
- Improved services and facilities provided to PO and community due to presence of project and linkaging efforts of PO, including access to domestic water supply and irrigation, if provided by the project;
- Improve access to markets through better transport facilities and shorter travel time, if roads improvements is included in the project;
- Change in resource use/land use (better utilization of forestlands and other forest resources);
- Change in land cover (increased vegetative cover);
- Increased adoption of soil and water conservation measures;
- Reduced threats to or pressure on forest resources;

Both the institutional development and benefit indicators are integrated into the Criteria and Indicators (C and I) for Sustainable Forest Management (SFM) that have been developed for community-based forest management units. The C and I will therefore be used as the main instrument in the conduct of the study.

The C and I for SFM consists of two sets of indicators:

- On the organizational, social and economic development of POs. These look at the PO's organizational structure, policies and practices, the financial viability of the organization, PO members' access to opportunities, the distribution of benefits among members and the benefits of the project to the community.
- On sustainable resource use and development. These deal with the PO's efforts to rehabilitate degraded areas, to manage and protect natural forests and plantations, to promote sustainable farming/agroforestry methods, to practice sustainable harvesting and efficient processing of forest products, and to reduce the pressure on the threats to forest resources

The complete list of these C and I, including the specific validation and measurement methods, is provided as Annex C of these guidelines.

3.0 Composition of the Assessment Team

The NGO Assessment Team will be composed of five (5) Specialists from the NGO and at least two representatives from the DENR. The NGO Team should be multi-disciplinary, with the members having expertise in the following fields:

Community Organizing/Community Development
Forestry
Agroforestry
Enterprise Development
Financial Management (for POs)
Socio-economics

The DENR will be represented by a senior officer from the NFDO, FMB, FASPO or the Regional Office (FRDD, CBFMO or Planning and Management Division). The participation of other

sectors of DENR or any proposal to increase the membership of the team will be considered by the NFDO on a case-to-case basis. The expenses of the DENR representatives to the assessment will be shouldered by the DENR.

The LGU will be informed of the activity and will be invited to participate in the discussions. The LGU may be represented by the MPDC, the Municipal ENR Officer (if existing) or the Chair of the Environment Committee of the Sangguniang Bayan.

The Team Members, including those from the DENR, can be assigned to work on specific criteria and indicators, as individual specialists or as sub-teams.

In sub-project sites with four or more POs, the NGO may increase the number of some of its specialist to shorten the assessment period.

4.0 Key Activities

The whole process will be a consultative one, which means that frequent and close interaction between the Assessment Team and the PO members and SUSIMO staff, is expected throughout the assessment period. The key activities of the assessment are as follows:

- Pre-assessment meeting with the PO and SUSIMO.

For the initial assessment, it will be necessary to explain to the PO the objectives of the exercise and the assessment process, including the criteria and indicators to be used. The Team should be able to provide a tentative schedule, which is expected to be finalized with the PO and SUSIMO during the meeting.

In the end-of-project assessment, the objectives of the exercise and the assessment process will have to be reiterated. This meeting will also be used to briefly go through the previous

assessment findings and to finalize with the PO and SUSIMO the arrangements and schedules for the current assessment.

- Data collection and preliminary assessment

This will entail the review of available documents/reports, the conduct of key informant interviews and focused group discussions, and field visits. At the end of the given period for this activity, the Specialist/sub-teams should have a preliminary assessment of the C and I assigned to them. Necessarily, data/information regarding the immediate and projected benefits of the project shall have been collected.

- Formulation of findings and recommendations

The team members will have to agree on the findings on each of the SFM criteria and indicators and come up with their recommendations. Two types of recommendations will be adopted in the assessment:

- a. Conditions or the “musts” that the PO must follow as such are extremely necessary or are required in the current contract, existing DENR policies and the project design.
- b. The “optional” or proposed actions that the PO may consider to take to further enhance its performance or capability.

The Team will have to make a distinction between the two types of recommendations in their report. The recommendations must have a timeframe for their implementation.

In sub-project sites with two or more POs, the findings and recommendations must be PO-specific, unless the findings and recommendations apply to all POs in the sub-project. The particular PO which is to take the recommended actions must be clearly identified.

- Integration and preparation of draft report

The individual/sub-team assessments will be reviewed for consistency with the findings of other specialists on the other sectors. The Team will then have to agree on the type, scope and timeframe of the recommendations. A draft report will then be produced.

- Presentation of the draft report

The Team will be required to present their draft report to the PO, DENR (SUSIMO, CENRO, PENRO, Regional Office, NFDO) and LGU in a meeting. Each recommendation will have to be explained. At the end of the meeting, it is expected that there will be agreement among the PO, DENR and Team on the recommended actions.

The NGO and DENR are expected to document the discussions during the presentation, taking note of both the agreements reached and the points of disagreement.

The PO and DENR will be given a week, after the presentation of the report, to review the written report and to submit their comments to the NGO.

- Preparation and submission of the final report

The final report should be submitted two weeks after the presentation of the draft report. It shall incorporate corrections and other comments made by the PO and DENR to the draft report.

5.0 Report

There will only be one report per sub-project but as stated in the previous section, the report must clearly show the findings

and recommendations per PO to allow the overall assessment of the individual POs.

The report will follow the suggested outline found in these guidelines. Six (6) copies will be submitted to the DENR Regional Office. These copies will be for the PO, SUSIMO, CENRO, PENRO, Regional Office and NFDO.

Report Outline

Table of Contents

Fact Sheet (This will be a standard one-page briefer on the sub-project, containing basic information about the site and the PO – location, area coverage, date of CBFMA issuance, name of PO, date registered, CSD contract, etc. Where there are multiple POs, there will be one fact sheet per PO.).

Major Recommendations (Identify the “musts” that have been agreed upon, including the responsibility centers and timeframe. Present this in matrix form.)

I. Introduction (this will contain information on the period of the assessment, the composition of the Team and the major activities undertaken. Any limitations encountered in the conduct of the study should be mentioned.)

II. Findings and Recommendations (The report will follow the sequence of the criteria and indicators. At the start of each section, the criteria and indicator statement will be presented. This will be followed by a short discussion on the important findings and of the recommendations. The recommendations will be categorized either as musts or optional. An example is shown below.

Example:

Criteria: Appropriate agroforestry and sustainable farming methods are practiced

Indicator 1: Adoption of SWC measures has increased

Findings: Despite the good intentions of the PO, some upland farmers are still managing their farms inappropriately. The Team noted crops planted in very steep slopes and a coffee farm where the farmer cut down and burned an old plantation. The PO gave this farmer loan to help with planting coffee. The PO has no clear controls or program in place to influence better management of farms by subsistence farmers.

Recommendations:

Musts:

1. Within the next six months, establish a policy and program for promoting proper agroforestry practices within the CBFMA area. Train selected farmers who can serve as farmer-trainers.
2. When giving production loans to farmers, require farm planning and adoption of sustainable farming methods.

Optional:

1. Establish model farms to showcase proper agroforestry practices and different SWC methods.

III. Overall Conclusion (This will contain the conclusion of the Assessment Team regarding the overall level of development of the PO. In the second assessment, the TEAM should assess the POs' compliance with the recommendations in the previous assessment. Significant

positive developments should be highlighted. Important reasons for non-compliance should be cited. This section will also include the team's evaluation of the overall PO performance compared to the previous period.)

Annex: Summary of Project Results. (This will summarize the data generated on the indicators used in the assessment. The summary will include both quantitative and qualitative data. Follow-up assessments to be done by the NFDO and by the NGO, at the end of the project period, will update this data set to keep track of the changes that are occurring between assessment periods. In case the sub-project covers more than one PO, the findings will have a separate column for each PO.)

Sub-Project:
Assessment Period:

Indicator	Findings	Remarks
<p><i>Result 1: Tenure over forestland is assured</i></p> <ul style="list-style-type: none"> • Date CBFMA issued • Area of CBFMA • Date CRMF affirmed • Area covered by IPR (if pursued by PO) 		
<p><i>Result 2: POs have the capability to conduct sustainable forest management</i></p> <ul style="list-style-type: none"> • Organization 		<p><i>Indicate if fully or partially</i></p>

<ul style="list-style-type: none"> • Level of participation of PO members <ul style="list-style-type: none"> - % of members involved in CSD - average attendance rate (%) in general assemblies - % of members who participated in last elections - % of members who attended CSD technical training • PO leadership • Areas of competence of PO and skills level • Awareness on PO policies • Awareness on CBFM, environmental and forestry issues/ policies 		<p><i>operational, or under reorganization</i></p> <p><i>Indicate if strong or weak</i> <i>Identify skills that are well-developed</i> <i>Indicate if high, moderate, or low</i></p>
<p><i>Result 3: POs are financially viable</i></p> <ul style="list-style-type: none"> • Financial management system 		<p><i>Indicate if poor, partially or fully operational</i></p>

<ul style="list-style-type: none"> • Total capital build up to date (P) • Estimated value of total assets to date (P) • Total investments in livelihood projects to date (P) • Investments in forest management activities to date, addition to CSD (P) • Viable livelihood projects or business operations 		<p><i>Identify projects</i></p>
<p><i>Result 4: PO and community have better access to information, technology and services/facilities</i></p> <ul style="list-style-type: none"> • Transport facilities available after improvement/rehabilitation of road • Travel time to market/center after improvement/rehabilitation of road • Households with access to domestic water supply 		<p><i>Indicate in Remarks transport facilities and travel time before the improvement of road; also households with domestic water supply before the provision of water supply project</i></p>

<ul style="list-style-type: none"> • Area serviced by irrigation system • Farmers benefited by irrigation system • Access to credit facilities and other funding assistance • Support by LGU • Services and facilities provided to PO and community by LGU and other agencies (e.g., extension services) • Membership of PO in federations, multi-sectoral organizations, etc, if any 		<p><i>Indicate source and amount</i></p> <p><i>Indicate if strong, weak, LGU indifferent</i></p> <p><i>Identify service/ facility and source of assistance</i></p>
<p><i>Result 5: PO members and community have more opportunities for employment and higher incomes</i></p> <ul style="list-style-type: none"> • Employment in CSD <ul style="list-style-type: none"> - % of members employed in CSD - % of employed who are non-members 		

<ul style="list-style-type: none"> - % women and youth employed in CSD • Total amount of wages paid in CSD • Average total wages per employed or household • % of members active or employed in IGPs • Estimated employment in planned IGPs • Estimated employment in planned IGPs • Cropping intensity with irrigation system • Increase in production with irrigation • Agroforestry area developed to date • High value agroforestry crops introduced and area planted • Projected production level and income from agroforestry at 10 years from establishment 		<p style="text-align: center;"><i>Identify IGP</i></p> <p style="text-align: center;"><i>Indicate in remarks cropping intensity before irrigation</i></p>
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<ul style="list-style-type: none"> • Estimated increase in fish production due to rehabilitation of mangrove area at year 5 or 10 since establishment • PO assistance to community 		<p><i>Indicate forms of assistance</i></p>
<p><i>Result 6: The vegetative cover of previously open/ denuded and degraded areas is improved</i></p> <ul style="list-style-type: none"> • Area planted/ developed to date • Ave. survival rate • Quality of plantations or the vegetative cover • Area planted/ developed to date as % of CSD targets • Area planted/ developed to date as % of open/ denuded areas in CBFMA area • Silvicultural treatments in residual forests, if any 		

<p><i>Result 7: Forest and fishery resources are protected from all forms of destruction and threats</i></p> <ul style="list-style-type: none"> • Protection plan exists • Trained and deputized protection team exists • Available protection facilities, equipment, infra • Firelines/fire lanes established • PO and LGU protection policies issued • Adoption of soil and water conservation measures • Occurrence of fire since project start and area damaged • Occurrence of pests/diseases since project start and area damaged • Prevalence of kaingin • Prevalence of illegal harvesting 		<p><i>Indicate number and training held</i></p> <p><i>Indicate type of policies</i></p> <p><i>If it can still be recalled, indicate the occurrence/prevalence of fire, pests/diseases, kaingin, illegal harvesting before the project. In analysis, indicate if incidence/occurrence if increasing or</i></p>
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<ul style="list-style-type: none">• Prevalence of illegal fishing• Increase in population in barangay/sitio/ CBFMA area since project start		<i>decreasing</i>
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Annex C

CRITERIA AND INDICATORS FOR SUSTAINABLE FOREST MANAGEMENT: CBFM UNITS

A. On Organizational, Social and Economic Development of POs

Criteria	Indicators	Verifying Evidence	Validation/Measurement Methods
1. The PO has the capability to conduct sustainable forest management	1.1 Policies and mechanisms to strengthen the organization exists.	<ul style="list-style-type: none"> • PO policies are written and ratified by general membership • Management systems are in place • Majority or most of the members are knowledgeable about their VMGO, structure and internal policies • Members have access to records, documents and other 	<ul style="list-style-type: none"> • Physical check on the completeness of PO records and copies of policies and members' easy access to them • Interview sample of members to determine if VMGO, organizational structure, committee functions and policies are known and clearly understood by most members • Documentation of the process of ratifying policies, dissemination of organizational info to members, activities of committees vis-a-vis mandates,

		<p>organizational information</p> <ul style="list-style-type: none"> • Membership is open to all • Selection of officers/leaders is open to all • Elections are conducted freely and fairly, based on qualifications 	<p>and conduct of elections</p> <ul style="list-style-type: none"> • Assessment of the effectiveness of management systems that are in place • Study of the leadership pattern (who are the leaders, what are their qualifications, important considerations of members in choosing leaders) and determine if there are potential leaders from among the younger members • Profiling of the current members and analysis of membership trend including motivation of new members in joining the PO
	1.2Organizational practices promotes participation and linkages, and enhances skills	<ul style="list-style-type: none"> • Participation rates in PO activities are high • Linkages with other institutions and groups are 	<ul style="list-style-type: none"> • Analysis of participation rates in general assemblies, elections and other PO activities • Analysis of participation of members in CSD (% of members involved in the

	<p>and knowledge</p>	<p>established</p> <ul style="list-style-type: none"> • PO members competently perform assigned jobs 	<p>various subcomponents of the project and their roles</p> <ul style="list-style-type: none"> • Documentation of how the PO links up with other agencies/institutions and the results of linking efforts, i.e., services/facilities successfully accessed by the PO, representation or membership in multi-sectoral organizations, councils and federations • Assessment of the relationship of the PO with the LGU, other local organizations in the barangay and the community in general • Assessment of the PO's competencies, particularly in the areas of organizational management and sustainable forest management. This should identify training programs provided, the PO and the specific activities which the
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			<p>PO can do with minimal supervision or on which they can train others/serve as resource persons</p> <ul style="list-style-type: none"> • Assessment, through sample interviews, of the PO members' level of awareness of CBFM, forestry policies and environmental issues.
2. The PO is financially viable	2.1 Business operations are viable	<ul style="list-style-type: none"> • Capital investments are based on sound feasibility/viability analysis (short and long-term) • Profits are being generated • Full-time management staff is employed 	<ul style="list-style-type: none"> • Review of the PO's business plan and status of its implementation, including feasibility studies conducted on identified/preferred investment areas • Documentation and analysis of PO's investments in livelihood projects, highlighting economic activities that have been raised to enterprise level, the

			management and staff of these business operations, the marketing systems established, their profitability and assets generated
	2.2 Profits generated are reinvested in forest management and other enterprise activities	<ul style="list-style-type: none"> • Projects or activities are implemented out of profits 	<ul style="list-style-type: none"> • Analysis of the sources of the CFDF/CBU/CRF, the current level of available funding, and its uses • Analysis of the use of profits realized from its business operations, highlighting use for forest management
3. PO members and the community have equitable access to opportunities and to the	3.1 Equally qualified men, women and youth have access to jobs, training and other opportunities	<ul style="list-style-type: none"> • Female and youth members are provided employment and training opportunities 	<ul style="list-style-type: none"> • Review of policies of the PO with respect to employment and training to determine limitations/restrictions to participation • Documentation of the perceived role and the actual participation of women and youth members in the PO, in forest management

<p>distribution of benefits from sustainable forest management</p>			<p>and in business operations. This should include the identification of constrains (e.g., cultural factors, policy on membership, training and employment) that limit the participation of women and youth</p> <ul style="list-style-type: none"> • Analysis of the participation of women and youth members in training programs and the specific skills where they were trained in
	<p>3.2Members share equitably in profits</p>	<ul style="list-style-type: none"> • Profit sharing or dividend distribution follows by-laws and other policies approved by the general assembly 	<ul style="list-style-type: none"> • Documentation of the benefit sharing policy of the PO and actual benefit sharing (e.g., dividend issuance) practices, if any

	<p>3.3 PO members and the local communities benefit from forest management operations in the area</p>	<ul style="list-style-type: none"> • PO members and community residents are employed in forest management and other livelihood activities • PO provides assistance to the broader community • PO pays taxes, fees, etc., to the local government • Other facilities are established (or others services are provided) in the community due to the presence/ initiative of the PO 	<ul style="list-style-type: none"> • Analysis of employment trends and arrangements to establish employment levels and benefits to PO members and non-members in CSD and livelihood activities, including payment of fair wages. This will include the determination of the total and average wages paid to those employed in the CSD and livelihood projects, which would represent the income increase due to the project. Interviews with key informants or a small sample can be conducted to show the benefits gained from employment and
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			<ul style="list-style-type: none">• Assessment of PO's involvement in or support to community activities (e.g., IEC, training of community members, outreach programs, scholarships, donations, sponsorship, etc). Also look at participation of the PO in local councils or multi-sectoral groups• Documentation of taxes, fees paid by the PO to the local government• Analysis of the current use of and benefits from facilities/ services in the community that were established by the Project, the LGU, national agencies, donors due to the efforts or the presence of the PO (e.g., access roads, water supply, irrigation, school, BHS, extension services, etc)
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B. On Sustainable Resource Use and Development

Criteria	Indicators	Verifying Evidence	Validation/Measurement Methods
1. Tenure over area is assured	1.1 CBFMA is issued to the PO 1.2 CRMF is affirmed	<ul style="list-style-type: none"> • CBFMA • CRMF 	<ul style="list-style-type: none"> • Physical check on the CBFMA issued and the affirmed CRMF • Documentation of the process of delineating individual claims for purposes of issuing individual property rights, if pursued by the PO
2. Special forest uses for livelihood is developed	2.1 Non-extractive income generating projects are generated, eg., eco-tourism	<ul style="list-style-type: none"> • Potential areas for non-extractive activities are developed • Non-forest based income and employment are generated 	<ul style="list-style-type: none"> • Documentation of initiatives to establish non-extractive and non-forest based economic enterprises, including investments made and, incomes and employment generated • Review of feasibility studies conducted on non-forest-based livelihood projects

<p>3. Open degraded areas are reforested/ rehabilitated</p>	<p>3.1 Healthy forest plantations are established/ expanded and maintained</p>	<ul style="list-style-type: none"> • Area planted in the CBFMA site is significant • Survival rates are high • Plantation maintenance is carried out well • Plant growth is healthy • PCT and volume are increasing 	<ul style="list-style-type: none"> • Assessment of the site development activities of the PO, which is to include area planted vs. targets, quality of plantations, and survival rates. This will be based on a review of the site development plan for the area, the NGO M and E report, accomplishment reports of the PO and SUSIMO, and key informant interviews. Visits to some plantation areas may also be done to observe overall health of plantation (i.e., plant vigor, absence of pests/diseases) and the adequacy of maintenance work. A rating can be given to the quality of the existing plantations • Review of the pre-project land use map, proposed land use map and the current progress maps to determine the extent of changes in the land uses that are being
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			introduced through the project. It must be established if the rehabilitation/reforestation effort is significant compared to the total open/denuded area within the CBFMA area
4. Residual forest are properly managed/enhanced	4.1 The area of the residual forest is maintained or increased	<ul style="list-style-type: none"> • Forest boundary remains the same or expands 	<ul style="list-style-type: none"> • Documentation of PO activities (including silvicultural activities) that are being undertaken to maintain, protect and enhance the residual forests within the CBFMA area. This should include the identification of existing threats to the residual forest and the documentation of actual occurrences of fires, illegal cutting, kaingin, and settlement and the damages to the residual forest.
	4.2 The overall quality of the forest is improved	<ul style="list-style-type: none"> • Silvicultural practices area being conducted (ANR, protection, etc.) 	
5. Appropriate agroforestry and sustainable	5.1 Adoption of SWC measures has increased	<ul style="list-style-type: none"> • More farms are adopting farm-level SWC measures 	<ul style="list-style-type: none"> • Assessment of the farmers' level of awareness and adoption of soil and water conservation

<p>farming methods are practiced</p>			<p>measures. This should include an assessment of project initiatives to promote soil and water conservation (e.g., training/IEC programs) and observations on the extent and proper use of these SWC measures within the CSD/CBFMA area. Field visits may be made to identify areas requiring SWC measures or to observe inappropriate farming practices that are still in use (e.g., planting of annuals on steep slopes)</p>
	<p>5.2 Productivity and profitability of farms and the diversity of crops in the community has increased</p>	<ul style="list-style-type: none"> • New or better varieties of crops are being produced • Production levels per hectare is improved • Income per hectare is improved 	<ul style="list-style-type: none"> • Documentation of the agroforestry component of the CSD plan and the agroforestry areas that have been developed vis-a-vis CSD targets and the plan for the CBFMA area • Assessment of the change in the mix of crops produced or will be produced in the area as a

			<p>result of the project, particularly the introduction of better varieties and high value products</p> <ul style="list-style-type: none"> • Assessment of the market potentials of the crops and based on production projections, the income potentials or agroforestry. The assessment can provide a comparison of income and production estimates of old and new crop mixes and should indicate when the income flows from agroforestry are to occur • In mangrove areas, project the increase in fish catch that are expected with the improvement of the mangrove cover
6. Utilization of allowed forest resources use	6.1 Harvest rates allow restocking of the resource	<ul style="list-style-type: none"> • There is an approved annual work plan/resource use plan (AWP/RUP) 	<ul style="list-style-type: none"> • Documentation of harvesting activities (non-timber) of the PO, if any, and its compliance with the provisions of the

sustainable rates and methods		<ul style="list-style-type: none"> • Volume/number of extracted resource does not exceed authorized 	AWP/RUP and relevant permits
	6.2 Harvest and transport methods do minimal damage to residual stand or plantation area	<ul style="list-style-type: none"> • Damage to residual stands and wildlife habitats are minimal 	<ul style="list-style-type: none"> • Documentation of harvesting and transport methods and assessment of actual or potential damage to residual forests and wildlife habitats
	6.3 Access roads/trails minimize soil and water disturbance	<ul style="list-style-type: none"> • Road rehabilitation is in accordance with EIA requirements • Roads and trails are regularly maintained 	<ul style="list-style-type: none"> • Documentation of rehabilitation work to determine if mitigating measures are being adopted to prevent soil erosion • Observation on the condition of existing roads and documentation of the arrangements for their maintenance
	6.4 Processing activities are	<ul style="list-style-type: none"> • Waste is minimized (i.e., use of raw 	<ul style="list-style-type: none"> • Documentation of processing activities and the efficiency in

	efficient	material is maximized)	the use of forest-based raw materials i.e., how much of the harvested product is actually utilized. The volume of waste generated, its disposal or opportunities for using the waste materials should be identified
7. Forests are sufficiently protected from all forms of destruction	7.1 Adequate systems and structures to protect forests are present	<ul style="list-style-type: none"> • There is a forest protection plan • There is an organized, trained and deputized forest protection team • Forest protection activities are being conducted • Immediate PO response to forest fires, reports of illegal logging, etc. • In-migration and settlement in 	<ul style="list-style-type: none"> • Review of the forest protection plan and its implementation by the PO. This should validate the existence of trained and deputized forest protection team, related equipment, facilities and structures (i.e., look-out towers, firelines, etc), funding resources, and programs (i.e., IEC) to support the implementation of the forest protection plan • Assessment of the scope of current protection work and the performance of the PO and the Forest Protection Team in

		<p>CBFMA area is controlled</p>	<p>controlling forest fires, illegal harvesting, pest/diseases, encroachment, kaingin, etc. It should be determined if the PO has clear policies and procedures for dealing with in-migration or encroachment into the CBFMA area and illegal extraction. Find out problems is maintaining/sustaining forest protection activities</p> <ul style="list-style-type: none"> • Review of forest protection logbook/records and interviews key informants re the occurrence of forest fires, pests and diseases, kaingin, illegal harvesting before and during project implementation. Find out from DENR and LGU if there have been any reports of serious violations of forestry policies committed within the community • Assessment of the level of awareness of PO/community
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			members on banned species (flora and fauna that are rare/threatened/endangered) • Identification of local policies formulated in support of the project
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ANNEX D

**CONTRACT FOR THE MONITORING AND
EVALUATION
(PHYSICAL VALIDATION OF COMPONENT)
OF FORESTRY SECTOR PROJECT**

KNOW ALL MEN BY THESE PRESENT:

This Agreement entered into by and between:

The **REGIONAL OFFICE OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, REGION ____** referred herein as **DENR R____** with principal office at the _____ and represented in this Agreement by its Regional Executive Director _____;

AND

The _____, a duly registered Non-Governmental Organization (NGO) with principal office at _____ and represented in this Agreement by its _____ (*Title or position of the NGO head*), _____ (*Name of Officer*) and referred herein as the Contractor.

WITNESSETH:

WHEREAS, the DENR R- _____ is mandated to supervise the implementation of the Forestry Sector Project (FSP) which aims to restore the forest cover of denuded forestlands in selected subproject areas and thus enhance environmental/ecological balance and generate socio-economic benefits to the local community;

WHEREAS, the FSP has a major investment component, the Comprehensive Site Development (CSD) which includes

Reforestation, Agroforestry, Rattan Plantation, Bamboo Plantation, Assisted Natural Regeneration, and Mangrove Plantation;

WHEREAS, the aforementioned FSP component is being implemented by the People's Organizations (POs);

WHEREAS, there is a need to validate the actual physical accomplishments of the FSP;

NOW THEREFORE, for and in consideration of the aforementioned premises and covenants hereinafter set forth, the Parties hereto mutually agree, as follows:

1. The DENR R_____ shall:
 - 1.1 Provide the funds needed in carrying out the physical validation tasks assigned to the Contractor as stated in Section 4 of this Memorandum Circular and in accordance with the approved detailed Work and Financial Plan to be submitted by the Contractor;
 - 1.2 Provide orientation on the revised Monitoring and Evaluation (M and E) Guidelines and the methodologies to be used in the validation of the physical accomplishments of the project;
 - 1.3 Assists the Contractor in establishing proper linkages and communication with the concerned DENR field offices, as well as with the AO, POs, and LGUs, to ensure the smooth implementation of the tasks stipulated in this Contract;
 - 1.4 Define the area to be covered by each validation pass and issue the necessary notice to start each pass;
 - 1.5 Ensure the active participation of DENR staff throughout the validation period;
 - 1.6 Prescribe the outline/format of the Physical Validation Report to be submitted by the Contractor;
 - 1.7 Monitor the progress of the physical validation activities of the Contractor;
 - 1.8 Review and accept the reports submitted by the Contractor;
and

1.9 Review and process claims for payment by the Contractor.

2. The Contractor shall:

- 2.1 Organize and mobilize its M and E/Physical Validation Team following the approved team composition and schedule;
- 2.2 Ensure that its monitoring team undergo orientation pursuant to Section 14 of this Circular;
- 2.3 Prepare and submit to the RED concerned, for approval, a detailed Work and Financial Plan within fifteen (15) calendar days from the date of signing of this Contract. Provided that the detailed Work and Financial Plan shall be based on the schedule of activities and outputs required of the Contractor as set out in Annex A of this Circular. Provided further that the detailed workplan shall indicate the monthly activities and corresponding cash flows for the entire duration of the Contract and shall include the composition of the Physical Validation Team;
- 2.4 Make sure that the activity and manning schedule in the submitted proposal is followed. If there has to be changes in the composition of the Team, it shall ensure that the qualification of the replacements is equal or better than the previously listed team member and that the consent and approval of the DENR is obtained;
- 2.5 Implement the approved Work and Financial Plan, which shall include the following major tasks:
 - 2.5.1 Locate and verify on the ground the project and plantation boundaries and corner/block markers established by the PO;
 - 2.5.2 Assess the seedling production of the PO;
 - 2.5.3 Establish the total area planted as of a particular period;
 - 2.5.4 Conduct a 20% systematic sampling of all planted areas for purposed of survival counting and seedling height and diameter measurement;

- 2.5.5 Evaluate the maintenance and protection work of the PO and assess the overall quality/health of the plantations established;
- 2.5.6 Inspect and evaluate the current condition of infrastructure facilities;
- 2.5.7 Prepare the necessary maps and summary tables to reflect the findings of the above investigations; and
- 2.5.8 Prepare a report outlining findings with the recommended actions on problems identified.

2.6 Submit the required copies of the reports on time.

2.7 Submit the required documentation of expenses for billing purposes.

3. The total budget for this Contractor shall not exceed _____ (P _____), which shall cover a period not exceeding _____ from the signing of the Contract. Provided, that the actual amount of money to be released each year shall not exceed the amount indicated in the approved Work and Financial Plan.

The Contractor shall be entitled to a mobilization fee equivalent to a maximum of fifteen percent (15%) of the total first year cost.

The fund requirements of this Contract, as stipulated in the approved Work and Financial Plan, shall be released on output basis subject to the submission of a progress report or the agreed output/report and a disbursement report covering the period during which funds were utilized, which will be reviewed and approved by the DENR.

Provided that any undisbursed amount for a pass, if fully explained and justified by the Contractor, shall be reprogrammed and incorporated into the budget of subsequent passes in order to complete the remaining scheduled activities and target outputs.

In case the Contract is cancelled for reasons stated in Section 19 of this Circular, the (NGO) shall refund/return to DENR funds previously released by the DENR, which do not have corresponding accomplished activities, per the evaluation undertaken by the DENR.

4. This Contract shall take effect upon signing hereof and shall remain valid and in force for a maximum period of _____ unless sooner revoked in writing by mutual agreement of both parties.
5. This Contract may be revised, amended or modified only through a written instrument duly executed and signed by both parties.

IN WITNESS HEREOF, the parties hereto have signed this Contract on this _____ day of _____, 2000 at _____.

REGIONAL EXECUTIVE DIRECTOR
DENR R_____

NGO

WITNESSES

ANNEX E

**CONTRACT FOR THE MONITORING AND
EVALUATION
(INSTITUTIONAL AND PROJECT BENEFIT
ASSESSMENT COMPONENT)
OF THE FORESTRY SECTOR PROJECT**

KNOW ALL MEN BY THESE PRESENT:

This Agreement entered into by and between:

The **REGIONAL OFFICE OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, REGION ____** referred herein as **DENR R____** with principal office at the _____ and represented in this Agreement by its Regional Executive Director _____;

AND

The _____, a duly registered Non-Governmental Organization (NGO) with principal office at _____ and represented in this Agreement by its _____ (*Title or position of the NGO head*), _____ (*Name of Officer*) and referred herein as the Contractor.

WITNESSETH:

WHEREAS, the DENR R- _____ is mandated to lead the implementation of the Forestry Sector Project (FSP) which aims to restore the forest cover of denuded forestlands in selected subproject areas and thus enhance environmental/ecological balance and generate socio-economic benefits to the local community;

WHEREAS, the FSP aims to strengthen the People's Organizations (POs) so they can sustain FSP initiatives and can be

effective forest resource managers of the CBFM area that is entrusted to them;

WHEREAS, the FSP has, a major components, Community Organizing (CO) with services provided by Assisting Organizations (AO) or Assisting Professionals (AP), and Comprehensive Site Development (CSD) which is being implemented by the POs;

WHEREAS, there is a need to assess the PO capability and document the project benefits that have been generated by the FSP.

NOW THEREFORE, for and in consideration of the aforementioned premises and covenants hereinafter set forth, the Parties hereto mutually agree, as follows:

1. The DENR R_____ shall:
 - 1.1 Provide the funds needed in carrying out the institutional and project benefit assessment assigned to the Contractor as stated in Section 4 of this Memorandum Circular 2000 and in accordance with the approved detailed Work and Financial Plan to be submitted by the Contractor;
 - 1.2 Provide orientation on the revised Monitoring and Evaluation (M and E) Guidelines and the methodologies to be used in the institutional and project benefit assessment;
 - 1.3 Assists the Contractor in establishing proper linkages and communication with the concerned DENR field offices, as well as with the AO, POs, and LGUs, to ensure the smooth implementation of the tasks stipulated in this Contract;
 - 1.4 Issue to the Contractor the necessary notice to start the assessment;
 - 1.5 Ensure the active participation of DENR staff throughout the assessment period;
 - 1.6 Prescribe the outline/format of the Institutional and Project Benefit Assessment Report to be submitted by the Contractor;
 - 1.7 Monitor the progress of the activities of the Contractor;

- 1.8 Review and accept the reports submitted by the Contractor;
and
 - 1.9 Review and process claims for payment by the Contractor.
2. The Contractor shall:
- 2.1 Organize and mobilize its Institutional and Project Benefit Assessment Team following the approved team composition and schedule;
 - 2.2 Ensure that its Team undergo orientation pursuant to Section 14 of this Circular;
 - 2.3 Prepare and submit to the RED concerned, for approval, a detailed Work and Financial Plan within fifteen (15) calendar days from the date of signing of this Contract. Provided that the detailed Work and Financial Plan shall be based on the schedule of activities and outputs required of the Contractor as set out in Annex B and C of this Circular. Provided further that the detailed workplan shall indicate the monthly activities and corresponding cash flows for the entire duration of the Contract and shall include the composition of the Physical Validation Team;
 - 2.4 Make sure that the activity and manning schedule in the submitted proposal is followed. If there has to be changes in the composition of the Team, it shall ensure that the qualification of the replacements is equal or better than the previously listed team member and that the consent and approval of the DENR has been obtained;
 - 2.5 Implement the approved Work and Financial Plan, which shall include the following major tasks:
 - 2.5.1 Review available documents/records/studies and conduct rapid appraisal/key informant interviews to assess the organizational, financial and management capability of the PO;
 - 2.5.2 Assess the capability of the PO to sustain rehabilitation and forest protection work through key informant interviews with PO members and SUSIMO staff, spot checks of CSD areas and

review of site development data/physical validation studies/PO documents;

- 2.5.3 Assess the financial viability of the PO and its capability to sustain its livelihood initiatives through review of records, key informant interviews and discussions with PO members and SUSIMO staff;
- 2.5.4 Identify immediate and potential socio-economic benefits of the project to PO members and the community;
- 2.5.5 Identify verifiable evidences that would indicate the future environmental impacts of the project;
- 2.5.6 Prepare a report on the above findings, which should include specific recommendations to address performance gaps and issues;
- 2.5.7 For follow-up studies or subsequent passes, review actions taken on recommendations made in the previous assessment; and
- 2.5.8 Document lessons learned from FSP implementation.

2.6 Submit the required copies of the reports on time.

2.7 Submit the required documentation of expenses for billing purposes.

- 3. The total budget for this Contractor shall not exceed _____ (P _____), which shall cover a period not exceeding _____ from the signing of the Contract. Provided, that the actual amount of money to be released each year shall not exceed the amount indicated in the approved Work and Financial Plan.

The Contractor shall be entitled to a mobilization fee equivalent to a maximum of fifteen percent (15%) of the total first year cost.

The fund requirements of this Contract, as stipulated in the approved Work and Financial Plan, shall be released on output

basis subject to the submission of a progress report or the agreed output/report and a disbursement report covering the period during which funds were utilized, which will be reviewed and approved by the DENR.

Provided that any undisbursed amount for a pass, if fully explained and justified by the Contractor, shall be reprogrammed and incorporated into the budget of subsequent passes in order to complete the remaining scheduled activities and target outputs.

In case the Contract is cancelled for reasons stated in Section 19 of this Circular, the (NGO) shall refund/return to DENR funds previously released by the DENR, which do not have corresponding accomplished activities, per the evaluation undertaken by the DENR.

4. This Contract shall take effect upon signing hereof and shall remain valid and in force for a maximum period of _____ unless sooner revoked in writing by mutual agreement of both parties.
5. This Contract may be revised, amended or modified only through a written instrument duly executed and signed by both parties.

IN WITNESS HEREOF, the parties hereto have signed this Contract on this _____ day of _____, 2000 at _____.

REGIONAL EXECUTIVE DIRECTOR
DENR R_____

NGO

WITNESSES

DENR Memorandum Circular
No. 2001 – 05
January 22, 2001

SUBJECT : Preparation and Submission of an Island Physical Framework Plan for Small Island/Island Group.

Pursuant to the provisions of Department Administrative Order No. 83, Series of 2000 and in consonance with the policy directions in the management and development of small islands including its coastal areas, the following rules are hereby issued for the guidance of all concerned.

1. All PENRO/CENRO having administrative jurisdiction over small islands/group of islands are hereby required to prepare and submit an Island Physical Framework Plan (IPFP) for each small island/island group, as the case maybe, following the general outline attached hereto as Annex “A”. The IPFP shall serve as the written guide for the effective utilization, sustainable development and management of small islands including its coastal areas for the provision of desired benefits.
2. The Island Physical Framework Plan shall be prepared following the IPFP Process as shown in Annex “B”. The IPFP shall be the basis in the approval or denial of application for Small Island Management Agreement (SIMA). The SIMA shall be prepared by the CENRO concerned in the form shown in Annex “C” hereof. No SIMA shall be approved if the same is not in accordance with the submitted IPFP.
3. In the implementation of the IPFP, the DENR Office concerned may enter into a Memorandum of Agreement with the Natural Resources Development Corporation (NRDC) designating the said office as implementor of the project within small islands if NRDC is willing to develop the island.

4. The importance of the IPFP lies not only in its own specified purpose but also in the role it plays in the protection, conservation and management of the island's resources. As such, development projects to be introduced in small islands shall be subject to the requirements of the Environmental Impact Statement (EIS) System. No developmental activity in small islands shall be allowed without an Environmental Compliance Certificate (ECC).
5. In the implementation of the EIS System, the applicant for SIMA shall shoulder the cost of review of its EIS/IEE, as provided for in Section 2.0, Article VIII of DAO 96-37, which shall be placed in an EIS Review Support Fund to be handled by a third party Fund Manager in order to achieve greater transparency and objectivity of the EIS review process.
6. The draft IPFP shall be reviewed by the Regional Executive Director who shall submit the same to the Small Island Technical Review Committee (SITRC) created for the purpose, for final evaluation prior to the approval of the Secretary.

This Order shall take effect immediately.

(Sgd.) ANTONIO H. CERILLES
Secretary

GENERAL OUTLINE FOR THE ISLAND PHYSICAL FRAMEWORK PLAN

Foreword

Table of Contents

Introduction

Part I - Vision and Principles

1. Development Vision

(Includes perceived needs and aspirations, development goals and plans and programs of the region, provinces and municipalities, including the private sector)

2. Guiding Principles

(Should be supportive of the national policies and strategies in addressing food security, environment stability, ecological integrity, recognition of rights of Ips, public-private sector partnership, equitable access to physical resources, market orientation, etc.)

Part II- The Planning Environment, Challenges and Strategies

1. The Planning Environment

1.1 Biophysical Environment

1.1.1 Geographic Location

1.1.2 Administrative Boundaries

1.1.3 Land Area

1.1.4 Geology

1.1.5 Flora and Fauna

1.1.6 Water Resources

1.1.7 Climate

1.1.8 Land Classification

1.1.9 Land Utilization

- 1.2 Demographic Profile (Includes population size, sex, ethnic groups, density, distribution and migration pattern)
- 1.3 Socio-Economic Profile
 - 1.3.1 Economic Activities
 - 1.3.2 Institutional/organizational Context (Includes existing IPs, POs, NGOs, OGAs, LGUs, non-formal groups, etc.)
2. Management Strategies
 - 2.1 Strict Conservation Use (Less than 500 ha)
 - 2.2 Restrictive Use (500 to 5,000 ha)
 - 2.3 Sustainable Development (5,000 to 50,000 ha)
3. Development Challenges (discuss challenges such as environmental degradation, lack of institutional linkages, increasing population, among others in the context of the identified management strategy/ies for the small island).

Part III - Development and Land Use Plan

1. Zoning Plan (Describe the different zones or appropriate land uses of the island, e.g. location, size, features, etc.)
 - 1.1 Development Zones
 - 1.1.1 Eco-destination
 - 1.1.2 Plantation establishment
 - 1.1.3 Recreation area/Settlements/Foreshore
 - 1.1.4 Hotels/Ports/Piers and Other Special Forestland Uses
 - 1.1.5 Other Land Uses (agricultural, mining, institutional, etc. consistent with the approved CLUP)

1.2 Protection Zones

(Protection zones are lands and/or other physical resources that need to be protected, conserved, or rehabilitated, including areas that require the prevention or mitigation of disasters, e.g. mangrove areas/coral reefs, old growth forests, areas more than 50% in slope and above 1,000 meters in elevation, etc.)

- Zoning plan should show any of the zones prescribed from 1.1 to 1.5 or any combination thereof. A bond size proposed land use map of the island showing the various zones should be included in this chapter. The same map of the island with a scale of 1:25,000 should be submitted to the Regional Office and Central Office. The map should follow the color coding and map elements prescribed in the HLURB guidelines, if applicable.

2. Planning Issues/Concerns

2.1 Socio-Economic impact

2.2 Environmental impact

2.3 Other expected impact

Part IV - Implementing Mechanisms

1. Policy Requirements
2. Investment Requirements
3. Institutional Arrangement
 - 3.1 Role of Stakeholders
 - 3.2 Linkages
4. Monitoring and Evaluation

ANNEX: Existing Land Use Map for _____
(Name of Small Island)

Glossary of Terms

ANNEX “B”

Overview of the Island Physical Framework Plan

The Island Physical Framework Plan (IPFP) planning process adopts the traditional planning methodology namely: a) data collection and assembly; b) preliminary analysis and review of existing plans; c) setting of goals and objectives; d) analysis of data; e) selection and evaluation of management strategies; f) identification of development concerns versus preferred management strategy/ies; g) formulation of the physical plan; h) consultation, review, and approval process; and I) implementation and monitoring.

A. Data Collection/Assembly

A crucial preliminary step in the overall planning process is the gathering of information. Taking notice of the time frame of the IPFP preparation, secondary data may be utilized. Primary data is resorted to in the absence of available secondary data or when current data is crucial to the integrity of the plan. Existing land use information should be current, therefore, maps and aerial photographs need to be updated by field verification.

B. Preliminary Analysis and Review of Existing Regional/Provincial Physical Framework Plans and Comprehensive Land Use Plans

The Regional/Provincial Physical Framework plan, Comprehensive Land Use Plans are documents that could serve as the major sources of information about the island’s development potential. In addition, other existing documents are collected e.g. integrated Area Development Plans, River Basin/Watershed Development Plans, Socio-Economic Development Plans, City/Municipal Comprehensive Land Use plan, etc. These

documents serves as input in the conduct of preliminary analysis and review of existing plans and development objectives vis-a vis the comparative advantage and development concerns of small islands.

C. Setting of Goals and Objectives

Considerations in the formulation of goals and setting of objectives are the perceived needs and aspirations of the population, the development goals of the region, province and municipalities, including the plans and programs of the private sector.

In like manner, the goals and objective of the IPFP are supportive of the goals and objectives enunciated in the Regional/provincial Physical Framework Plan and Comprehensive Land Use plans to conform with the vision of the region, province and city/municipality.

D. Analysis of Data

Using the abovementioned documents as bases, the existing conditions are assessed, problems and issues identified, and development potentials of small islands are evaluated.

Data analysis entails resource inventory of taking stock of what an island has to determine whether existing resources are adequate for present and future requirements.

In this phase, the planner is expected to have a thorough situational insight of the island through analysis and synthesis of data gathered in the data collection phase. Data is processed and translated into maps, graphs, tables and text to serve as the bases for making planning proposals.

E. Selection and Evaluation of Management Strategy/ies

Based on a detailed assessment of the island resources and development problems, potential and constraints, the spatial

pattern espoused in the RFPF, PFPF, and CLUP are evaluated, validated and confirmed.

Unlike the RFPF, PFPF and CLUP, however, the strategies for the IPFP are more detailed and prescriptive as these are predicated on the size or area of small islands. The management strategy/ies preferred are carefully studied for a rational assignment of the management approach in relation to the identified development challenges of the islands. Presentation of the rational or bases for choice of strategy is discussed to allow decision makers to choose the appropriate development thrust for the small island.

F. Identification of Development Challenges versus Preferred Management Strategy/ies

This is the phase where development challenges are identified after the best management strategy/ies option is selected. Development challenges are presented as it related to the effective implementation of the selected management strategies. It is important to determine problem areas such as land use conflicts; environmental degradation such as flooding; soil erosion; etc. for purposes of identifying the constraints and weaknesses of the island vis-a-vis its development potentials and strengths.

G. Formulation of the Island Physical Framework Plan

After the preferred management strategy and development challenges have been identified, detailing of the chosen strategy into three essential components; Zoning Plan (Proposed Land Use), Planning Issues and Concerns and the Implementing Mechanisms are done.

H. Consultation, Review and Plan Approval

Several steps are followed in the plan approval process. The CENRO/PENRO concerned prepares the draft IPFP for review by the Regional Executive Director who shall subject the same for public consultation before submitting the draft IPFP to the Small

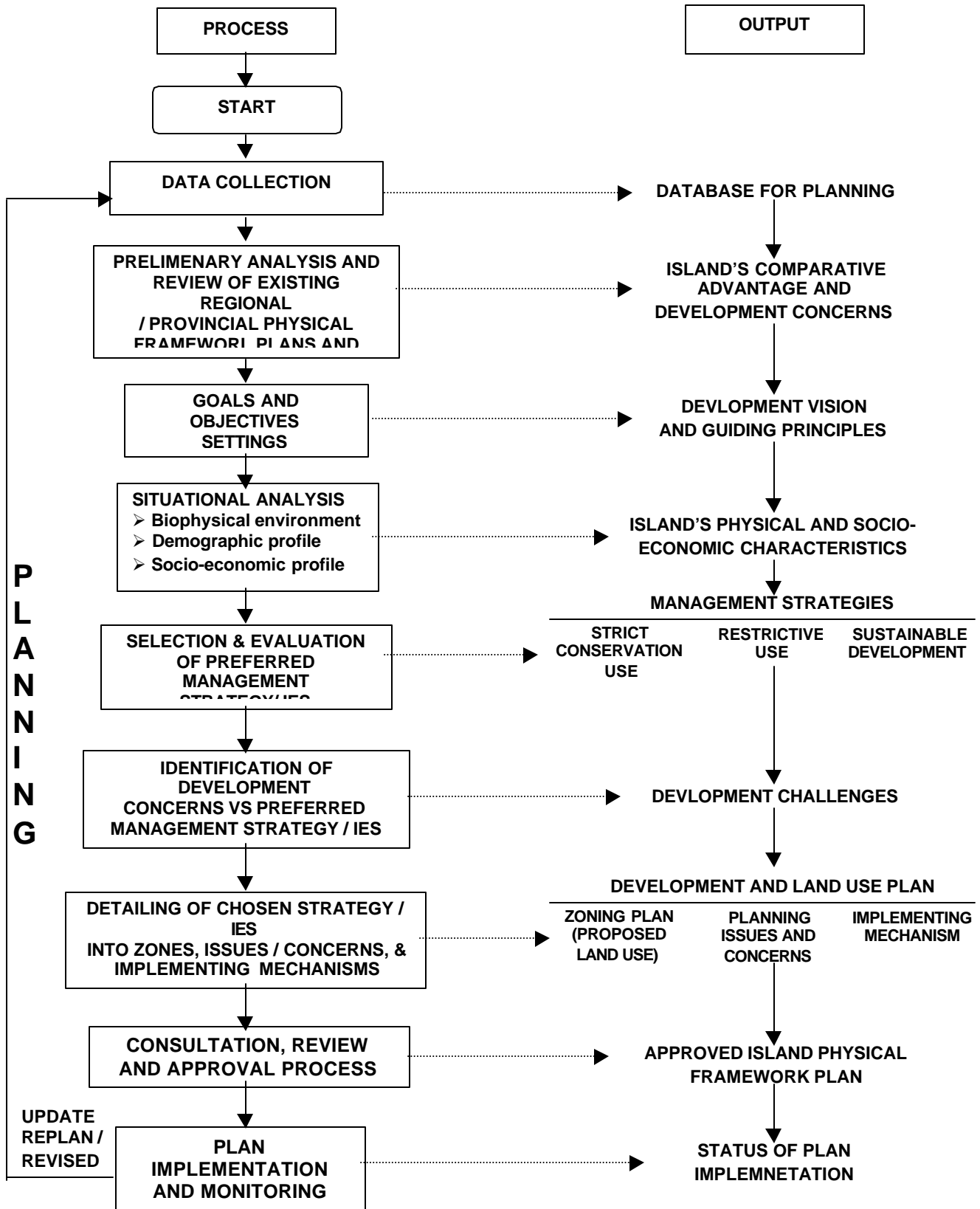
Island Technical Review Committee (SITRC) for final evaluation. The SITRC created for the purpose is chaired by the Undersecretary for International Commitment and Local Government Affairs with the Assistant Secretary for Planning, Policy Studies and Economic Affairs as Vice Chairman and members composed of Bureau representative and other Offices concerned supported by a Technical Secretariat from the Policy and Economic Affairs Services. The SITRC, after deliberation and evaluation, shall endorse the draft IPFP to the Secretary for approval. These steps are adopted to ensure the acceptability of the plan by: the general public, the local government units, other government agencies and other interested parties.

I. Implementation and Monitoring

This step is the most crucial component of the planning process. Policy measures are incorporated to ensure that the IPFP is implemented.

The Secretary issued directive mandating the PENRO/CENRO to use the IPFP, as the framework plan in the evaluation and processing of SIMA applications and other development activities to be introduced in the island. The IPFP shall be used as input in the preparation/updating of the RPPF, PPF and CLUPs of cities/municipalities.

IPFP PROCESS FLOW CHART



SMALL ISLAND MANAGEMENT AGREEMENT
SIMA No. _____

of

Name of the SIMA Holder

Location and Size of the Area

WHEREAS, this Agreement made and entered into by and between the SECRETARY of the DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES with postal address at Visayas Avenue, Diliman, Quezon City for and in behalf of the Republic of the Philippines, and _____ with postal address at _____ herein referred as the SIMA HOLDER:

WHEREAS, pursuant to PD 705 as amended, CA 141 as amended, E.O 192, RA 7942, RA 7586, DENR Administrative Order No. 2000-83 and other related existing laws, rules and regulations place the sustainable management and development of the country's natural resources under the full control and supervision of the State or allow the State to enter into co-production, joint venture or production sharing agreements with Filipino citizens or corporations;

WHEREAS, the management of the small island in a sustainable basis is encouraged as a government policy to ensure that environmental considerations are incorporated in all developmental activities within the small islands, to achieve equitable distribution of opportunities, income and wealth and to

encourage the communities, NGOs and other governmental agencies to participate in the rehabilitation, improvement and sustainable use of the natural resources within the small islands;

WHEREAS, the SECRETARY and the SIMA holder desire to enter into this Small Island Management Agreement, hereinafter referred to as SIMA;

NOW THEREFORE, This Agreement made and entered on the ____ day of _____ by and between the Secretary of the Department of Environment and Natural Resources and the SIMA Holder hereby agree to the following and terms and conditions provided herein below:

WITNESSETH:

1. That the SIMA shall have a term of twenty-five (25) years, renewable for another twenty-five years and subject to the approval of the Secretary.
2. That the SIMA holder shall within _____ from the date of this Agreement is entered into and under the supervision of the authorized representative of the Secretary, delineate and mark on the ground the perimeter boundaries of the SIMA area based on the land classification survey standard and established control points using Philippine Reference System (PRS) 92 on the ground. The boundaries of the SIMA area shall not be altered nor modified, except when public interest demands or upon mutual agreement by both parties.
3. That the SIMA holder shall within six (6) months from the date of this Agreement is entered into, submit to the DENR, a Small Island Management Plan (SIMP) covering the area applied for consistent with the approved Island Physical Framework Plan (IPFP). The SIMP shall contain the appropriate land uses allowed within this small island; the management, improvement, protection, and utilization of natural resources therein; environmental protection,

infrastructure development and community development arrangements with local communities and dependents within the SIMA area, if there are any. The SIMP shall be reviewed by the PENRO/CENRO concerned and approved by the RED.

4. That the SIMA holder shall manage and protect the production residual natural forest, if there is any, in accordance with laws and regulations governing forestlands. In the same manner, protection forests found therein shall not be subject to any form of utilization as prescribed under the IPFP. Moreover, mangroves and coral reefs shall in no way be allowed to be utilized.
5. That the sharing of profits shall be scheduled according to the following uses;
 - a. The sharing of profit arising from the utilization of established plantation by the SIMA holder shall be negotiated between the said holder and the DENR prior to cutting which shall not be less than the 5% of the gross sale and subject for review every five (5) years.
 - b. For recreational areas, settlements, bathing establishments, foreshores and other special forestland uses, the SIMA holder shall be charged an annual user fee/rental fee for the land not less than 5% of the appraised value of the land and 1% of the appraised value of the improvements and shall be subject for review every five (5) years.
 - c. For ecological destination, the amount of user/rental fee shall be based on the target market (capacity and willingness to pay), the type of destination (ecological uniqueness), the area to be developed and the extent of investment required which shall be determined by the assessment team created for this purpose, in accordance with existing rules and regulations on ecological destination.

6. That the SIMA holder shall pay the rental/user fee, due without the necessity of notification, on or before the 7th day of January of the following year and every year thereafter. For failure to pay the annual rental/user fee on the date due, the SIMA holder shall be penalized by additional charges to be fixed by the Secretary of DENR. Failure to pay without justifiable cause, the charges and surcharges within one year after the regular rental/user fee had become due and payable shall be sufficient reason for the cancellation of the agreement. However, for ecological destination, the payment for the rental/user fee shall be made within three (3) months after the assessment has been conducted.
7. No refund shall be made for the annual rentals paid for the use of the area covered by this SIMA due to its cancellation, before its expiration through the request of the SIMA holder or for violation of any terms and conditions of this SIMA or of any existing laws, rules and regulations.
8. Upon the expiration of this Agreement, all permanent improvements introduced, including forest crops, shall remain in the SIMA area, but the SIMA holder shall be entitled to fair compensation for such improvements with due consideration to the government share. The SIMA holder may remove any temporary or semi-permanent structures unless the Secretary opts to retain the same and pay the SIMA holder on the amount mutually agreed upon.
9. Fair compensation of any improvements, whether due to the government or to the SIMA holder, shall be determined by a committee composed of one representative of both the Secretary and the SIMA holder, and a qualified independent appraiser whose appointment shall be mutually agreed upon by the Secretary and the SIMA holder. The SIMA holder and Secretary shall bear equally the cost of the appraisal.
10. That in case of death of the SIMA holder, the Agreement is deemed terminated. All permanent improvements, including

plantations, shall become the property of the estate of the SIMA holder. If the heir/s are qualified to hold the SIMA, a new agreement between the Secretary and the surviving heirs of the SIMA holder maybe executed for the remaining period of the SIMA, in accordance with the requirements provided under existing regulations, *provided* that the heir/s file an application within three (3) months after the death of the SIMA holder. If the heirs are not qualified or elect not to enter into a new agreement, the estate shall be entitled for compensation for all the permanent improvements thereon, with due consideration to the government share, payment of which shall be borne by the party entering into a new agreement.

11. In the event of the cancellation of the agreement due to the fault of the SIMA holder, all improvements existing within the area shall be forfeited in favor of the government. If a new Agreement is executed by and between the Secretary and another party, such improvements shall be appraised and the new SIMA holder shall compensate the government within ninety (90) days upon execution of the said agreement.
12. That this agreement may be renewed for ANOTHER TWENTY FIVE (25) YEARS upon the filing of an application for renewal at least sixty (60) days prior to its expiration; *Provided*, that if no application for renewal is filed within the said reglementary period, the area is considered vacant and its disposition shall be governed by the regulations current at the time.
13. That the SIMA holder shall not sublet the area or any part thereof, including improvements therein, assign such agreement or encumber the rights hereunder without prior written permission from the Secretary.
14. That in case the said holder shall be permitted to sublet the whole or any part of the improvements on the land, the government and the SIMA holder shall be entitled to a share of

fifty per centum (50%) each of the sublease rental in excess of 10% of the assessed value of the improvements subleased.

15. That this Agreement may only be amended upon mutual consent by the parties herein and executed in a written instrument.
16. The Secretary or his duly authorized representative/s shall exercise visitorial power to ensure faithful compliance of the terms and conditions of this Agreement and extend necessary technical assistance as identified in the SIMP.
17. That the SIMA application filed and the SIMP on which the granting of this agreement is predicated, shall be considered as part of this agreement and any omission or misrepresentation in, or violation of the statements in the said documents shall give the right to the DENR to rescind this agreement to recover the land and to forfeit all amounts already paid and the improvements made or existing thereon.
18. That this agreement shall remain in effect until _____ unless sooner terminated under the provisions thereof, and that no presumption of renewal or continuance beyond the day can arise for the SIMA holder hereby waiving all rights in this respect conferred by the pertinent provisions of the Civil Code.
19. That this Agreement may be terminated for failure to comply with any of the terms and conditions provided for in paragraph 1 to 18 hereof and other pertinent laws, rules and regulations.

IN WITNESS WHEREOF, the said parties have hereunto
set their hands.

DENR Secretary

SIMA Holder

SIGNED IN THE PRESENCE OF:

REPUBLIC OF THE PHILIPPINES)

:S.S

)

On this _____ day of _____, before me a notary public personally appeared _____ and _____, Secretary, DENR, with Residence Certificate Nos. _____ and _____ issued at _____ and _____ on _____ and _____, respectively to me known to be the same persons who signed the foregoing document and acknowledged to me that on behalf of the Republic of the Philippines have executed the same as their free and voluntary act.

The within contract, conveying one (1) parcel of land, and consisting of five (5) pages, including those on which this acknowledgment and the technical description of the land are written, has been signed by them and their two (2) witnesses on the left margin of each and every page thereof.

Each and every page of the contract is sealed with my notarial seal.

NOTARY PUBLIC

My Commission expires on

_____, 20____

Doc. No. _____;

Page No. _____;

Book No. _____;

Series of _____;

SERIAL No. _____

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

SMALL ISLAND MANAGEMENT AGREEMENT APPLICATION

Regional Office No. ____ PENR Office _____ CENR Office _____

I. I hereby file this application for (check appropriate box/es)

- | | |
|--|---|
| <input type="checkbox"/> Ecodestination | <input type="checkbox"/> Other Special Forestland
Uses (specify) _____ |
| <input type="checkbox"/> Plantation Establishment | <input type="checkbox"/> Mixed Use |
| <input type="checkbox"/> Recreation Use/Settlements/
Bathing/Establishments/
Foreshores/Hotels/Ports/Piers | <input type="checkbox"/> Others (specify) _____ |

II. The land applied for is more particularly described in the IPFP as follows:

Lot No. _____ Survey No. _____ Area (ha/sq/m/) _____
Location (Barangay, Municipality/City) _____
Province of _____

III. My personal circumstances are as follows:

Name of Applicant: _____
Address: _____
Age: _____ Place of Birth: _____ Civil Status: _____
(if married, state name of spouse, birthplace, citizenship, residence address
and attach his/her marital consent)

If application is filed in the name of heirs of a deceased claimant, indicate
the name of predecessor in interest below:

Name: _____ Address: _____
Age: ____ Date of Birth: _____ Place of Birth: _____
Citizenship: _____ Civil Status: _____
Name of Spouse: _____

IV. Questions which must be answered by the applicant: (check appropriate box/es):

1. Is the land applied for claimed by any other person or subject of any case/dispute involving ownership?

Yes

No

2. Is the land applied for claimed by any other person or subject of any case/dispute involving ownership?

Yes

No

I agree to all conditions, terms, restrictions, prohibitions imposed on this application and to observe the liens, encumbrances, easements and servitudes provided by laws, rules and regulations and declare that I have met all the qualifications and none of the disqualifications required for this application as provided by the pertinent laws.

I understand that if I willfully and knowingly submit false statement and apply for SIMA despite not being qualified to do so, my application shall be rejected or cancelled, and all amounts paid on account thereof shall be forfeited in favor of the government and I shall no longer be entitled to apply for any SIMA in the Philippines.

I have read and thoroughly understood this application and I affirmed that this was translated to the dialect that I understand and that all the statements therein are true and correct to my knowledge and belief.

Applicant

SUBSCRIBED AND SWORN to before me, this ____day of _____ 20____, at _____ applicant exhibiting his/her Community Tax Certificate No. _____ issued at _____ on _____ 20_____.

Notary Public

Officer Authorized to Administer Oath

Doc. No. _____

Page No. _____

Book No. _____

Series of _____

IMPORTANT NOTE: This application is to be submitted in quadruplicate and must comply with all the Requirements, otherwise, it will not be accepted. A checklist of requirements for each kind of application form is attached to this document.

DENR Memorandum Circular

No. 2001- 07

March 13, 2001

**SUBJECT : Monthly Progress Report Form for
the Forestry Sector Project.**

In the interest of the service and to promote efficient and effective implementation of the Forestry Sector Project, the Monthly Progress Report found in Annex A shall be used in the monitoring of the Forestry Sector Project. This form replaces Form 02 contained in DENR MC 97-22.

The Sub-project Site Management Office (SUSIMO) shall be responsible for preparing the monthly report, which shall be submitted not later than 25th day each month in compliance with the DENR's standard reporting system. The Site Management Officer (SMO) shall ensure that the report is in order before such is submitted to higher authorities. The instructions in Annex B hereof on how to accomplish the form shall be followed.

The SUSIMO shall submit copies of the report through channel together with the advance copy for the National Forestation Development Office (NFDO). The Regional Office shall be responsible for the submission of the report of the Secretary, attention NFDO Project Director, after it has been properly endorsed by the CENRO and PENRO.

This Circular takes effect immediately.

(Sgd.) JOEMARI D. GEROCHI
OIC, Secretary

Annex A

FSP Form 01 Monthly Progress Report Form

Region : _____
Name of Sub-Project : _____
Location/Sub-Location : _____
Type of Project : ___ Watershed ___ Mangrove _____

I. Community Organizing/Capability Building

Start of CO : _____
Current AO/AP : _____
CO Time Elapsed : _____

A. Status of CO Milestones:

Milestones:	Status:
PO Organization and Structure	
1.	
2.	
3.	
4.	
5.	
Forest Resource Management	
1.	
2.	
3.	
4.	
5.	
Management System Development/Installation	
1.	
2.	

3.	
4.	
5.	
Livelihood	
1.	
2.	
3.	
4.	
5.	
Remarks:	

B. Training Conducted

Date	Title	Venue	Participants	Trainers

III. Infrastructure

Date of submission of Infra Plan to Regional Office: _____

Status of Detailed Design and Construction:

Type of Infra and Target	Detailed Design			Construction		
	Start Date	% Completion To Date	Completion Date	Start Date	% Completion To Date	Completion Date

IV. Problems and Issues

Problem/Issue	Description of Problem/Reasons for Delays and Actions Taken	Actions Required from Region/NFDO
1.		
2.		
3.		
4.		
5.		
6.		
7.		

II. Comprehensive Site Development

Total area for development under contract:

Contract Time Elapsed:

Contract period:

Contract amount:

CSD Compo nents/ Major Activi- ties	Physical Targets					Cumulative Accomplishments				Balan ce	Balan ce as % of Revis- ed Tar- get
	Orig inal Con tract	Revi- sed Con- tract	Target for the Year			Valid ated This Year	Valid ated To Date	Unva- lida- ted	Valid ated as % of Revis ed Tar- get (j) = (h)/(c)		
			New Target	Back- logs	Total						
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j) = (h)/(c)	(k) = (c) - ((h) + (I))	(l) = (k)/ (c)

Annex B

How to Fill Out the Monthly Progress Report (FSP Form 01)

Basic Information

Enter first the basic information to identify the project site: the **Region** where the subproject is located, the **Name of the Sub-Project**, and the **Location** of the sub-project/sub-location in terms of the barangay, municipality and province. Then put a check mark on the appropriate space to indicate if the site is a watershed or mangrove project area.

I. Community Organizing/Capability Building

Before proceeding to the milestones, enter the following data:

Start of CO – the date when the Notice to Proceed (NTP) was issued to the first CO contractor, irrespective of whether the contract was completed or eventually terminated. This date is just to indicate the actual start of CO activities in the community. This entry will remain the same in every monthly report.

Current AO/AP – the name of the NGO/AO/AP currently providing assistance to the community. This data element serves to inform the user of the report if and what type of external assistance is currently available to the PO.

CO Time Elapsed – the period that has elapsed since the start of CO. This is computed by dividing the number of months that have passed since the start of CO (original AO contract) by the total number of months from the start of CO up to the end of FSP (i.e., end of 2003). This allows the user of the report to make a quick analysis as to the pace of CO and determine if the expected CO/capability building results can still be attained within the

remaining period. A simple Excel worksheet will be introduced to the SUSIMO for the automatic computation of the time elapsed.

A. Status of CO Milestones

From the list of CO milestones/key results listed and defined in the table below, identify those which will be given priority during the year. List them in the first column of the form. At the end of each month, describe in the second column the activities of the AO, AP and SUSIMO corresponding to the identified milestone. Include in the description important dates such as date of the CBFMA, date of PO registration, and date of training. If a milestone is completed during the month, enter “Milestone completed” and maintain such entry in the succeeding months.

Many of the milestones are the results of a process of training/coaching (e.g., system for info dissemination, financial reporting, forest protection plan and organization) so it may take some time after the training for it to be accomplished. The SUSIMO is to exercise judgment in determining if the desired result/milestone has in fact been achieved (and not just started).

PO Organization and Structure	
Pre-membership training and orientation on CBFM	The conduct of pre-membership training <u>and</u> orientation on CBFM for potential members of the PO
Written VMGO	The formal statement of the PO’s vision, mission, goals and objectives, which is usually expressed in the local dialect. The VMGO is part of the requirements for registration.
PO Registration	The formal registration of the PO organized (or registered, if previously organized but not registered) under the project with the SEC,

	BRW or CDA. If the PO is pre-existing and has previously been registered (i.e., not organized under the project), this should be so indicated and the date of the original registration should be noted in the report.
Written and updated organizational and functional chart	The drawing of the current organizational structure of the PO with the composition and functions of every unit clearly defined.
PO Committees formed	The PO committees which exist, i.e., with members elected/appointed and with meetings held.
Election of officers	The conduct of the election of officers in accordance with the PO's by-laws. This milestone should be reported every time an election is held.
General assembly	The conduct of a general assembly as required in the PO's by-laws (e.g., annually, quarterly, or six-monthly) This milestone should be reported every time the regular general assembly is held. The participation rate should be indicated for every general assembly is reported.
Membership development and continuing education/training plan	A written plan to promote PO membership and the continuing training/orientation of members on organizational development and forest management.
Forest Resource Management	
Approved CSD Plan	The three-year plan and budget for the development of the CSD area as approved by DENR RED and covered by a CSD contract between the PO and the DENR.
Pre-project land use map (CSD area)	A properly scaled map of the CSD area showing land uses before the implementation of the CSD.

Plantation register/ record	The record being maintained by the PO to document work done in the plantation areas. There must be a specific person/persons assigned to update the plantation register. This record will be the basis for reporting the status of the CSD.
Operations/progress map	The map of the CSD area showing the location and progress of site development activities. This map should be the same in scale and configuration as the pre-project land use map.
CBFMA	The CBFMA issued to the PO by the DENR. Indicate the area (hectares) covered by the CBFMA and the date of issuance.
Existing land use map (CBFMA area)	A properly scaled map showing the existing land uses within the whole CBFMA area. This should indicate the areas under CSD. This map is to be part of the CRMF.
Proposed land use map (CBFMA area)	The proposed land use map of the CBFMA area indicating the areas proposed for various forest management interventions, including the CSD. This map is to be part of the CRMF.
Prepared CRMF	The completed draft of the CRMF prepared by the PO with assistance from DENR and the AO. The draft is ready for submission to the DENR.
Affirmed CRMF	The CRMF affirmed by the DENR. Cite the date of affirmation.
Prepared RUP/AWP	The draft of the AWP with the RUP attached as prepared by the PO with assistance from DENR and the AO. The draft is ready for submission to the DENR.
Affirmed RUP/AWP	The RUP/AWP affirmed by the DENR. Indicate the date of affirmation.

<p>Forest protection plan and organization</p>	<p>A written plan detailing the forest protection measures to be undertaken by the PO and the forest protection team, organized and trained. Ideally, the forest protection plan should cover the whole CBFMA area.</p> <p>In upland areas, the forest protection plan should include a fire protection and suppression component. There must be a written plan detailing measures to be undertaken by the PO to prevent and suppress forest fires within the CBFMA area. The PO must have organized and trained its fire protection crew.</p>
<p>Internal monitoring group for site development</p>	<p>A group organized by the PO to monitor the implementation of site development activities, essentially to check if CSD outputs meet set standards for seedling quality, plant spacing, plantation maintenance, infra construction, etc. In some sub-projects, this group is called the IQIS.</p>
<p>Community Forestry Development Fund</p>	<p>A fund established by the PO in accordance with DAO 96-27. The fund is to be used specifically for future forest management and livelihood activities of the PO.</p>
<p>Management Systems Development and Installation</p>	
<p>Written and ratified membership policy</p>	<p>A written policy on membership requirements and the obligations of members. The policy should be accepted/approved through a general assembly.</p>
<p>Written and ratified capital build-up policy</p>	<p>A written policy on membership requirements and the obligations of members. The policy should be accepted/approved through a general assembly.</p>

Written and ratified policy on participation of members in the CSD	A written policy on the criteria for the selection of PO members who will participate in CSD, the obligation of the members and the terms of compensation. The policy should be accepted/approved through a general assembly.
Written and ratified policy on benefit sharing	A written policy on the equitable sharing among members of the benefits derived from the CSD and other economic enterprises of the PO. The policy should be accepted/approved through a general assembly.
Written and ratified policy on conflict resolution	A written policy specifying the procedures and methods in the resolution of conflicts among members of the PO. The policy should be accepted/approved through a general assembly.
Updated membership records	Updated records on all PO members, from which can be derived a membership profile. There must also be an agreed system for updating the records.
Bank account and agreed system for withdrawal of funds from the account	An account with a commercial or rural bank in the name of the PO, with duly designated signatories, irrespective of the amount currently in the account. The PO must have a clear system/policy re the withdrawal of funds.
Book of accounts established	A record where PO financial transactions are regularly recorded. These records will be the basis for preparing the financial reports.
Regular book keeper/accountant	Trained person, designated or hired, member or non-member, to maintain the book of accounts of the PO and prepare the required financial reports.
Financial reports	Financial reports (balance sheets, financial

	statement, statement of cash availability) regularly prepared by the PO for reporting to the BOD.
External financial audit	Audit conducted by an external group or individual of the financial records of the PO to determine the correctness of recording procedures, the completeness of financial reports and compliance with accounting and auditing rules. The results of the audit should be indicated.
System for documenting meeting	System for documenting the attendance, proceedings and decisions/resolutions in BOD, committee and general assembly meetings. The system includes the proper filing of these documents.
System for disseminating info to PO members	System for reporting the status of CSD and other PO-initiated activities to the Board and general membership. The specific methods used to disseminate information, (e.g., meetings, bulletin board, newsletter, etc) should be noted.
Livelihood	
Livelihood development plan	A written plan indicating the types of enterprises that the PO plans or considers to invest in, over the medium to long term, based on their assessment of the opportunities in the region and the resources of their area.
Completed feasibility studies	The completed feasibility study on a particular business enterprise indicating its investment requirements, risks and returns to investments.
Investment in livelihood projects	A specific income-generating enterprise in which the PO has made an investment, with the expectation of generating profits in the future. For each project started, indicate when

	such was started, the start-up capital used and the number of members directly benefiting from the project.
Organized management group	Trained personnel who are responsible for the day-to-day operations of the business activity of the PO. Each livelihood activity must have an organized management group even if some of the persons involved are the same.
System for monitoring employment and income generation	System for documenting the number of employment and amount of income generated by any business activity. The system for doing this must be described.
Organized marketing system	System and support facilities for the marketing of the products of the PO, which may include such support facilities as warehouses and storage areas, and a market information system.
CBU Fund/CRM	A fund established and maintained for eventual investment in an economic enterprise, irrespective of the current amount of the fund. This is known in some sites as Community Resource Fund (CRF) which is also called “sweet funds” as such are taken (as a percentage) from the wages of PO members who work in the project. Part of the CFDF that is earmarked for livelihood activities is equivalent to the CBU Fund.

Under **Remarks**, enter comments on any aspect of the CO components that are important for NFDO to know and which are not covered in the section on milestones and problems.

B. Training Conducted

List in the table on training all training activities conducted on-site and off-site (e.g., site-visits, region-based training), which are attended by members of the PO. Data required are:

Date – the inclusive dates of the training (start date to end date)

Title – the complete title of the training which should indicate the subject matter of the training. Meetings should not be included in the list.

Venue – the place where the training was conducted.

Participants – the number of those who attended the training. The participants can be segregated into PO members, non-PO members, LGU officials, DENR staff, and NGO staff.

Trainers – the specific persons, group or organization that provided the training.

II. Comprehensive Site Development

Before filing out the CSD table, enter some basic information about the CSD contract:

Total area under contract – the area coverage of the CSD contract, in hectares. If the area has been revised, put “(Revised)” beside the entry. If the CSD contract is for the expansion area under the JBIC loan extension, put the expansion area and “(Expansion)” beside it. The new targets are not to be added to the old targets.

Contract period – the inclusive dates of the existing contract. If the contract period has been revised/extended, put “(Revised)” beside the entry. If the existing contract is a new contract for the

expansion area, put the inclusive dates of the new contract and “(Expansion)” beside it.

Contract amount – the amount indicated in the CSD contract. If the contract amount has been revised, put “(Revised)” beside the entries. If the existing contract is a new contract for the expansion area, put the amount of the new contract and “(Expansion)” beside it.

CSD elapsed time- the time that has elapsed since the CSD contract started. This is computed by dividing the number of months that have elapsed since the start of the contract by the total number of months of the contract. Express in % by multiplying by 100. The elapsed time is to allow the user of the report to make a quick comparison with the % accomplishments of key activities and thus determine if there is sufficient time to complete all the CSD targets. For the delayed CSD contracts, this will indicate the time slippage that is currently being experienced. The elapsed time for new contracts (expansion areas) will be based on the new contract period.

The CSD table will require the following data:

CSD Components/Activities – the components and major activities that will be undertaken in the site in accordance with the CSD Work and Financial Plans. Note that the form only serves as a summary so that only the aggregate levels are being required in the report (it is assumed that the SUSIMO will maintain a separate file containing the detailed Work and Financial Plan). The SUSIMO should be able to fit the activities in the CSD Work and Financial Plans into the form.

Only the components which are to be implemented in the site are to be included in the form. The CSD components for watershed projects include:

- Reforestation
- Agroforestry
- Rattan plantation
- Bamboo plantation (not streambank planting)
- Rubber
- Streambank stabilization
- Agro-silvipasture
- ANR/enrichment planting

Following the revised Work and Financial Plan format, the following major activities are to be indicated under each component: seedling production, plantation establishment, protection and maintenance, and infrastructure. Protection and maintenance will include mainly four activities: ring weeding, fertilizer application, replanting and patrol works.

In the case of mangrove projects, the CSD components are the following:

- Delineation and mapping
- Reforestation (direct seedling)
- Reforestation (with nursery operations)
- Nipa plantation.

Similar to watershed projects, the major activities under the last three components are to include production/gathering of planting materials, plantation establishment, protection and maintenance, and infrastructure.

The components and activities identified at the start of the year should consistently be used up to the completion of the CSD contract, unless other major activities are added to the CSD WFP.

Original Targets – the activity targets for the duration of the CSD contract, as stipulated in the original or expansion area CSD contract. The units of measure to be used in presenting the various targets are found in the first column. If the targets for plantation establishment are expressed in number of seedlings, these are to be converted to hectares by SUSIMO, based on the prescribed spacing for planting.

Revised Targets – the revised activity targets for the duration of the CSD contract, as stipulated in the revised CSD contract. This is to include the actual accomplishments prior to contract revision. Ir there have been no revisions in the targets, reenter the original targets into the revised target column.

New Targets for the Year – targets for the year that have not been included in the targets reported in previous years.

Backlogs for the Year – targets for the year that constitute the unaccomplished targets in previous years.

Total (for the Year) – the sum of the new targets for the year and the backlogs from previous years.

Validated (Accomplishments) This Year – the actual CSD accomplishments from the start of the year up to the report month that have been validated by SUSIMO (e.g., if the report months is April, the validated accomplishments this year will be the reported accomplishments from January to April that have already been validated by SUSIMO).

Validated (Accomplishments) To Date – the actual CSD accomplishments from the start of CSD implementation up to the report month that have been validated by CIC (prior to the creation of SUSIMO) and SUSIMO. This will include all accomplishments that have been paid in the previous periods.

Unvalidated (Accomplishments) accomplishments reported by the PO but which have not yet been validated by the SUSIMO or are yet undergoing validation by the SUSIMO as of the end of the month.

Validated (To Date) as % of Revised Targets – the cumulative validated accomplishments to date divided by the revised target, expressed in %.

Balance – the remaining CSD targets that have yet to be accomplished. This is the difference between the revised targets and the total of the validated accomplishments to date and the unvalidated accomplishments.

Balance as % of Target – the balance of the targets, expressed as % of the revised targets.

III. Infrastructure

Enter the date when the infrastructure plan for a specific site has been submitted by the SUSIMO to the regional office for endorsement to the NFDO. If the plan is still under preparation, enter “Plan preparation ongoing” in the space provided. Until the plan is finally approved by the NFDO, put “plan approval pending” beside the indicated date of submission to the regional office.

When the detailed design is started, fill in the left portion of the table.

Type of infrastructure and target – list the type of infrastructure that have been approved for the site and the corresponding target, which can be in km for roads, lineal meters for bridges and wharf, ha for irrigation systems, and units for water supply.

Start date - put the date when the detailed design for the particular infrastructure commenced.

% Completion to Date – enter the overall cumulative % progress of the design work. At the completion of the detailed design, the entry should be 100%.

Completion Date – put the date when the design was finally completed.

At the start of construction, the right part of the table should be filled up, corresponding to the infra listed in the first column.

Start date – put the date when construction activities for the particular infrastructure commenced.

% Completion To Date – enter the overall cumulative % progress of construction. At the completion of its construction, the entry should be 100%.

Completion Date – put the date when construction was finally completed.

IV. Problems and Issues

Identify in the checklist below the problems that have occurred during the month. List in the first column of the form. Provide some details on these problems in the second column and present the actions taken at the site to resolve the issue. In the last column,

identify the actions that will be required of the Regional Office and the NFDO.

Problems/Issue	Description Details
1. Non-availability of quality planting materials/ insufficient seedling production by PO	Problems on availability of seeds/seedlings, either from the PO nursery or from external sources. Indicate the implications of this on CSD implementation.
2. Non-availability of area for planting	Cite the reasons for the lack of plantable areas and the implications of this on CSD implementation. Indicate implications of this on seedling production, if relevant (e.g., overgrown seedlings)
3. Occurrence of forest fire	The date when the forest fire occurred in any part of the CSD/CBFMA area. The cause of the fire, the area affected and the value of the damage should be indicated. This problem does not apply to mangrove areas.
4. Occurrence of pest and diseases	Pests and diseases observed in the plantations or any part of the CBFMA area. The type of the pest/disease, and the extent of actual and potential damage should be described.
5. Poor/insufficient maintenance activities by PO	Observations in the plantation areas that indicate poor maintenance and protection performance such as tall grasses, poor growth, yellowing of leaves, presence of stray animals, etc. The extent of the area where these are observed should be defined.
6. Unfavorable climatic conditions	The effects of unfavorable conditions on CSD implementation (e.g., impact of prolonged dry season or typhoons on the plantation)

7. PO organizational problems	Problems relating to the organization (e.g., leadership, PO policies) that are affecting CSD implementation and other PO activities
8. AO/AP problems	Lack or inappropriate actions/decisions of the AO/AP which have created problems in CO and CSD implementation. This could include their non-availability or limited availability on site.
9. DENR interventions/limited support	Specific DENR actions (or inaction) or decisions that have brought about problems/difficulties in CO and CSD implementation.
10. Delayed payment of billings	Billings that have remained unpaid for at least three months.
11. Peace and order problems	Peace and order related incidents in the project area that have constrained or caused delays in CO and CSD implementation.
12. Political interventions	Specific actions of political leaders that have adversely affected CO and CSD implementation.
13. Others	Specify other problems not listed above.

DENR Memorandum Circular
No. 2001 – 08
March 29, 2001

SUBJECT : Renewal of Expired Rattan Cutting Contracts.

In order to have a definite policy on expired Rattan Cutting Contracts (RCC), the renewal of the same shall be subject to the provisions of DAO 04, Series of 1989 and DAO 2000-11 as follows:

1. There is proof of sufficient rattan resources to warrant a viable and economic operations;
2. The holder has no pending case for violating the terms and conditions of its license; and
3. The holder has satisfactorily performed and/or complied with the terms and conditions of the original contract, including payment of Rattan Special Deposit.

The following additional conditions must also be satisfied:

1. The RCC area is not in conflict with the area covered by Certificate of Ancestral Domain Claims and Community Based Forest Management projects; and
2. The RCC area is not within declared prohibited areas where entry/forest exploitation is not allowed.

Copy of all renewed RCCs shall be furnished this Office and the Forest Management Bureau for record purposes.

This Order takes effect immediately.

(Sgd.) JOSEMARI D. GEROCHI
OIC, Secretary

**DENR Memorandum Order
No. 2001 – 14
October 22, 2001**

SUBJECT : Creation of the Itogon Integrated Watershed Management Project (IIWMP), Itogon, Benguet, Cordillera Administrative Region and Establishing a Project Management Office (PMO) at the Project Site.

I. BASIC POLICY:

In the interest of the service and in order to attain the socio-economic cultural and ecological goals within the watershed of the San Roque Multi-Purpose Project (SRMP), an Integrated Watershed Management Project within the Municipality of Itogon, Benguet, Cordillera Administrative Region, is hereby created to implement a Watershed Management Plan drawn up for the purpose at the project site. The Plan is in response to Resolutions numbers 16, 109 and 126 of the Municipality of Itogon using a bottoms up approach as part of the conditionalities for the social acceptability of SRMP as contained in Item No. 12 of the additional conditionalities of the Environment Compliance Certificate (ECC) of the SRMP.

II. OBJECTIVES:

To operationalize the plan, the project shall have the following objectives:

General Objective:

To enhance and promote the ecological sustainability of the watershed and address the socio-economic and cultural concerns of the community;

Specific Objectives:

1. To rehabilitate the degraded and denuded forest lands through the application of development and conservation interventions;
2. To preserve biological diversity sites of unusual scientific, educational, cultural and aesthetic values;
3. To monitor air and water quality along the Lower Agno River and its tributaries;
4. To promote proper ecological waste management;
5. To empower people by tapping them in the protection and conservation of the environment while promoting enforcement of environmental laws by the proper authorities;
6. To intensify environment public awareness;
7. To ensure proper management and administration of ancestral lands including the various natural resources within the project site such as mineral deposits, forest resources, wildlife, etc. through the various available government programs/projects;
8. To strengthen the tenurial security of the people over their lands through the issuance of appropriate land Tenure instrument, in coordination with the Department of Agrarian Reform and the National Commission on Indigenous Peoples;
9. To uplift the overall socio-economic conditions within the area through alternative livelihood and other developmental activities;
10. To generate benchmark information on the appropriate management of the municipality's environment and natural resources; and
11. To review existing laws prejudicial to the community and make appropriate recommendations.

III. AREA OF COVERAGE

The Itogon Integrated Watershed Management Project (IIWMP) shall cover the whole Municipality of Itogon with a total land area of 49,656.7 hectares covering the nine (9) barangays of Itogon namely: Ampucao, Dalupirip, Gumatdang, Loakan, Poblacion, Tinongdan, Tuding, Ucab, and Virac.

IV. PROJECT ORGANIZATIONAL STRUCTURAL

The project shall adopt the organizational structure as contained in Annex “A” hereof with the following management units:

A. Watershed Management Committee.

A management committee shall be created as the policy making body of the project otherwise known for the purpose as the COMMITTEE. As such, the Committee shall meet on a regular basis and review the project implementation and approve policies relative to implementation schemes based on plans and experiences derived from the community planning and project implementation.

Policies approved by the Committee should be consistent with existing DENR project implementing rules. All policies issued/approved by the Committee shall be furnished to the DENR Secretary.

A.1 Mines and Geo-Sciences Bureau – CAR

The Office shall provide assistance to the project in the implementation of land tenure improvement activities within mineral lands. A Memorandum of Agreement (MOA) shall be forged with the RED DENR-CAR for the purpose.

A.2 Environment Management Bureau – CAR

EMB-CAR shall provide assistance in the implementation of environmental perfection and conservation activities under the Forest Protection and Environment Conservation Unit. It shall come up with a MOA agreement with the RED of DENR-CAR for guidance.

A.3 Operations, DENR-CAR

The Office shall actively participate in the implementation of Project activities particularly in the Biodiversity and Protected Area System and monitor the progress of project implementation.

A.4 Technical Services, DENR-CAR

The Office shall assign technical personnel for each specific livelihood project at the barangay level to provide assistance in its implementation.

A.5 PENRO - Benguet

PENRO Benguet shall provide linkage with the Provincial Government of Benguet in the attainment of project goals. Issue Free Patents within its authority and utilize its survey team for project activities.

A.6 CENRO Baguio City

CENRO Baguio City shall assist the Project in the processing and recording of Free Patent Applications and provide assistance in the conduct of training and enforcement of DENR laws and regulations. It shall also provide linkage with other agencies within its jurisdiction. The Office shall designate the Forest Rangers assigned in the Municipality of Itogon to report at the Project Management Office and be under the operational supervision of the Project while directly coordinating their law enforcement actions with CENRO Baguio City.

The Committee shall have the following composition:

1. DENR-CAR Regional Executive Director as Chair;

2. Municipal Mayor of Itogon as Co-chair;

Members:

3. Representative from the DENR Central Office;
4. Representative from the National Power Corporation (NPC);
5. Representative from the San Roque Power Corporation (SRPC);
6. Representative from the Office of the Congressman;
7. Representative from the Office of the Governor;
8. Representative from the Federation of People's Organization;
9. Assistant Regional Executive Director DENR-CAR Operations;
10. Provincial Environment and Natural Resources Officer (PENRO) – Benguet; and
11. Community Environment and Natural Resources Officer (CENRO) – Baguio City.

The committee may invite members of other agencies in its regular meetings as the need arises.

A Secretariat of the committee shall be established at the Office of the RED DENR-CAR, Baguio City to provide for documentation and support for official business of the committee.

B. PROJECT MANAGEMENT OFFICE

A Project Management Office (PMO) shall be established at the project site to operationalize the plan.

B.1 Project Manager

A DENR regular personnel shall be designated as full time project manager to supervise the overall

project implementation in coordination with participating agencies and offices. The Project Manager shall be equivalent to Foreign Assisted Projects (FAPs) Project Manager and shall exercise authority as provided under the DENR Manual of Approvals.

B.2 Technical Support Coordination Unit

The Unit shall provide coordination in the field implementation of the project.

A Technical Support Coordinator shall be designated on a full time basis from regular DENR-CAR personnel to act as head of the unit and as Assistant Project Manager in the absence of the Project Manager. The Coordinator shall report directly to the Project Manager and ensure the smooth implementation and complementation among the different units of the project.

B.3 Administrative and Finance Unit

The Administrative Unit of the project shall be in charged with personnel management. Procurement and property management shall be done in coordination with the Administrative Division of the Regional Office, DENR-CAR. A separate Public Bidding and Awards Committee (PBAC) to be based at the Regional Office of DENR-CAR shall be created specifically for the Project and shall function specifically in accordance with existing rules and regulations. Inspectors of the Regional Office, DENR-CAR, shall conduct inspection of procured supplies, materials and equipment.

A Sub-PBAC to be based at the PMO, Bua, Itogon, Benguet shall also be created alongside the Regional PBAC to act on allowable purchases and transactions

subject to specified limitations provided in the Manual of Approvals and in accordance to existing COA and financial rules and regulations.

In the absence of a financial management system of the project, the Regional Office of DENR-CAR shall provide the financial management of the transactions of the project until such time that a regular financial management set-up is established at the Project Management Office. A Special Disbursing Officer (SDO) shall be designated from among the DENR detailed personnel of the Unit.

A regular personnel from DENR-CAR shall be designated as full time Administrative Officer to act as Head of the Administrative and Finance Unit.

Detailed personnel from DENR-CAR shall be designated to augment the Administrative Unit of the project.

B.4 Soil and Water Conservation (SWS) Unit

The SWC Unit shall undertake the identification of structural and vegetative measures, reforestation and agro-forest sites through community workshops. Technical personnel from the SWC Unit shall prepare the design for each identified barangay project consistent with existing DENR guidelines. It shall supervise and monitor the implementation of barangay projects under its Unit.

B.5 Livelihood and Research Unit

The Livelihood and Research Unit shall provide technical assistance to the different barangays in the identification, design preparation and implementation

of livelihood projects as per approved work and financial plan.

B.6 Forest Protection and Environment Conservation Unit (FPECU)

The FPECU shall draw-up and operationalize a forest protection and environment conservation incentive plan within the 9 barangays of the Municipality of Itogon and implement activities as per approved work and financial plan of the Unit.

B.7 Land Tenure Improvement (LTI) Unit

The LTI Unit shall endeavor to rationalize management of land resources within the watershed avoiding undue conflict with the rights of people and process the issuance of appropriate land tenure instruments.

B.8 Biodiversity Conservation and Protected Area System (BCPAS)

The Unit shall undertake the thirteen (13) legal steps as provided for in the NIPAS Act towards the proclamation of the watershed reservation under the National Integrated Protected Area System and implement biodiversity conservation emphasizing the interconnection between cultural and biological dimensions.

B.9 Monitoring and Evaluation (M & E) Unit

The Unit shall be headed by a coordinator designated from the DENR-CAR. The personnel concerned shall coordinate M & E activities of the committee which is composed of personnel from

participating agencies and DENR-CAR Technical Working Group.

V. ROLES OF COORDINATING / PARTICIPATING OFFICES/AGENCIES

A. DENR-CAR

The Office shall act as the lead agency in project implementation. As such, it shall mobilize offices/services under its operational jurisdiction to extend assistance to the project.

B. NATIONAL POWER CORPORATION (NPC) AND SAN ROQUE POWER CORPORATION (SRPC)

Said Offices shall assign their respective representatives as regular members in Watershed Management Committee and detail some technical personnel as project staff in the different units of the project. A MOA with the RED DENR-CAR shall be forged for the purpose.

C. Other Participating Agencies

The National Commission on Indigenous People (NCIP), Department of Agrarian Reform (DAR), Department of Social Welfare and Development (DSWD) through their respective Regional Offices – CAR and the Local Government Unit (LGU) shall come up with their own Memorandum of Agreement with the RED DENR-CAR in the implementation of activities within their own mandates.

VI. The RED of the DENR-CAR

For the smooth implementation of the project the RED, DENR-CAR is hereby authorized to issue additional guidelines on matters that are not covered by this Order.

VI. BUDGET REQUIREMENTS

For CY 2001, the Project shall utilize the available budget based on DBM approved Work and Financial Plan for the purpose. Subsequent budget shall be requested from the Department of Budget and Management.

This Order takes effect immediately and shall remain enforced unless revoked.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

LANDS SECTOR

**DENR Administrative Order
No. 2001 – 23
August 29, 2001**

**SUBJECT : Amending the Guidelines Setforth
in DENR Administrative Order
No. 30, Series of 1992 and
Providing for this Purpose the
Return to the DENR of Devolved
Survey Functions.**

- A. DENR Administrative Order No. 30, Series of 1992, provides the “Guidelines for the transfer of DENR-LMB Functions Devolved to the Local Government Units (LGUs)” was issued to give effect to the decentralization scheme of the government as provided for under R.A. 7160, otherwise known as the “Local Government Code of 1991”

Among the devolved functions referred to in DAO 30, s. 1992 are those pertaining to the Lands Management functions hereunder described as follows:

- a. Conduct of Cadastral Surveys
- b. Conduct of Lot Surveys
- c. Conduct of Isolated and Special Surveys

However, the above-cited DENR activities are not expressly provided but merely inferred in the aforementioned law taking into account the thrust of the then administration.

- B. To date, despite its devolution for nearly ten (10) years, not a single municipality was completely surveyed by the LGUs.

Thus, objectives have not been achieved and continued inaction will result to irreparable loss in terms of economic opportunities affecting land resources. By this inaction, the goal of the government to accelerate land titling has been adversely affected as there was no implementation of an effective cadastral surveys program.

Consequence of such devolution, the establishment of political boundaries which is so vital in the setting of Internal Revenue Allocation (IRA) and land resource administration in every geographical unit of the country has not been given attention.

This grim situation cannot be entirely attributed to the LGUs because they lack technical manpower and financial resources. Thus, remedial measure, solution must be offered and pursued to address the problem.

- C. Premises considered, Section 3.5 of DENR Administrative Order No. 30, Series of 1992 is hereby amended, providing for this purpose the return to the DENR-LMB the functions pertaining to the execution, supervision and management of the conduct of these land surveys.
- D. To facilitate an efficient and effective implementation of this Order, all concerned officials of the DENR-LMB in collaboration with the LGU counterparts are hereby enjoined to see to it that this Order are complied with.

Provided, however, that this should not prevent any LGUs from initiating and funding a cadastral or any other survey projects in coordination with the DENR-LMB. In the case of cadastral surveys, this should be implemented by the DENR as soon as Congress provides funds therefor.

- E. All Orders and other issuances inconsistent herewith are hereby superseded, repealed and/or modified accordingly.

F. This Order shall take effect fifteen days after its publication in any newspaper of general circulation.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

Publication:

Philippine Star – September 6, 2001

**DENR Memorandum Circular
No. 2001 – 15
September 17, 2001**

**TO : All Regional Executive Directors
Provincial Environment and
Natural Resources Officer
Community Environment and
Natural Resources Officer**

**SUBJECT : Issuance of Certificate of
Allocation for Processed Public
Land Applications and Submission
of CARP-CSW Reports.**

In line with the President's commitment in her State of the Nation Address (SONA) to distribute 100,000 hectares of public lands and to expedite the review and approval of public land applications as per the Secretary's Memorandum dated 27 July 2001, all Regional Executive Directors are hereby directed to issue Certificate of Allocations to all completely processed public land applications in favor of qualified beneficiaries prior to the signing of their respective titles by the Secretary. The said Certificate of Allocations shall be released to the beneficiaries only after the same is confirmed and approved by the DENR-CARP Secretariat. Attached and made an integral part of this Memorandum is the prescribed form for Certificate of Allocation to be issued by the concerned Regional Executive Director.

The Regional Offices shall likewise prepare a complete list of the names of the beneficiaries, their respective lot numbers, location and area which will be attached and made an integral part of a CARP-CSW Report to be submitted each month to the DENR-CARP Secretariat together with all the Certificate of Allocation issued therefor.

Separate CARP-CSW Report shall be issued for each type for public land application such as CARP-CSW for Homestead Patent, CARP-CSW for Free Patent, CSW for Miscellaneous Sales Patent, etc. Each CSW shall be signed by the Regional Executive Director, the PENROs and CENROs concerned. The CARP-CSW shall be notarized and must contain the following:

1. Factual Background
(General statement that all the subject land applications were investigated by the concerned land investigator and found to be free from all claims and land conflicts and that the applicants were found to be qualified and have complied with the standard legal procedures)
2. Legal Basis
(Simple statement that the same is in accordance with the Public Land Act or other related laws and issuances)
3. Agencies Involved
(A statement enumerating the Departments, agencies or offices that may be involved in, or affected by, the land application and their action/s in connection therewith)
4. Potential Problems
(A statement on the potential risks, problems, or complications, if any, that may arise if the application is granted or denied)
5. Certification
(A statement that the allocatees were found to be the bonafide occupants/claimants of some portion of public alienable and disposable lands and that their papers are in complete order having complied with all the requirements of pertinent laws, rules and regulations)
6. Recommendation
7. Notarized Acknowledgment

In order to meet the set objectives under the SONA, all REDs are enjoined to submit to the DENR-CARP Secretariat a monthly CARP-CSW covering an area of at least 5,000 hectares per region attaching thereto the certificate of allocations issued to individual beneficiaries.

Upon submission thereof, a review team shall be constituted to review and validate the findings of the regional offices for signing and issuance of the proper patents.

For strict compliance.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

CERTIFICATE OF ALLOCATION

No. R - ____000001

To All Whom These Presents May Come:

Be informed that upon the recommendation of the concerned Community Environment and Natural Resources Officer, I, _____, the Regional Executive Director of Region ____ of the Department of Environment and Natural Resources do hereby allocate Lot No. _____, Block No. _____ with a corresponding area of _____ hectare(s) located at _____ in favor of _____, the bonafide occupant/beneficiary thereof.

This Certificate will entitle the allocatee to the acquisition of the lot described herein subject to the provisions of existing laws, rules and regulations and without prejudice to the findings and recommendation of the technical committee created to review and evaluate the land patent application of the allocatee.

Given this _____ day of _____, 2001, in the Municipality of _____, Province/City of _____.

Regional Executive Director

Recommended by:

Community Environment and Natural Resources Officer

MINES SECTOR

DENR Administrative Order
No. 2001 – 35
December 20, 2002

SUBJECT : Guidelines in the Declaration and Establishment of Communal Extraction Area for Sand, Gravel, Ordinary Earth and/or Related Materials in Each Province or Highly Urbanized Independent Component City for Housing And/Or Other Personal Construction Needs.

Pursuant to Article XII of the Philippine Constitution, Section 8 of Republic Act (RA) No. 7942, otherwise known as the “*Philippine Mining Act of 1995*”, Section 138 of RA NO. 7160, otherwise known as the “*Local Government Code of 1991*,” and the policy of the Department of Environment and Natural Resources (DENR) for equitable sharing of mineral resources, the following guidelines in the declaration and establishment of communal extraction areas for sand, gravel, ordinary earth and/or related materials in each province or highly urbanized independent component city for housing and/or other personal construction needs of the local people are hereby issued.

SECTION 1. BASIC POLICY AND OBJECTIVES

It is the policy of the Government to alleviate poverty for the enhancement of the quality of life. The Government recognizes that one way of attaining this policy is by providing the basic raw materials for concrete housing and/or other personal construction needs to local people.

The following are the objectives of this Order:

- a. To provide equitable access to raw materials for concrete housing and/or other personal construction needs;

- b. To outline the mechanism in the declaration and establishment of communal extraction areas for sand, gravel, ordinary earth and/or related materials in each province or highly urbanized independent component city;
- c. To ensure the sustainable use of sand, gravel, ordinary earth and/or related materials; and
- d. To encourage the use of housing materials other than wood/wood products.

SEC. 2 DEFINITION OF TERMS

For the purpose of this Order, the following terms whether in singular or plural shall mean:

- a. Boulders – rock fragments larger than 256-milimeter diameter.
- b. Board – refers to the Provincial/City Mining Regulatory Board.
- c. Cobbles – rock fragments ranging in size from 64 millimeters to 256 millimeters.
- d. Communal Sand, Gravel, Ordinary Earth and/or Related Materials Extraction Area – an area declared and established by the Board as technically viable for the extraction of sand, gravel, ordinary earth and/or related materials for housing and/or other personal construction needs.
- e. Extraction – the act or process of taking, excavating or removing sand, gravel, ordinary earth and/or related materials.
- f. Gravel – mixture of loose and unconsolidated rock fragments whose particle sizes range from 2 millimeters to 256 millimeters.
- g. Ordinary earth – refers to ordinary soil.
- h. Pebbles – rock fragments ranging in diameter from 2 millimeters to less than 64 millimeters.
- i. Permit Holder – any individual Filipino citizen who engages, under the terms and conditions of the permit, in the communal extraction of sand, gravel, ordinary earth and/or related materials.
- j. Related Materials – collective name for boulders, cobbles and pebbles.

- k. Sand – loose and unconsolidated particles of rocks ranging in diameter from 0.0625 millimeter to less than 2 millimeters.
- l. Secretary – refers to the Secretary of the Department of Environment and Natural Resources.
- m. Unified Environmental Compliance Certificate – refers to the document issued by the Environmental Management Bureau Regional Office certifying that based on the representation of the Provincial/City Government concerned, the proposed Communal Extraction Area will not cause any significant negative environmental impact and that the concerned Local Government Unit is committed to implement all the mitigating measures stated in the approved Project Description.

SEC. 3 DECLARATION OF COMMUNAL EXTRACTION AREA FOR SAND, GRAVEL, ORDINARY EARTH AND/OR RELATED MATERIALS

The Provincial/City Mining Regulatory Board (Board) created under RA No. 7076 shall have the authority to declare and set aside suitable Communal Extraction Area for Sand, Gravel, Ordinary Earth and/or Related Materials (Communal Extraction Area) with the endorsement of the Provincial Governor/City Mayor concerned for approval by the Secretary in any of the following areas:

- a. Public lands, subject to consent of any existing right holder;
- b. Private lands, subject to consent of landowners;
- c. Ancestral lands/domains, with free and prior informed consent from the indigenous cultural communities concerned; and/or
- d. Areas covered by existing mining permits, contracts or leases, or mining right applications, which do not include sand, gravel and/or alluvial gold in the minerals applied for extraction, subject to prior notification of the parties concerned: *Provided*, That areas covered by existing mining permits, contracts or leases, or mining right applications where minerals to be extracted include sand, gravel and/or alluvial gold shall be subject to prior consent of the parties concerned.

The maximum Communal Extraction Area that the Board may declare at any one time shall not be more than five (5) hectares in any one municipality/city; *Provided*, That a larger Communal Extraction Area in any municipality/city may be allowed, subject to the approval of the Secretary.

SEC. 4 PROCEDURE IN THE DECLARATION OF COMMUNAL EXTRACTION AREA

The following procedure shall be observed in the declaration of a Communal Extraction Area:

- a. Filing of Petition/Request from the Local Government Unit (LGU) concerned or any interested parties for declaration of a Communal Extraction Area, to the concerned Board. The Petition/Request shall be accompanied by a sketch plan/map of the proposed area showing its corresponding technical descriptions and boundaries, and private lots, if any;
- b. Evaluation of the area as to its technical viability by a team composed of representatives from concerned Mines and Geosciences Bureau (MGB) Regional Office, Environmental Management Bureau (EMB) Regional Office and LGU. Where necessary, other areas technically viable as Communal Extraction Area may be identified by the team;
- c. Issuance of Notice of Petition for Declaration of Communal Extraction Area by the Board to permittees, permit holders, operators, contractors landowners, MGB and concerned government agencies, indigenious cultural communities and other stakeholders, for clearance or consent, as the case may be. The Board shall be responsible for securing the said clearance or consent;
- d. Posting of the Notices on the concerned Provincial Hall, City/Municipal Hall, Barangay Hall, and bulletin boards of the MGB Regional Office, DENR Provincial Environment and Natural Resources (PENRO), and DENR Community Environment and Natural Resources Office (CENRO) for a period of two (2) consecutive weeks, after which the concerned agency/entity shall issue the corresponding certification as to

- the completion of posting of the Notices. Expenses for posting shall be shouldered by the concerned Province/City;
- e. Issuance of a certification by the concerned Board as to any adverse claim, protest or opposition lodged before it;
 - f. Declaration of Communal Extraction Area by the Board;
 - g. Approval of the Declaration of Communal Extraction Area by the Secretary upon endorsement by the Provincial Governor/City Mayor concerned; and
 - h. Survey and monumenting/marketing of the Communal Extraction Area by a licensed Geodetic Engineer, and approval of the pertinent Survey Plan by the Board.

SEC. 5 PROCEDURE IN CASE OF OPPOSITION/PROTEST

Any adverse claim, protest or opposition to the Petition/Request that an area be declared as Communal Extraction Area shall be filed with the Board within fifteen (15) days after the last date of posting of the Notices.

The Board shall act on the adverse claim, protest or opposition within thirty (30) days after it is submitted for resolution. The decision of the Board may be appealed within fifteen (15) days from receipt thereof to the Secretary whose decision, in turn, is final and executory. No adverse claim/protest/opposition or appeal shall be accepted by the Board or the Office of the Secretary, respectively, unless a docketing fee is paid.

SEC. 6 ENVIRONMENTAL COMPLIANCE CERTIFICATE REQUIREMENTS

Extraction and related activities in the Communal Extraction Area shall be covered by the Environmental Compliance Certificate (ECC) requirements.

For the above purpose, the concerned Provincial/City Government may, prior to the declaration of Communal Extraction

Area, file an application together with the Project Description and other requirements for a unified ECC covering the Communal Extraction Area with the concerned EMB Regional Office.

SEC. 7 QUALIFICATION REQUIREMENTS

A Communal Extraction Permit for the extraction of sand, gravel, ordinary earth and/or related materials within the declared Communal Extraction Area shall be issued by the concerned Provincial Governor/City Mayor only upon recommendation of the Board, to any individual Filipino citizen who is a bonafide resident of his/her province/city in need of such materials not exceeding fifty (50) cubic meters for housing and/or other personal construction needs.

Applications shall be filed with the Board concerned through the Environment and Natural Resource Office (ENRO) of the concerned Province/City together with the following documents:

- a. Duly accomplished application from (Annex A);
- b. Barangay Certificate that the applicant is a bonafide resident of the barangay concerned for a period of at least six (6) months and in need of sand, gravel, ordinary earth and/or related materials for housing construction/improvement/repair purposes and that such construction/improvement/repair had been cleared or given clearance by the concerned barangay or the Municipal Engineer's Office; and
- c. Proof of payment of application fee from the concerned Province/City.

SEC. 8 TERMS AND CONDITIONS OF THE COMMUNAL EXTRACTION PERMIT

The following terms and conditions shall be incorporated in the Communal Extraction Permit:

- a. The extraction of sand, gravel, ordinary earth and/or related materials shall be conducted within the limits of the permit area as determined by the Board;
- b. The permit shall be for the permit holder's exclusive use and shall be non-transferable;
- c. The materials authorized to be removed shall be strictly for the permit holder's housing and other personal construction needs and in no case shall the same be disposed of commercially, otherwise persons responsible thereof shall be liable for prosecution under appropriate law;
- d. The permit shall be for a non-renewable period of sixty (60) days or until such time that the total volume specified therein have been extracted, whichever comes firsts;
- e. No extraction, removal or disposition of sand, gravel, ordinary earth and/or related materials shall be allowed within a distance of one (1) kilometer from the boundaries of reservoirs and of any public/private structures, unless prior clearance of the agency/entity concerned is obtained. No extraction, removal or disposition of materials shall likewise be allowed in offshore areas within one thousand five hundred (1,500) meters from the mean low tide level and two hundred (200) meters from the same mean low tide level along the beach;
- f. Prior to the transport of sand, gravel, ordinary earth and/or related materials, the permit holder shall pay the Government, through the concerned Provincial/City Treasurer, an extraction fee/tax that may be imposed by the province/city through an ordinance;
- g. The permit holder shall, at all times, provide the transporter or truck driver engaged in hauling of the materials extracted a certified true/xerox copy of the permit, delivery receipt and proof of payment of extraction fee/tax as deemed applicable, for inspection purposes. Any such materials transported and disposed of not accompanied by the corresponding permit, delivery receipt and proof of payment of extraction fee/tax as deemed applicable, shall be confiscated, including the tools, equipment and conveyance used, in favor of the Government;

- h. The permit holder shall keep a record indicating therein the date of extraction, quantity/volume and value of materials extracted from the permit area, as well as the corresponding amount of fees/taxes paid, if any;
- i. The permit holder, upon expiration of his/her permit, shall submit to the Board or its duly authorized representative sworn report stating the total quantity and value of materials extracted and amount of fees/taxes paid, if any;
- j. The permit holder shall immediately stop extracting materials the moment artifacts are found. He/she shall notify the Director of National Museum of such findings, in which case, the extraction activities shall be placed under the supervision of the National Museum until said artifacts are recovered;
- k. The statements made in the application form and pertinent documents or those made later in support thereof shall be considered as conditions and essential parts of the permit and any misrepresentation contained therein shall be a cause for the suspension/revocation of the permit;
- l. The permit holder shall assume full responsibility and shall be liable for damages to properties that may be occasioned by his/her extraction activities under the permit;
- m. The permit holder shall be liable or responsible for any violation of the terms and conditions of the ECC within the permit area;
- n. The permit may be suspended or revoked at anytime by the Provincial Governor/City Mayor concerned upon recommendation of the Board when public interest so requires or for ecological reasons or upon failure of the permit holder to comply with the terms and conditions stipulated under the permit and the ECC;
- o. The extraction of materials outside the permit area and disposing of the same shall be a ground for filing a case for theft of materials; and
- p. The permit holder shall comply with the other conditions as the Provincial Governor/City Mayor concerned may impose upon recommendation of the Board.

SEC. 9 MONITORING OF EXTRACTION ACTIVITIES

The ENRO concerned shall be responsible for the proper implementation of this Order. Upon request of the concerned Provincial Governor/City Mayor, the MGB and/or EMB Regional Office(s) may extend the necessary assistance to effectively implement this Order.

The ENRO concerned shall monitor strictly the permit holder's compliance with the terms and conditions of the permit and shall ensure that the extraction and transport of materials shall be properly covered by pertinent documents pursuant to the provisions of this Order. It shall likewise require the permit holder to regularly submit a report on the volume and value of materials extracted and transported. Supported with documentary evidence, and provide a copy thereof to the concerned MGB Regional Office.

SEC. 10 REVERSION OF COMMUNAL EXTRACTION AREA

The Secretary, upon recommendation of the Board, shall withdraw the Declaration of the Communal Extraction Area when it can no longer be technically viable for operation or when the safety, health and environmental conditions warrant.

SEC. 11 PENAL PROVISION

Violation of any provision of this Order shall be penalized in accordance with the penalties imposed herein or under the existing applicable laws.

SEC. 12 REPEALING CLAUSE

This Order amends and/or revokes other Orders, rules and regulations inconsistent herewith.

SEC. 13 EFFECTIVITY

This Order shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation and fifteen (15) days after registration with the Office of the National Administrative Register.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

Publication:

Manila Standard – Dec. 23, 2001

ANNEX A

Republic of the Philippines
Provincial/City Mining Regulatory Board

APPLICATION FOR COMMUNAL EXTRACTION PERMIT

NUMBER:	DATE FILED:	TIME FILED:
PLACE OF FILING:		
COMMODITY APPLIED FOR:		
VOLUME:		
LOCATION OF AREA: Barangay _____ Municipality/City _____ Province _____		
NAME OF APPLICANT: _____		
ADDRESS: _____		
NAME OF PERSON WHO WILL ACT AS LIAISON: _____		

1. In accordance with the provisions of DENR Administrative Order No. _____, the undersigned Filipino citizen hereby applies for a communal Extraction Permit for the extraction of sand, gravel, ordinary earth and/or related materials for housing and/or other personal construction needs from a portion of the Communal Extraction Area.
2. The application fee of _____ (P_____) has been paid under Official Receipt No. _____ dated _____.
3. The applicant agrees to submit additional requirement(s) should the Provincial Governor/City Mayor deem it necessary for determining the qualification for the grant of permit applied for.
4. The foregoing statements are hereby certified to be true to the best of the applicant's knowledge and belief.
5. The applicant further agrees that the statements made in the application or made later in support thereof, shall be considered as conditions and essential parts of the Communal Extraction Permit that may be granted by virtue thereof and any falsehood in these statements or omissions of facts which may later

change, or affect substantially the facts set forth in the said statements shall be sufficient ground for the cancellation or nullification of the permit granted.

Name of Applicant
Community Tax Certificate No _____
Issued at _____
Issued on _____

ENVIRONMENT SECTOR

**DENR Administrative Order
No. 2001 – 09
January 16, 2001**

SUBJECT : General Guidelines for the Establishment and Management of the EIA Review Support Fund.

Pursuant to Executive Order (E.O.) 192 (reorganizing the Department of Environment and Natural Resources (DENR), Presidential Decree No. 1586, the Philippine Environmental Impact Statement (EIS) System and DENR Administrative Order (DAO) No. 96-37, strengthening the implementation of EIS system as a planning, regulatory and management tool, the following implementing guidelines are hereby promulgated.

Section I. General Policy Statement

It is the policy of the DENR to attain and maintain a balance between socio-economic growth and environmental protection thru the renewal and conservation of the country's natural resources, including the protection and enhancement of the quality of the environment, not only for the present generation but for the future generation as well.

It is the DENR's objective therefore to a) ensure that environmental considerations are incorporated at the earliest possible stage of project development and b) further streamline the current procedures in the conduct of the Environmental Impact Assessment (EIA) in order to improve its effectiveness as a planning, regulatory and management tool.

Sec. II Institutional Arrangement

1. Under Section 2.0, Article VIII of DAO 96-37, it is stated that the proponent shall be responsible for the payment of all costs related to the review of its EIS/IEE, in accordance with the guidelines in the Procedural Manual; such review support fund

shall be handled by the third party, a Fund Manager in order to achieve greater transparency and objectivity of the EIS review process.

2. To fully implement the abovesited provision of DAO 96-37 on the mechanism of the transparent operationalization of the EIS Review Support Fund System, the Natural Resources Development Corporation (NRDC) in accordance with its corporate mandate under E.O. 786, has been commissioned by the DENR to act as Fund Manager of the EIS Review Support Fund and be entitled to a management fee equivalent to twenty percent (20%) of the total estimated review cost.

Sec. III Procedures on Fund Receipt and MOA Approval

1. The Environmental Management Bureau (EMB) shall officially notify the NRDC that the project proponent has submitted the EIS/IEE.
2. The EMB its concerned Regional Office in coordination with the proponent, shall prepare the EIS Review Work and Financial Plan (RWFP). The RWFP shall specify a tentative schedule of the review activities and the estimated cost of such activities, including management fee, which is equivalent to twenty percent (20%) of the estimated review cost. Refer to Annex "A" of the DAO.
3. Upon receipt of an official notification from the EMB its concerned Regional Office, the NRDC shall enter into Memorandum of Agreement (MOA) with every proponent for the purpose of establishing a funding facility to support the requirements of the EIS review process as specified in the approved EIS RWFP.
4. The proponent shall secure copy of MOA (prepared by the NRDC) for their review and comments if there is any. With the agreement of both parties, the MOA shall be finalized, signed and notarized. The proponent shall then deposit to NRDC the full amount representing the mutually agreed cost of

the review and a management fee equivalent to twenty percent (20%) of the estimated review cost as specified in the approved EIS RWFP.

5. NRDC shall receive the deposit and keep it as a Trust fund in the EIA Review Trust Fund Account. Official receipt shall be issued by the NRDC;s cashier or designated collecting officer.
6. The signed and duly notarized MOA shall be distributed as follows:

Proponent	-	1 copy
NRDC Records	-	1 copy
NRDC Special Projects	-	1 copy
EMB/concerned Regional Office	-	1 copy
Notarial File	-	1 copy

Sec. IV Procedures on Fund Disbursement/Release

1. *Fund Coverage.* The “Review Fund” to be managed by NRDC shall cover the following:
 - a) Honoraria for EIS Review Committee and invited resource persons
 - b) Salaries and Wages for Support Staff
 - c) Travel Expenses of EIARC members, resource persons and support staff for conduct of field visits and public hearings.
 - d) Logistical support such as but not limited to communication requirements (telephone, fax machine, etc.), office supplies, cost of reproduction of pertinent meeting documentation and report preparation.
2. NRDC shall establish a separate EIA Review Trust Fund account for *each region* to record all transactions and expenditures in accordance with the approved EIS RWFP.
3. The NRDC shall designate/assign a Special Disbursing Officer (SDO) for each region who shall facilitate transactions for addressing emergency purchases/disbursements, while the

EMB shall designate EMB Review Fund Coordinator, as counterpart of NRDC Review Fund Coordinator.

4. NRDC shall disburse funds according to the approved EIS RWFP. However, NRDC may withhold disbursement until cash advances granted to pertinent technical review staff or SDO have been liquidated.
5. NRDC may reimburse expenditures that may be advanced by the EMB/its concerned Regional Office provided these expenses are in accordance with the EIS RWFP and supported by proper documents.
6. Accounting of the Review Support Fund shall follow the systems and procedures being practiced by Government Owned and Controlled Corporation (GOCC) and shall conform to general accounting and auditing rules and regulations.
7. As Fund Manager, the NRDC shall be entitled to a management fee equivalent to 20% of the estimated review cost 75% of which shall cover its overhead and administrative cost, and the remaining 25% shall be held in trust for the account of the EMB to be used for purposes related to the strengthening of the EIS review process.
8. Upon completion of the EIS/IEE review process, EMB shall notify the NRDC and issue a certificate of completion so that NRDC can prepare a financial disbursement report and refund to the proponent the entire amount in excess of the sum actually spent for the EIS/IEE review. Any expense not accounted for after the refund shall be the responsibility of EMB/its concerned regional office.

Sec. V Reporting System

To ensure proper coordination and effective implementation of the EIS Review Fund Management, the EMB/its concerned Regional Office shall prepare a monthly status report of the EIS/IEE Review of all projects and furnish a copy to NRDC. In the same manner, the NRDC shall prepare a monthly report of collection and disbursement, copy furnished to EMB/its concerned Regional Office.

For consistency, the NRDC shall provide a format and design of the reports that will be used by the EMB/its Regional Offices in the preparation of status monthly report.

Sec. VI Creation of Review Fund Steering and Oversight Committee

The Review Fund Steering and Oversight Committee shall be created to oversee the implementation of the EIA Review Support Fund System. The Committee shall be composed of the following members, to wit:

	Central Office	Regional Office
Chairman	EMB Director	EMB-Regional Director
Co-Chairman	NRDC President	Authorized Representative
Members	NRDC Fund Manager	Chief, EIA Division (Regional level)
	Chief, EIA Division	NRDC Regional Fund Coordinator
	EMB Fund Coordinator	EMB Regional Fund Coordinator
	Concerned Section Chief	

The Steering and Oversight Committee shall have the following specific functions, to wit:

- a. Formulate basic policies/guidelines in the implementation and operationalization of the review fund;
- b. Review, evaluate and approve the EIS/IEE Review Work and Financial Plan;
- c. Review, evaluate and audit disbursement report;
- d. Approve EIS Review Fund Final Financial reports for each project;
- e. The Chairman and members of the Steering and Oversight Committee and its designated Secretariat shall be entitled to honoraria.

- f. The Committee shall meet at least twice a month or as often as necessary as called for by the Chairman.
- g. Three (3) members of the Committee shall be considered as a quorum.

Sec. VII Harnessing the Technical Resource Pool in the Review Process

The Technical Resource Pool (TRP) and other technical experts from DENR shall be tapped to comprise the Review Committee (RevCom) for the EIA Review Process. In case the required expert for a specific project is not available from the TRP, other consultants or experts from outside may be invited and appointed as member of the REVCOM.

Sec. VIII Repealing and Amending Clause

All orders, rules and regulations inconsistent with or contrary to the provisions of this DAO are hereby repealed or modified accordingly.

Sec. IX Effectivity

These implementing guidelines shall take effect fifteen days (15) days following its complete publication in newspaper of general circulation.

(Sgd.) ANTONIO H. CERILLES
Secretary

Publication:

Philippine Star - March 28, 2001

**DENR Administrative Order
No. 2001 – 12
March 13, 2001**

SUBJECT : Creation of the Manila Bay Environmental Management Project Coordinating Committee and Project Management Office for the GEF/UNDP/IMO Regional Programme “Building Partnership in Environmental Management for the Seas of East Asia”.

In consonance with the provisions of Department Administrative Order No. 2000-38 and consistent with the provisions of the Project Document on “**Building Partnership for Environmental Protection and Management for the Seas of East Asia**”, otherwise known as “**PEMSEA**” which has identified the Manila Bay as one of the Region’s pollution hotspots, a Manila Bay Project Coordinating Committee and Project Management Office are hereby created for the Manila Bay Environmental Management Project (MBEMP).

Manila Bay Project Coordinating Committee (MBPCC) shall be composed of representatives of major stakeholders in Manila Bay such as the concerned government agencies, the private sector, nongovernmental organizations (NGOs), local community groups and other interest groups. The MBPCC shall be chaired by the Director of the Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources (DENR). The Committee shall have the following responsibilities:

1. Oversee the planning, implementation, monitoring and evaluation of the MBEMP;
2. Provide policy and management guidance with respect to the implementation of various activities of the MBEMP;

3. Ensure smooth implementation of MBEMP activities by timely delivery of input (cash, kind and services) and outputs from participating institutions;
4. Review and approve the annual project work plans, budgets and progress reports pertaining to the MBEMP;
5. To ensure integration of project activities as part of national and local government's program of work;
6. To promote appropriate activities related to the MBEMP such as the encouragement of environmental investments, the establishment of institutional mechanisms, ensuring sustainability, the conduct of workshops, conferences and training and information, education and communication activities;
7. To integrate activities of the local government units, the private sector and NGOs to mobilize support for the MBEMP;
8. To provide expert guidance and assistance in resolving conflicts which may crop up in the process of project implementation;
9. To evaluate the progress of project implementation and the performance of the Manila Bay Project Management Office (MBPMO);
10. To coordinate the participation by local and national and government agencies operating in Manila Bay, industry, private sector, education and research institutions, NGOs and local community groups and other concerned stakeholders in the implementation of MBEMP; and
11. To provide any other assistance that could lead to smooth and effective implementation of the project.

Manila Bay Project Management Office (MBPMO) - A Manila Bay Project Management Office, composed of designated DENR personnel is hereby created to effect the Manila Bay Environmental Management Project in accordance with the Global Environmental Facility (GEF)- United Nations Development Programme (UNDP) Project Document RAS/98/G33/A/1G/19 for PEMSEA.

The MBPMO shall be under the administrative supervision of the PEMSEA-Philippines/DENR Project Management office (PPDPMO). It shall have the following functions:

1. Plan, develop and implement the Project in accordance with the objectives, management framework and strategies set out in the Manila Bay Environmental Management Project Concept Paper (the “Concept Paper”);
2. Develop an annual work plan for implementation of project activities, including milestones, counterpart budgets, timeframe, monitoring and reporting strategies and evaluation criteria for submission and approval by the MBPCC;
3. Assist in setting up the MBPCC composed of stakeholders from national and local governments as well as the private sector, industry, NGOs and the academe;
4. Ensure timely GEF/UNDP and other stakeholder inputs and delivery of outputs from the MBEMP;
5. Together with the DENR Regional Offices in Region 3 and 4 and the National Capital Region (NCR), coordinate activities with the provincial and other local government units;
6. Maintain a close working relationship and communications with PEMSEA-Philippines, the GEF/UNDP/IMO Regional Programme, and any other related national and regional projects;
7. Prepare quarterly and annual progress reports and other required reports for approval by the MBPCC and PEMSEA;
8. Organize and monitor progress of project activities in Manila Bay;
9. Serve as a Secretariat for the MBPCC;
10. In consultation with the Regional Project Offices (RPO), prepare a series of detailed work plans which include, for example, project activities, outputs, responsible parties, timeframes and resources, in order to receive funds from responsible parties, timeframes and resources, in order to receive funds from PEMSEA for the MBEMP operations and disburse, monitor and report on the same in accordance with pertinent IMO rules, regulations and agreed procedures;

11. Coordinate the activities of consultants and national professionals, review their reports and submissions and assist in the implementation of recommendations when accepted; and
12. Prepare technical reports and organize workshop to distill lessons learned from the MBEMP, and package the information for dissemination.

The MBPMO shall be headed by a Project Director whose functions and staff shall be recommended by the National Focal Point and approved by the DENR Secretary. It shall report under the supervision of the PEMSEA-Phil./DENR Programme Management Office (PPDPMO).

This Order shall take effect immediately and shall supersede, amend or revoke all previous orders and instructions inconsistent herewith.

(Sgd.) JOEMARI D.GEROCHI
Officer-in-Charge, Secretary

DENR Administrative Order
No. 2001- 13
March 13, 2001

SUBJECT : Strengthening The DENR Support System For The GEF/UNDP/IMO Regional Programme, "Partnership In Environmental Management For The Seas Of East Asia" (PEMSEA) By The Creation Of A Programme National Coordinating Committee And Management Office.

Pursuant to the commitments under the Memorandum of Agreement executed by and between the International Maritime Organization and the Government of the Republic of the Philippines, as represented by the Department of Environment and Natural Resources on the implementation of the Regional Programme, "*Building Partnership for Environmental Protection and Management for the Seas of East Asia*", otherwise known as "PEMSEA", the DENR support system initiated under the DENR Administrative Order Nos. 2000-38 and 2000-597 is hereby strengthened with the creation a PEMSEA National Coordinating Committee and PEMSEA-Philippines/DENR Project Management Office.

The PEMSEA National Coordinating Committee (NCC) -
The NCC shall be composed of representatives from national government agencies having responsibility in areas covered under PEMSEA including the development of a regional mechanism for protection and management of the coastal and marine environment of the East Asian Seas, non-government organizations and other concerned agencies or institutions and organizations. It shall be co-chaired by the National Focal Point and the Deputy Secretary-General

of the National Economic and Development Authority (NEDA). The Committee shall perform the following responsibilities:

- 1 . Provide policy and management advice with respect to the implementation of PEMSEA activities at the respective ICM parallel sites and subregional sea areas and pollution hotspots in or adjacent to the Philippines (project activities) and with respect to the development of a regional mechanism for protection and management of the coastal and marine environment of the East Asian Seas region;
2. Review and approve annual project work plans and progress reports for ICM parallel sites, subregional sea areas and pollution hotspots in or adjacent to the Philippines;
3. Ensure smooth implementation of PEMSEA-related activities by timely delivery of resource inputs and outputs from participating agencies;
4. Ensure integration of PEMSEA activities as part of government's program of work;
5. Coordinate with concerned local and national authorities and where necessary, address issues which are beyond the scope and responsibility of the DENR.;
6. Monitor the operations and outputs of PEMSEA-related activities;
7. Maintain linkages with the PEMSEA Regional Programme Office (RPO); and
8. Provide any other assistance that could lead to smooth and effective implementation of the Regional Programme.

The composition of the NCC shall be developed by the National Focal Point in consultation with the RPO.

PEMSEA-Philippines/DENR Project Management Office (PPDPMO) - A PEMSEA-Philippines/DENR Project Management Office is hereby created to be composed of DENR personnel who shall be assigned to effect support by the Government of the Republic of the Philippines for enhancing regional efforts in environmental management of the Seas of East Asia Project in accordance with the Global Environment Facility (GEF)-United Nations Development Programme (UNDP) Project Document RAS/98/G33/A/IG/19 for PEMSEA.

The PPDPMO shall work with the Regional Programme Office (RPO) in the following areas:

1. Coordinate input from the Government of the Republic of the Philippines (GOP) and other sources to PEMSEA and collaborate with National Government Agencies for the implementation of PEMSEA activities;
2. Prepare a national coordination and management framework and guidelines for, and to develop a detailed workplan for the coordination of GOP support to, PEMSEA activities, including for example, identification and selection of potential ICM sites in the Philippines, counterpart budgets, timeframe, monitoring strategies and evaluation criteria;
3. Assist in coordinating timely inputs from GEF/UNDP, National Government agencies and other sources and the delivery of outputs from each ICM parallel site or subregional sea area and pollution hotspot in or adjacent to the Philippines;
4. Assist in coordinating ICM training at the ICM training Center in Batangas City, Province of Batangas;

5. Maintain a close working relationship and communications with national agencies, PEMSEA, the UNDP and related national and regional projects and identify other ongoing or new projects in the Philippines for potential collaboration, preparation of project proposals and jointly seeking funding;
6. Assist in organizing and monitoring progress of project activities at each ICM parallel site and subregional sea area and pollution hotspot in or adjacent to the Philippines;
7. Prepare a national database of experts and specialists for participation in project related activities;
8. Coordinate the activities of consultants and national professionals, review reports and submissions and assist in the implementation or recommendations when accepted;
9. Provide technical assistance and advice to the National Focal Point for PEMSEA;
10. Assist PMOs in the review of project outputs, preparation of technical reports and organization of workshops to distill lessons learned from ICM parallel sites and subregional sea areas and pollution hot spots in or adjacent to the Philippines and the packaging of information for dissemination;
11. Monitor the operations and output (including technical reports and workshops distilling lessons learned) of Project Management Offices (PMOs) and project activities at ICM sites and pollution hot spots in the Philippines after they have been selected through the Regional Programme site selection process; and
12. Assist in the establishment of NCC and serve as its Secretariat.

The PPDPMO shall be headed by a Programme Director to be assisted by a Deputy Director. The functions and designation of the officials and staff shall be recommended by the National Focal Point and approved by the Secretary. It shall report under the supervision of the National Focal Point.

This Order shall take effect immediately and shall supersede, amend or revoke all previous orders and instructions inconsistent herewith.

(Sgd.) JOEMARI D. GEROCHI
Officer-in-Charge, Secretary

DENR Administrative Order
No. 2001 – 17
June 13, 2001

**SUBJECT : Guidelines For Delineating/
Delimiting Municipal Waters**

Pursuant to Article 1 on National Territory of the 1987 Constitution, Presidential Decree No. 1599 dated June 11, 1978, Section 123 of Republic Act 8550, otherwise known as the Philippine Fisheries Code of 1998, and Executive Order No. 192 dated June 10, 1987, the following regulations and guidelines governing the delineation and delimitation of municipal waters of the country is hereby promulgated:

Section 1. Basic Policy

It is the policy of the State to protect the rights of the people, specially the local communities with priority to marginal fisherfolks, in the preferential use of the municipal waters. The delineation/delimitation of municipal waters will define the geographic extent of the city or municipality's taxation or revenue-generating powers, its law enforcement jurisdiction, resource allocation, and general management powers.

Section 2. Definition of Terms:

For the purposes of this manual, the following definition of terms shall be used:

Adjacent municipalities - coastal municipalities sharing a common land boundary point on the coast

Archipelago – a group of lands, including parts of islands, interconnecting waters and other natural features which are so closely, related that such islands, waters, and other features from

an intrinsic geographical, economic, and political entity, or which historically have been regarded as such

Awash - flush with or washed by waves

Baseline - the line from which the outer limits of municipal waters are projected

Basepoint – a point on land from which baselines are drawn

Cay – a low, flat island of sand, coral, or other material which is awash or dries during low water

Coast – the edge or margin of land next to the sea

Coast terminal point – a boundary point on the coast, common to two adjacent municipalities

Coastline – the line where the shore and water meet

Construction line – a temporary drawing line used in determining a final line, e.g., a boundary line, or points used to determine that final line

Delimitation - the determination of boundaries of municipal waters between adjacent or opposite municipalities where the delineation of their respective waters show that their respective municipal waters overlap

Delineation - the determination of the outer limits of the municipal waters of a municipality

Drying reef - a reef or part of it which dries at low tide

Fringing reef - a reef directly attached to the shore or located in its immediate vicinity

General coastline of the municipality - refers to the coastline of the mainland and offshore and/or fringing islands of the municipality

High water or high tide - refers to highest level reached at a place by the water surface in one oscillation

Island - a naturally formed area of land, surrounded by water, provided that where the island is surrounded by the sea, the same should also always be above the water at high tide

Lateral boundary - the municipal water boundary between two adjacent municipalities

Low water or low tide - refers to lowest level reached at a place by the water surface in one oscillation

Low water line or low water mark - the intersection of the plane of low water with the shore; the line along a coast or beach to which the sea recedes at low water

Mainland of the city or municipality - the land area of the municipality within which the municipal capitol is located

Median line or equidistance line - a line every point of which is equidistant from the nearest points on the coasts of two municipalities

Municipal archipelagic baseline - a baseline used in cases where the municipality is composed of islands or has offshore and/or fringing islands

Normal baseline - the baseline described by the coastline of a municipality, where such coastline is relatively smooth and simple and there are no outlying or fringing islands, reefs, rocks, pinnacles, or other abutting features

Opposite municipalities - municipalities not sharing land boundaries but having coastlines which face each other and are less than thirty (30) kilometers apart

Pinnacle rock - a sharp pointed rock rising from the bottom, which may extend above the surface of the water

Reef - a mass of rock or coral which either reaches close to the sea surface or is exposed at low tide

Rock - a formation of natural origin that constitutes an integral part of the lithosphere, which may or may not always be above high tide

Rock awash - rock awash according to chart datum (usually low water)

Sandbar- a shallow portion of the coast largely made of loose sand that is near the surface of the water

Shoal - an offshore hazard to navigation on which there is a depth of ten (10) fathoms or twenty (20) meters or less, composed of unconsolidated material except coral or rock.

Straight baseline - a baseline used in cases where the coastline is deeply indented or cut into

Tidal water- any water the level of which changes periodically due to tidal action

Section 3. Coverage

The coverage of this administrative order shall be all the municipal waters as defined by Sec. 4(58) of RA 8550, which include, not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under RA 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters

included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities. This administrative order shall not be construed to preclude special agencies or offices in exercising their jurisdiction over municipal waters by virtue of special laws creating these agencies such as, but not limited to, the Laguna Lake Development Authority and the Palawan Council for Sustainable Development, pursuant to Sec. 17 of RA 8550.

Section 4. Role/Responsibility of Agencies

In order to have an efficient and effective flow of activities in the delineation/delimitation of municipal waters, the role of the agencies involved are herein provided:

A. Department of Environment and Natural Resources (DENR)

1. As the mother agency, oversee the activities being conducted by NAMRIA;
2. Provide the implementation mechanism for the delineation/delimitation;
3. Provide assistance/support and participate in the conduct of public hearing through its field offices, units, agencies, programs, and projects.

B. National Mapping and Resource Information Authority (NAMRIA)

1. Delineate or delimit the boundaries of municipal waters on maps or charts of appropriate scale as requested by the local government units;
2. Provide the local government units proposed maps and technical descriptions of the maps before the conduct of the public hearing;
3. Approve the maps, charts, and technical descriptions as a result of the delineation/delimitation of municipal waters;
4. Participate in public hearings and consultations conducted in relation to the delineation/delimitation of municipal waters and take note of comments, inputs, suggestions, reactions or objections to the proposed delineation/delimitation;
5. Revise maps, charts, or technical descriptions as a result of the public hearing;
6. Approve an official copy of maps, charts, and technical descriptions and provide the approved maps to the municipality/city concerned;
7. Provide technical assistance relevant to delineation and delimitation of municipal waters;
8. Act as the repository of all technical descriptions and corresponding original maps or charts of all municipal waters;
9. Conduct actual verification of boundary limits as required.

C. Local Government Units

1. Request the NAMRIA to delineate/delimit the boundaries of their municipal waters;

2. Conduct public hearings and consultation in relation to the proposed delineation/delimitation;
3. Settle disputes with adjacent or opposite municipalities arising from the delineation/delimitation through the *Sangguniang Bayang/Panglungsod or Panlalawigan* or in any appropriate body;
4. Enact ordinances setting forth the exact of its municipal waters, incorporating thereof the maps or charts and technical descriptions.

D. Other Agencies and/or Entities

Other agencies and/or entities that are involved in the management and development of municipal waters should assist in the delineation/delimitation of municipal waters. Information (map, technical descriptions, etc.) of areas under their administrative jurisdiction should be provided.

Section 5. Systems and Procedures

A. Requirements to Start, Delineation Process

B. 1. Filing of Request for Delineation

All requests for delineation and delimitation of municipal waters shall be directed to the Administrator of the NAMRIA, through the Director of the Coast and Geodetic Survey Department

A request may be made by any of the following:

- a) a city or municipality individually or jointly with other cities/municipalities with whom common boundaries are shared, through a resolution of *to Sangguniang Panglungsod or Sangguniang Bayan*;

- b) a province on behalf of all of its coastal municipalities, through a resolution of the *Sangguniang Panlalawigan*;
- c) a national government agency on behalf of any city or municipality, through a formal letter/request signed by the head of the agency, but only with the conformity of the affected local government units, expressed in form of a resolution of the *Sanggunian* concerned which shall be attached to the letter/request.

A copy of the resolution or letter/request shall be furnished by the NAMRIA to:

- a) the DENR Community Environment and Natural Resources Office (CENRO) and/or the relevant DENR Regional Office;
 - b) the BFAR;
 - c) any adjacent or opposite municipality which may be affected by the delineation and/or delimitation;
 - d) the Regional Office of the Philippine National Police Maritime Group (PNP-MARIG);
 - e) any special agency having jurisdiction over coastal waters which may be excluded from municipal waters in accordance with the Fisheries Code (e.g. the Protected Area Management Board (PAMB) with respect to areas under the NIPAS Act);
 - f) any affected private parties or sectors which the city or municipality may deem fit to notify.
2. Basic Technical Requirements for Requesting Entity

The filing of request for delineation must include basic technical requirements such as:

- a) a list of *known* or named islands and maps of said islands under the jurisdiction of the municipality whose municipal waters are to be delineated and delimited; and
- b) a copy of the legislation/proclamation creating the municipality or city.

3. Response

The NAMRIA through the Director of the Coast and Geodetic Survey Department shall schedule the delineation and delimitation of the municipal waters of the municipality. A copy of the response shall also be furnished to any adjacent or opposite municipality, which may be affected by the delineation and/or delimitation.

B. Procedure for Delineation and Delimitation of Municipal Waters

1. Delineation of Municipal Waters

a) *Use of normal baselines*

- i. Where to coastline is not deeply indented or cut into, and there are no outlying or fringing islands, reefs, or rocks, the normal baseline shall be the low water line.
- ii. The normal baseline shall determine the general coastline of the municipality for purposes of delineation and delimitation.
- iii. The outer limits of the municipal waters of the municipality shall be determined by a line parallel to the normal baselines and fifteen (15) kilometers therefrom.

b) Use of straight baselines

- i* Where the coastline is deeply indented and/or there are outlying or fringing reefs or rocks, the outermost points of the coastline may be connected by straight baselines, provided that the length of such baselines does not exceed thirty (30) kilometers.
- ii.* In such cases, the straight baselines shall determine the general coastline of the municipality for purposes of delineation and delimitation.
- iii.* Reefs, rocks, cays, shoals, sandbars, and any other features which are submerged during high tide shall not be used as basepoints. Neither shall they have their own coastlines.
- iv.* The outer limits of the municipal waters of the municipality shall be determined by a line parallel to the straight baselines and fifteen (15) kilometers therefrom.

c) Use of municipal archipelagic baselines

- i.* Where the territory of a municipality includes several islands, the outermost points of such islands shall be used as basepoints and connected by municipal archipelagic baselines, provided that the length of such baselines shall not exceed thirty (30) kilometers.
- ii.* The municipal archipelagic baselines shall determine the general coastline of the municipality for purposes of delineation and delimitation.

- iii. Islands, isles, or islets located more than thirty (30) kilometers from the mainland of the municipality shall have their own separate coastlines.
- iv. Rocks, reefs, cays, shoals, sandbars, and other features which are submerged during high tide shall not be used as basepoints for municipal archipelagic baselines. Neither shall they have their own coastlines.
- v. The outer limits of the municipal waters of the municipality shall be enclosed by a line parallel to the municipal archipelagic baselines and fifteen (15) kilometers therefrom.

d) *Combination of baselines*

A combination of normal and straight baselines, or normal and municipal archipelagic baselines, may be used depending on the circumstances and in the interest of simplicity in determining the general coastline and delineating municipal waters.

2. Delimitation of Adjacent Municipal Waters

- a) Where the general coastline is not curved or irregularly shaped at the coastal terminal point of the land boundary common to two (2) adjacent municipalities, the lateral boundary shall be determined by a line perpendicular to the general coastline at the terminal point.
- b) Where the general coastline at the point where the land boundary touches the sea. is curved or Irregularly shaped, making the determination of a perpendicular line impossible, the lateral boundary between two (2) adjacent municipalities may be determined by either of

the following methods, depending on the complexity of the coastline:

i. Simplified bisection

The lateral boundary shall be determined as follows:

i.a) Examine the direction of the general coastline on both sides of the common coastal terminal point. On each side of the common point, draw a straight line, a short baseline, whose length shall be limited to the point where the direction of the general coastline changes significantly or veers to another quadrant (see Fig. 1 for illustration).

i.b) Draw perpendicular lines to the coastlines on both sides of the common terminal point, passing through this common terminal point. Bisect the angle formed by the two perpendicular lines. The bisector is the lateral boundary of the municipal waters between the adjacent municipalities. The bisector will extend fifteen (15) kilometers if the coastlines beyond to short baseline will no longer affect its equidistance from both coastlines; otherwise, it will extend only up to a distance beyond which the equidistance line method shall already be applied (see Fig. 1 for illustrations).

ii. Equidistance liris

The lateral boundary shall be determined by a line equidistant from the coastlines of the adjacent municipalities, as determined through the use of the baselines under Paragraphs 1a through 1d of Section 5B.

3. Delimitation of Opposite Municipal Waters

In the case of opposite municipalities which are less than thirty (30) kilometers apart, the municipal water boundaries between them shall be determined by the median or equidistance line between the general coastlines of the respective municipalities, as determined through the use of the baselines under Paragraphs 1a through 1d of Section 5B.

4. Delimitation of Municipal Waters of Three or More Adjacent and Opposite Municipalities

In cases where three or more municipalities are so situated that they have overlapping municipal the delimitation of the lateral and offshore boundaries of their municipal waters shall be determined by the equidistance line method. The lateral boundaries will usually end at a point which is common to three or more municipalities, at the offshore boundary.

5. Municipal Water Boundary Delimitation Prior to Republic Act No. 8550

Where two municipalities have actually delimited the boundaries of their municipal waters prior to enactment of Republic Act No. 8550 in 1998, in accordance with the law prevailing at the time, and pursuant to the procedure prescribed therein, such previous boundary delimitation shall be respected and given effect as far as may be practicable in the light of the provisions of the Fisheries Code of 1998 and the application of the guidelines in this manual in order to respect prior vested rights.

6. Finalization Only After Approval

The technical description of municipal waters shall be, deemed final only after the boundaries of municipal waters have been duly approved by the city or municipality as evidenced by a final and executory ordinance embodying the same. Each boundary corner common to two (2) adjacent or opposite municipalities shall have exactly the same geographic position.

7. Depth Curve

Where practicable, the seven (7) fathom depth curve within the municipal waters shall be clearly indicated on the charts provided by the NAMRIA.

8. Demarcation of Marine Reserves, Sanctuaries, or Other Special Areas

If within or overlapping with the municipal waters, there is a marine reserve, sanctuary, or other special area under the exclusive jurisdiction of an entity other than the municipality, a clearance shall be obtained by the NAMRIA from said entity prior to the inclusion of the boundaries of such reserve, sanctuary, or special area, or such part thereof which overlaps with the municipal waters so as to effectively exclude the same from the computation of the area of municipal waters. Provided that the protected seascape or marine reserve area shall be managed by local governments according to the mandate and responsibilities as provided in the NIPAS Law. Nothing in this provision shall prevent the National Government from declaring any portion of municipal waters as Protected Areas or Marine Reserves.

C. Publication and Public Hearing

1. Public Hearing

The NAMRIA shall submit to the requesting city or municipality a preliminary delineation of the municipal waters, and delimitation thereof with respect to any adjacent or opposite municipality, drawn on maps or charts of appropriate scale, and accompanied by a technical description. Such delineation and/or delimitation shall be in accordance with the technical guidelines set forth in Section 5B hereof.

The requesting city or municipality shall cause the publication of the map or chart clearly showing the delineation and/or delimitation of municipal waters, through

- a) posting in prominent places in the city or municipality;
- b) dissemination of copies of the same to all the component *barangays*; and
- c) furnishing copies, through regular channels, to any cities or municipalities affected.

In accordance with regular processes and practices, the requesting city or municipality shall conduct the same for public hearing and consultation for the purpose of receiving comments, inputs, suggestions, reactions, or objections to the proposed delineation and/or delimitation. The NAMRIA shall be present at the public hearing to document and consider such comments, inputs, suggestions, reactions, or objections.

Adjacent or opposite municipalities may, if they so decide for purposes of convenience and practicality, jointly hold the public hearings.

2. Disputes with Adjacent or Opposite Municipalities

If adjacent or opposite municipalities, as well as agencies having jurisdiction over defined coastal waters, or any interested parties, raised any objection to the preliminary delineation and/or delimitation of municipal waters, such objection shall be made in writing, in the form of a Resolution of the *Sangguniang Bayan or Panglungsod* concerned, or an official letter from the responsible officer or person, and officially presented at public hearing.

a) Amicable Settlement Encouraged

In case of boundary conflict, this guideline shall not prevent the municipalities concerned from negotiating or mutually agreeing to a common municipal water boundaries provided there is substantial compliance with the provisions of the law. Such negotiated boundaries shall be submitted to the NAMRIA for verification. The NAMRIA may also provide technical assistance and advice to the municipalities in the course of their negotiations.

The delimitation of municipal water boundaries in accordance with a negotiated settlement shall be certified by the NAMRIA prior to its final and submission for enactment as an ordinance. Certification of such negotiated boundaries shall not be denied under normal circumstances.

b) Irreconcilable Differences

In case the municipalities cannot settle their differences amicably through negotiation, and the differences are based on the proper application of technical rules and guidelines, they shall jointly submit the issue to the NAMRIA for decision. The NAMRIA

shall inform the municipalities of its decision within thirty (30) days from the submission of the issue.

c) Disputes Before Other Fora

Where at the time of the delineation and/or delimitation, the dispute is pending before another forum on account of substantial issues that go beyond the application of technical rules and guidelines (e.g., when there is a pending case before a regular court over ownership and/or jurisdiction over islands or other features), the NAMRIA may, in the meantime, delineate and determine the temporary municipal water boundaries between the contesting municipalities, without considering the contested islands or features, provided that the affected municipalities agree to such temporary delimitation, provided further that the temporary delimitation shall be subject to the outcome of the dispute as determined by the concerned forum.

D. Revision and Finalization

1. Certification of Final Map

The NAMRIA, after considering the inputs from the public hearing, or the outcome of the dispute settlement mechanisms set forth in Paragraph 2 of Section 5C, shall revise the delineation and/or delimitation, and within thirty (30) days from the date of the last public hearing or last meeting under Paragraph 1 of Section 5C, provide an official copy of the revised maps, charts, and technical descriptions to the requesting city or municipality. Such maps, charts, and technical description shall be duly certified by the NAMRIA Administrator as comprising the final and definitive delineation and/or delimitation of municipal waters.

2. Enactment of Ordinance

After the receipt of the revised and certified delineation or delimitation, if any, or of the date of the date of the last public hearing if no revision was necessary, the requesting city or municipality shall enact an ordinance setting forth the extent of its municipal waters, incorporating the maps, charts, and technical descriptions prepared and verified by NAMRIA as an integral part of the ordinance, provided that in enacting the ordinance, no amendments shall be made to the maps, charts, or technical descriptions prepared and approved by NAMRIA.

Once the ordinance has become final and executory, the original copy must be submitted to the NAMRIA and official copies thereof shall be provide to the following:

- a) any adjacent or opposite municipalities affected by ft delimitation;
- b) the BFAR;
- c) the Regional Office of ft PNP-MARIG;
- d) any concerned special agency having Jurisdiction over coastal waters which may be excluded from municipal waters;
- e) any affected party or sector the city or municipality may deem fit to notify;
- f) the DENR field office.

3. Repository Function

The NAMRIA shall be the repository of all technical descriptions and corresponding maps or charts of all municipal waters. An official copy of such technical descriptions and maps or charts shall be provided to the Municipality concerned.

Section 6. Fees and Costs

For the delineation of municipal that would be conducted by NAMRIA, each city/municipality shall be charged with a service fee of PhP 5,000.00 plus PhP 50.00 per kilometer of coastline of the municipality exclusive of field expenses. NAMRIA shall likewise charge a verification fee of PhP 5,000.00, wherever applicable.

Section 7. Transitory provision

These guidelines shall be immediately effective in delineating municipal waters in all cities and municipalities except those which have offshore islands or islets for which the delineation process shall start six (6) months from the effectivity of these guidelines.

Section 8. Repealing Clause

All orders, rules, and regulations inconsistent with or contrary to the provisions of these Guidelines are hereby repealed or modified accordingly.

Section 9. Effectivity

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

(Sgd.) HEHERSON T. ALVAREZ
Secretary

Publication:

Malaya – June 21, 2001

TECHNICAL ANNEX

METHODS/PROCEDURES FOR DELINEATING MUNICIPAL WATERS

A. USING NORMAL BASELINES

The normal baseline is the baseline described by the coastline of a city or municipality, where such a coastline is relatively smooth and simple and there are no outlying or fringing islands, reef, rocks, pinnacles, or other abutting features (see Fig. 2).

1. Using fifteen (15) kilometers (on a scale of the chart or map where the municipal waters will be delineated) as radius and a point on the coastline at low tide as center of circle, draw arcs of circles from different points on the coastline of the municipality. Allow these arcs to intersect
2. Select the outermost arcs that have been drawn. These arcs form the offshore limit of the municipal waters. Note that not all points along the coastline contribute to the delineation of this offshore limit. Usually, only the protruding points of the coastline do count and have the most impact.

B. USING STRAIGHT BASELINES

A straight baseline is the baseline used in cases where the coastline is deeply indented or cut into (see Fig. 3).

1. Join protruding point along the coastline by straight lines, the length of which should not exceed thirty (30) kilometers.
2. Draw perpendicular lines passing through the basepoints of each baseline.

3. From the basepoints, measure fifteen (15) kilometers offshore along the perpendicular lines. Connect the offshore points on the perpendiculars of each baseline. The line joining these offshore points is parallel to the baseline,
 - 4a. When the exterior angle formed by two consecutive baselines is more than 180 degrees, draw an arc of circle, using fifteen (15) kilometers as radius and the common basepoint of the two baselines as center of circle, from one perpendicular to the other perpendicular. The offshore limit of the municipal waters, measured from two baselines is the line consisting of the arc and the two parallel lines.
 - 4b. When the exterior angle formed by two, consecutive baselines is less than 180 degrees, no arc of circle is drawn. The offshore limit of the municipal waters, measured from these two baselines, is the line consisting of the intersecting two parallel lines.
5. The offshore limit of the entire municipal waters consists of the lines determined in (4a) and (4b).

C. USING ARCHIPELAGIC BASELINES

Archipelagic baselines are straight lines joining the outermost points of islands of a municipality.

1. Municipality with offshore islands

Join the outermost points of the municipality by straight lines, beginning from one coastal terminal point (a boundary point on the coast common to two municipalities) on the mainland of the municipality; then to the outermost islands; then to the other coastal terminal point of the municipality; provided that the length of each line shall not exceed thirty (30) kilometers; provided further that an isolated island of the municipality, if any, distant more than thirty (30) kilometers from any of the other islands of the municipality, shall generate its own municipal waters.

More than one point on an island can be used as basepoint (see Fig. 4).

2. Municipality composed of islands

- a. Join the outermost points of the outermost islands by straight lines; provided further that the length of each line shall not exceed thirty (30) kilometers; provided further that an isolated island of the municipality, if any, distant more than thirty (30) kilometers from any of to other islands of the municipality, shall generate its own municipal waters. More than one point on an island can be used as basepoint (see Fig. 5).

Common to 1 and 2:

- b. Draw perpendicular lines passing through the basepoints of each baseline.
- c. From the basepoints, measure fifteen (15) kilometers offshore along the perpendicular lines. Connect the offshore points on the perpendiculars of each baseline. The line joining these offshore points is parallel to the baseline.
- d1. When the exterior angle formed by two consecutive baselines is more than 180 degrees, draw an arc of circle, using fifteen (15) kilometers as radius and the common basepoint of the two baselines as center of circle, from one perpendicular to the other perpendicular. The offshore limit of the municipal waters, measured from these two baselines, is the line consisting of the arc and the two parallel lines.
- d2. When the exterior angle formed by two consecutive baselines is less than 180 degrees, no arc of circle is drawn. The offshore limit of the municipal waters,

measured from these two baselines, is the line consisting of the intersecting two parallel lines.

- e. The offshore limit of the entire municipal waters consists of the lines determined in (d1) and (d2).

MANUAL METHOD / PROCEDURE FOR DELIMITING MUNICIPAL WATERS

When the delineation of municipal waters of adjacent or opposite municipalities produce overlapping areas, it is necessary to delimit municipal waters in order to allocate the overlapping areas between the municipalities concerned. Considering the archipelagic nature of the country, and the many configurations of the Philippine coastline, it is very likely that delimitation will be required by most coastal municipalities. In these cases, it is necessary to use a simple method of delimiting the municipal waters in a convenient and cost-effective manner.

The Enrique A. Macaspac Concentric Circles Method of Determining an Equidistance Line in Boundary Delimitation

The Enrique A. Macaspac Concentric Circles Method of Determining an Equidistance line in Boundary Delimitation is based on the theory that the center of a circle is equidistant from any other point on the circumference of that circle. To use this method, concentric circles are drawn on a stable, transparent medium such as acetate paper. For municipal waters, the radius of the largest circle should be made equal to fifteen (15) kilometers on the scale of the nautical chart or topographical map where the municipal waters will be delineated and delimited. For convenience, the incremental radius of each circle shall be five (5) millimeters regardless of scale of chart or map.

The equidistance line is determined by connecting the equidistant points identified by the center of each circle whose circumference touches at least one point (point of tangency) on both coastlines of the neighboring municipalities, whether adjacent or opposite, whose municipal water boundaries are being determined. The use of this method facilitates the delimitation of the waters.

This method also offers the following advantages:

1. Convenience. Since the instruments used are simple and easily available (map or chart compass, transparent medium like acetate paper, and pen or pencil), there is no need for expensive computer software or experts.
2. Simplicity. The method is very simple, requiring only patience and a sharp eye. Since even an ordinary person can use it, neighboring municipalities can easily check each other's work.
3. Speed. It eliminates the construction lines of other manual methods; thus it is faster.
4. Reasonable accuracy. This method is based on theory. There is no difference in the results using this method (E. A. Macaspac Concentric Circles Method) and the method which uses construction lines, described by A. L. Shalowitz in the Manual on the Technical Aspects of the United Nations Convention on the Law of the Sea. It also agrees very closely with computer-generated results from the software DELMAR (DELimitation of MARitime Boundaries). As long as the user is familiar with the use of maps, charts, and scales, the results produced will be reasonably accurate.

This method has been tested in pilot activities delineating and delimiting the municipal waters of the coastal municipalities in the provinces of Davao Oriental, Masbate, and Bohol.

Procedure for Adjacent Municipalities

The delimitation of lateral boundaries starts from either the common coastal terminal points of the land boundaries of the adjacent municipalities, or from the offshore end of the lateral boundary fifteen (15) kilometers from the coastline (see Fig. 6).

1. Move the concentric circles to a point where the circumference of the circle touches at least one point each on both coastlines

of the adjacent municipalities. No other points on the coastlines should be within that circle. Mark the center of the circle on the chart or map. This point on the chart or map now is equidistant from those two or more points on the coastlines of the two municipalities.

2. Repeat this step progressively, using the varying radii, until the coastal terminal point (if starting from the offshore end) or the fifteen (15) kilometer limit (if starting from the coastal terminal point) is reached.
3. Connect the marked points. -The line represents the delimited lateral Boundary of the municipal waters of the adjacent municipalities.

Procedure for Opposite Municipalities

The delimitation of the offshore boundary starts from one end of the common waters of opposite municipalities, to the other end (see Fig. 7).

- 1 . Move the concentric circles to a point where the circumference of a circle touches at least one point each on both coastlines of the opposite municipalities. No other points on the coastlines should be within that circle. Mark the center of the circle on the chart or map. This point on the chart or map now is equidistant from those two or more points on the coastlines of the two municipalities.
2. Repeat this step progressively, using the varying radii, until the other end of the common waters is reached.
3. Connect the marked points. The line represents the delimited offshore boundary of the municipal waters of the opposite municipalities.

Procedure for Three or More Adjacent and Opposite Municipalities

The delimitation of the boundaries among three or more adjacent and opposite municipals having overlapping municipal waters essentially follows the procedures for adjacent or opposite municipalities.

1. Delimit the lateral boundaries, two municipalities at a time. The lateral boundaries will usually end at a point which is common to three or more municipalities, at the offshore boundary.
2. Delimit the offshore boundaries. Between two tri-points is the delimited offshore boundary between two opposite municipalities. Tri-points are points along the median line equidistant from three points from the coastlines of three municipalities.

**DENR Administrative Order
No. 2001 - 34
December 20, 2001**

SUBJECT : Implementing Rules and Regulations of Republic Act 9003.

Pursuant to the provisions of Section 59 of Republic Act No. 9003, otherwise known as the “Philippine Ecological Solid Waste Management Act of 2000,” and by virtue of Executive Order No. 192, Series of 1987, the Department of Environment and Natural Resources hereby adopts and promulgates the following rules and regulations

PART I GENERAL PROVISIONS

RULE I. PRELIMINARY PROVISIONS

Section 1. Title

Theses Rules shall be known and cited as the “Implementing Rules and Regulations of the Philippine Ecological Solid Waste Management Act of 2000.”

Section 2. Purpose

These Rules are promulgated to prescribe the procedures and guidelines for the implementation of the Philippine Solid Waste Management Act of 9003 in order to facilitate compliance therewith and achieve the objectives thereof.

Section 3. Scope

These Rules shall lay down the powers and functions of the Department of Environment and Natural Resources, the Department of Trade and Industry, all other concerned agencies and local government units, the rights and obligations of

stakeholders and the rights and duties of the people with respect to the implementation of the Ecological Solid Waste Management.

Section 4. Construction

These Implementing Rules and Regulations shall be liberally construed to carry out the national policy of adopting a systematic, comprehensive and ecological solid waste management program consistent with the pursuit of sustainable development. The Rules also cover support actions such as research and studies on solid wastes, providing technical standards and guidelines for effective waste management systems.

Section 5. Administrative and Enforcement

These Rules and Regulations shall be administered by the Secretary or his duly authorized representative or through any other department, bureau, office, agency, local government units, state university or college and other instrumentalities of the government for assistance in the form of personnel, facilities and other resources as the need arises in the discharge of its functions.

RULE II. DECLARATION OF STATE POLICY

Section 1. Declaration of Policies

It is the policy of the State to adopt a systematic, comprehensive and ecological solid waste management program which shall:

- a) Ensure the protection of public health and environment;
- b) Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery;
- c) Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste

minimization measures, including composting, recycling, re-use, recovery, green charcoal process, and others, before collection, treatment and disposal in appropriate and environmentally-sound solid waste management facilities in accordance with ecologically sustainable development principles;

- d) Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practices in ecological waste management excluding incineration;
- e) Promote national research and development programs for improved solid waste management and resource conservation techniques, more effective institutional arrangement and indigenous and improved methods of waste reduction, collection, separation and recovery;
- f) Encourage greater private sector participation in solid waste management;
- g) Retain primary enforcement and responsibility of solid waste management with local government units while establishing a cooperative effort among the national government, other local government units, non-government organizations, and the private sector;
- h) Encourage cooperation and self-regulation among waste generators through the application of market-based instruments;
- i) Institutionalize public participation in the development and implementation of national and local integrated, comprehensive and ecological waste management programs; and

- j) Strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry.

RULE III. DEFINITION OF TERMS

Section 1. Definitions

For the purpose of these Implementing Rules and Regulations, the following words and phrases shall have the following meanings:

“Agricultural waste” shall refer to waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes or run-off materials from farms or fields.

“Bulky wastes” shall refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes. These include large worn-out or broken household, commercial, and industrial items such as furniture, lamps, bookcases, filing cabinets, and other similar items.

“Bureau” shall refer to the Environmental Management Bureau.

“Buy-back center” shall refer to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials.

“Collection” shall refer to the act of removing solid waste from the source or from a communal storage point.

“Composting” shall refer to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product.

“Consumer electronics” shall refer to special wastes that include worn-out, broken, and other discarded items such as radios, stereos, and TV sets.

“Controlled dump” shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation.

“Department” shall refer to the Department of Environment and Natural Resources.

“Disposal” shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land.

“Disposal site” shall refer to a site where solid waste is finally discharged and deposited.

“Ecological solid waste management” shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment.

“Environmentally acceptable” shall refer to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment.

“Environmentally preferable” shall refer to products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance or disposal of the product or service.

“Generation” shall refer to the act or process of producing solid waste.

“Generator” shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling.

“Hazardous waste” shall refer to solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical or infectious characteristics may: cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

“Leachate” shall refer to the liquid produced when waste undergo decomposition, and when water percolate through solid waste undergoing decomposition. It is a contaminated liquid that contains dissolved and suspended materials.

“Life cycle assessment” shall refer to the compilation and evaluation of the inputs, outputs and the potential environmental impacts of a product system throughout its life cycle.

“Materials recovery facility” shall include solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility.

“Municipal wastes” shall refer to wastes produced from activities within local government units which include a combination of domestic, commercial, institutional and industrial wastes and street litters.

“Non-environmentally acceptable products or packaging” shall refer to products or packaging that are unsafe in production, use, post-consumer use, or that produce or release harmful products.

“Open burning” shall refer to the thermal destruction of wastes by means of direct exposure to fire. Furthermore, this definition shall apply to traditional small-scale methods of community sanitation “siga”.

“Open dump” shall refer to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards.

“Opportunity to recycle” shall refer to the act of providing a place for collecting source-separated recyclable material, located either at a disposal site or at another location more convenient to the population being served, and collection at least once a month of source-separated recyclable material from collection service customers and to providing a public education and promotion program that gives notice to each person of the opportunity to recycle and encourage source separation of recyclable material.

“Person(s)” shall refer to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations.

“Post-consumer material” shall refer only to those materials or products generated by a business or consumer which have served their intended end use, and which have been separated or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacturing of recycled product, excluding materials and by-products generated from, and commonly used within an original manufacturing process, such as mill scrap.

“Receptacles” shall refer to individual containers used for the source separation and the collection of recyclable materials.

“Recovered material” shall refer to material and by-products that have been recovered or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacture of a recycled product.

“Recyclable material” shall refer to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, but not limited to, newspaper, ferrous scrap metal, non-

ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans, plastics and other materials as may be determined by the Commission.

“Recycled material” shall refer to post-consumer material that has been recycled and returned to the economy.

“Recycling” shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw materials for the production of other goods or services: Provided, that the collection, segregation and re-use of previously used packaging material shall be deemed recycling under the Act.

“Resource conservation” shall refer to the reduction of the amount of solid waste that are generated or the reduction of overall resource consumption, and utilization of recovered resources.

“Resource recovery” shall refer to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use: Provided, That, such resource recovery facilities exclude incineration.

“Re-use” shall refer to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics.

“Sanitary landfill” shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility. *“Schedule of Compliance”* shall refer to an enforceable sequence of actions or operations to be accomplished within a stipulated time frame leading to compliance with a limitation, prohibition, or

standard set forth in the Act or any rule or regulation issued pursuant thereto.

“*Secretary*” shall refer to the Secretary of the Department of Environment and Natural Resources.

“*Segregation*” shall refer to sorting and segregation of different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.

“*Segregation at source*” shall refer to a solid waste management practice of separating, at the point of origin, different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.

“*Solid waste*” shall refer to all discarded household, commercial waste, non-hazardous institutional, ports / harbour and industrial waste, street sweepings, construction debris, agriculture waste, and other non-hazardous/non-toxic solid waste. Unless specifically noted otherwise, the term “solid waste” as used in the Act shall not include:

- a) waste identified or listed as hazardous waste of a solid, liquid, contained gaseous or semisolid form which may cause or contribute to an increase in mortality or in serious or incapacitating reversible illness, or acute/chronic effect on the health of persons and other organisms;
- b) infectious waste from hospitals such as equipment, instruments, utensils, and fomites of a disposable nature from patients who are suspected to have or have been diagnosed as having communicable diseases and must therefore be isolated as required by public health agencies, laboratory wastes such as pathological specimens (i.e., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals),

and disposable fomites that may harbor or transmit pathogenic organisms, and surgical operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms; and

- c) waste resulting from mining activities, including contaminated soil and debris.

“Solid waste management” shall refer to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that is also responsive to public attitudes.

“Solid waste management facility” shall refer to any resource recovery system or component thereof; any system, program, or facility for resource conservation; any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste.

“Source reduction” shall refer to the reduction of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials re-use and packaging restrictions.

“Source separation” shall refer to the sorting of solid waste into some or all of its component parts at the point of generation.

“Special wastes” shall refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard wastes that are collected separately, batteries, oil, and tires. These wastes are usually handled separately from other residential and commercial wastes.

“Storage” shall refer to the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.

“Transfer stations” shall refer to those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. This term does not include any of the following:

- a) a facility whose principal function is to receive, store, separate, convert, or otherwise process in accordance with national minimum standards;
- b) a facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for re-use and are not intended for disposal; and
- c) the operations premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business.

“Waste diversion” shall refer to activities which reduce or eliminate the amount of solid wastes from waste disposal facilities.

“White goods” shall refer to large worn-out or broken household, commercial, and industrial appliances such as stoves, refrigerators, dishwashers, and clothes washers and dryers collected separately. White goods are usually dismantled for the recovery of specific materials (e.g., copper, aluminum, etc.).

“Yard waste” shall refer to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetable residue that is recognizable as part of a plant or vegetable and other materials identified by the Commission.

PART II INSTITUTIONAL STRUCTURES AND MECHANISMS

RULE IV. OVERSIGHT ARRANGEMENTS

Section 1. Powers and Functions of the National Solid Waste Management Commission

A National Solid Waste Management Commission, hereinafter referred to as the Commission, and under the Office of the President, is hereby established. The Commission is tasked to oversee the implementation of solid waste management plans and prescribe policies to achieve the objectives of the Act. The Commission shall undertake the following activities:

- a) Prepare the National Solid Waste Management Framework;
- b) Approve local solid waste management plans in accordance with its rules and regulations;
- c) Review and monitor the implementation of local solid waste management plans;
- d) Coordinate the operation of local solid waste management boards in the provincial and city/municipal levels;
- e) To the maximum extent feasible, utilizing existing resources, assist provincial, city and municipal solid waste management boards the preparation, modification, and implementation of waste management plans;
- f) Develop a model provincial, city and municipal solid waste management plan that will establish prototypes of the content and format which provinces, cities and municipalities may use in meeting the requirements of the National Solid Waste Management Framework;

- g) Adopt a program to provide technical and other capability building assistance and support to local government units in the development and implementation of source reduction programs;
- h) Develop and implement a program to assist local government units in the identification of markets for materials that are diverted from disposal facilities through re-use, recycling, and composting and other environment-friendly methods;
- i) Develop a mechanism for the imposition of sanctions for the violation of environmental rules and regulations;
- j) Manage the Solid Waste Management Fund;
- k) Develop and prescribe procedures for the issuance of appropriate permits and clearances;
- l) Review the incentives scheme for effective solid waste management, for purposes of ensuring relevance and efficiency in achieving the objectives of the Act;
- m) Formulate the necessary education promotion and information campaign strategies;
- n) Establish, after notice and hearing of the parties concerned, standards, criteria, guidelines and formula that are fair, equitable and reasonable in establishing tipping charges and rates that the proponent will charge in the operation and management of solid waste management facilities and technologies;
- o) Develop safety nets and alternative livelihood programs for small recyclers and other sectors that will be affected as a result of the construction and/or operation of a solid waste management recycling plant or facility;

- p) Formulate and update a list of non-environmentally acceptable materials in accordance with the provisions of the Act. For this purpose, it shall be necessary that proper consultation be conducted by the Commission with all concerned industries to ensure a list that is based on technological and economic viability;
- q) Encourage private sector initiatives, community participation and investments resource recovery-based livelihood programs for local communities;
- r) Encourage all local government agencies and all local government units to patronize products manufactured using recycled and recyclable materials;
- s) Propose and adopt regulations requiring the source separation and post separation collection, segregated collection, processing, marketing and sale of organic and designated recyclable material generated in each local government unit; and
- t) Study and review the following:
 - 1. Standards, criteria and guidelines for the promulgation and implementation of an integrated national solid waste management framework; and
 - 2. Criteria and guidelines for siting, design, operation and maintenance of solid waste management facilities.

Section 2. Composition and Membership of the Commission

The Commission shall be composed of fourteen (14) members from the government sector and three (3) members from the private sector. The heads of the following agencies, in their *ex-officio* capacity, shall represent the government sector:

- a. Department of Environment and Natural Resources (DENR);
- b. Department of Interior and Local Government (DILG);
- c. Department of Science and Technology (DOST);
- d. Department of Public Works and Highways (DPWH);
- e. Department of Health (DOH);
- f. Department of Trade and Industry (DTI);
- g. Department of Agriculture (DA);
- h. Metro Manila Development Authority (MMDA);
- i. League of Provinces of the Philippines (LPP);
- j. League of Cities of the Philippines (LCP);
- k. League of Municipalities of the Philippines (LMP);
- l. Liga ng Mga Barangay;
- m. Technical Education and Skills Development Authority (TESDA); and
- n. Philippine Information Agency (PIA).

The private sectors are to be represented by the following:

- a. A representative from non-government organizations (NGOs) whose principal purpose is to promote recycling and the protection of air and water quality;
- b. A representative from the recycling industry; and
- c. A representative from the manufacturing or packaging industry.

The Department Secretary and a private sector representative of the Commission shall serve as chairman and vice-chairman, respectively. The Commission may, from time to time, call on any other concerned agencies or sectors as it may deem necessary. The Secretaries/Heads of the member agencies of the Commission shall formulate action plans for their respective agencies to complement the National Solid Waste Management Framework.

Section 3. Selection Process and Tenure of Office for the Private Sector Representatives

Representatives from the NGOs, recycling and manufacturing or packaging industries shall be nominated through a process designed by themselves and shall be appointed by the President for a term of three (3) years.

The appointment of private sector representatives shall be based on the following criteria:

- a. Integrity;
- b. High degree of professionalism; and
- c. Distinguished themselves in the environmental and resource management sector.

In any event that members of the Commission fail to complete his/her term, the successor shall also be appointed by the President but only for the unexpired portion of term.

Section 4. Meetings of the Commission

The Commission shall meet at least once a month. The presence of at least a majority of the members shall constitute a quorum. The chairman, or in his absence the vice-chairman, shall be presiding officer. In the absence of the heads of the agencies mentioned under Section 4 of the Act, they may designate permanent representatives to attend the meetings.

Section 5. Conduct of Business of the Commission

Within six (6) months upon effectivity of the IRR, the Commission shall formulate its governing rules that will define its conduct of business in carrying out the functions stipulated above.

RULE V. SUPPORT INSTITUTIONAL MECHANISMS

Section 1. Role of the National and Regional Ecology Centers

Under the Commission, a National Ecology Center is to be established headed by the Director of the EMB in his ex-officio capacity. Regional Ecology Centers will also be established headed by EMB Regional Directors in their *ex-officio* capacity. The Ecology Centers shall provide technical expertise, information, training and networking services for the implementation of the provisions of the Act. The Center shall specifically perform the following functions:

- a) Facilitate training and education in integrated ecological solid waste management through the following:
 1. formulation of training program for LGUs and private sector on the proper management of solid wastes;
 2. development of training program on the technical operations of solid waste management facilities;
 3. formulation of training program for deputized enforcers and implementers
 4. development of an accreditation and certification system for the conduct and holding of training programs on solid waste management; and
 5. in collaboration with the Department of Education (DeptEd) develop an education program that will promote an effective solid waste management systems.

- b) Establish and manage a comprehensive solid waste management information data base and dissemination system focusing, *inter alia*, on the following areas:

1. in collaboration with DTI, a solid waste generation and management techniques as well as the management, technical and operational approaches to resource recovery;
 2. in collaboration with DTI and processors/recyclers, the list of materials being recycled or brought by them and their respective prices; and
 3. in coordination with DTI information on cleaner production/cleaner technologies that promote efficient solid waste management.
- c) Promote the development of a recycling market through the establishment of a national recycling network that will enhance the opportunity for recycling;
 - d) Act as the hub for networking of LGUs, NGOs and industry on voluntary compliance of the pertinent provisions of the Act;
 - e) Provide or facilitate expert assistance in pilot modeling of solid waste management facilities including technologies and techniques for effective solid waste management;
 - f) Develop, test and disseminate model waste minimization and reduction auditing procedures for evaluation options; and
 - g) Act as the clearinghouse for cleaner production/cleaner technologies on solid waste management.

The Ecology Centers shall give primary consideration of making all the information generated, collected, recorded and stored accessible to the general public. Said information shall include data for solid waste management plans, the National Framework, the National Status Report and all other relevant information necessary to ecological solid waste management.

Section 2. Functions of the Secretariat

The Department, through the Environmental Management Bureau, shall provide secretariat support to the Commission. An Executive Director who shall be nominated by the members of the Commission and appointed by the Chairman of the Commission shall head the Secretariat. The general functions of the Secretariat shall be the following:

- a) Prepare all the documents that are to be tabled for deliberation by the Commission;
- b) Record and document all the proceedings of the meetings;
- c) Handle all the administrative requisites of the Commission;
- d) Index and keep all records used and referenced by the Commission;
- e) Serve as the clearinghouse for all projects/programs for implementation by the LGUs and/or the public or private sector;
- f) Evaluate and review proposals submitted for funding support from the Solid Waste Management Fund; and
- g) Perform all other functions as may be deemed necessary by the Commission.

Section 3. Role of the Department

For the furtherance of the objectives of the Act, the Department shall have the following functions:

- a) Chair the Commission created pursuant to the Act;
- b) Prepare an annual National Solid Waste Management Status Report;
- c) Prepare and distribute information, education and communication materials on solid waste management;
- d) Establish methods and other parameters for the measurement of waste reduction, collection and disposal;
- e) Provide technical and other capability building assistance and support to the LGUs in the development and

- implementation of local solid waste management plans and programs;
- f) Recommend policies to eliminate barriers to waste reduction programs;
 - g) Exercise visitorial and enforcement powers to ensure strict compliance with the Act;
 - h) Issue rules and regulations to effectively implement the provisions of the Act; and
 - i) Perform such other powers and functions necessary to achieve the objectives to the Act.

Section 4. Visitorial Powers of the Department

- a) Reports and records requirements

The Department or its duly authorized representative shall have access to, and the right to copy therefrom, all records required to be maintained pursuant to the provisions of the Act.

- b) Right of entry, inspection and investigation

The Secretary or the duly authorized representative shall likewise have the right to enter the premises of any generator, recycler or manufacturer, or other facilities any time to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation of the provisions of the Act. The Department within three (3) months following the effectivity of this Rules and Regulations shall issue the specific protocols that will be observed in involving visitorial powers authorized under the Act.

Section 5. Licenses and Permits Issued by the Department

No persons, entity or company will be allowed to construct or operate any SWM facility until the said person or entity has applied for and obtained valid permits and licenses to operate. The Bureau, in coordination with the relevant agencies and local government units, shall identify the specific permitting and

licensing requirements under its existing regulatory functions for each of the corresponding phases of the SWM. The listing of permitting and licensing requirements shall be published within six (6) months following the effectivity of these Rules and Regulations.

***RULE VI. CREATION OF LOCAL SOLID WASTE
MANAGEMENT BOARDS***

Section 1. Creation of the Provincial Solid Waste Management Boards

Local Solid Waste Management Boards shall be created and established in each of the concerned LGUs. At the provincial level, a Provincial Solid Waste Management (SWM) Board shall be established with the governor as the chair. Correspondingly, for cities and municipalities, City/Municipality Solid Waste Management (SWM) Boards is also created. Within six (6) months upon effectivity of this rules and regulations all LGUs are mandated to already establish their respective Boards. The Department, in collaboration with DILG shall assist the LGUs in facilitating the setting up of the Boards.

Section 2. Functions of the Provincial Solid Waste Management Board

The Provincial SWM Board shall have the following functions and responsibilities:

- a) Develop a provincial solid waste management plan from the submitted solid waste management plans of the respective city and municipal solid waste management boards herein created. It shall review and integrate the submitted plans of all its component cities and municipalities and ensure that the various plans complement each other, and have the requisite components.

The Provincial Solid Waste Management Plan shall be submitted to the Commission for approval

The Provincial Plan shall reflect the general program of action and initiatives of the provincial government in implementing a solid waste management program that would support the various initiatives of its component cities and municipalities.

- b) Provide the necessary logistical and operational support to its component cities and municipalities in consonance with subsection (f) of Section 17 of the Local Government Code.
- c) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem.
- d) Recommend measures to generate resources, funding and implementation of projects and activities as specified in the duly approved solid waste management plans.
- e) Identify areas within its jurisdiction, which have common solid waste management problems and are appropriate units for planning local solid waste management services in accordance with Section 41 hereof.
- f) Coordinate the efforts of the component cities and municipalities in the implementation of the Provincial Solid Waste Management Plan.
- g) Development of an appropriate incentive scheme as an integral component of the Provincial Solid Waste Management Plan.
- h) Convene joint meetings of the provincial, city and municipal solid waste management boards at least every quarter for purposes of integrating, synchronizing, monitoring and evaluating the development and

implementation of its provincial solid waste management plan.

- i) Represent any of its component city or municipality in coordinating its resource and operational requirements with agencies of the national government.
- j) Oversee the implementation of the Provincial Solid Waste Management Plan.
- k) Review every two (2) years or as the need arises, the Provincial Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management.
- l) Allow for the clustering of LGUs for the solution of common solid waste management problems.

Section 3. Membership in the Provincial SWM Board

The Provincial SWM Board is to be chaired by the governor and comprised by the following as members:

- a) All the mayors of its component cities and municipalities;
- b) One (1) representative from the Sangguniang Panlalawigan to be represented by the chairperson of either the Committees on Environment or Health or their equivalent committees, to be nominated by the presiding officer;
- c) The provincial health and/or general services officers, whichever may be recommended by the governor;
- d) The provincial environment and natural resources officer;
- e) The provincial engineer;
- f) Congressional representative(s) from each congressional district within the province;
- g) A representative from the NGO sector whose principal purpose is to promote recycling and the protection of air and water quality;

- h) A representative from the recycling industry;
- i) A representative from the manufacturing or packaging industry; and
- j) A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

The Provincial SWM Board may, from time to time, call on any other concerned agencies or sectors as it may deem necessary.

Representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.

In the case of the Province of Palawan, the Board is to be chaired by the chairman of the Palawan Council for Sustainable Development, pursuant to Republic Act No. 7611.

In the case of Metro Manila, the Board shall be chaired by the chairperson of the MMDA and its members shall include:

- a) All mayors of its component cities and municipalities;
- b) A representative from the NGO sector whose principal purpose is to promote recycling and the protection of air and water quality
- c) A representative from the recycling industry; and
- d) A representative from the manufacturing or packaging industry.

Section 4. Creation of a City and Municipal Solid Wastes Management Board

The City and Municipal SWM Boards shall have the following duties and responsibilities:

- a) Develop the City or Municipal Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the barangays in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community;
- b) Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;
- c) Monitor the implementation of the City or Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the NGOs;
- d) Adopt specific revenue-generating measure to promote the viability of its Solid Waste Management Plan;
- e) Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays;
- f) Oversee the implementation of the City or Municipal Solid Waste Management Plan;
- g) Review every two (2) years or as the need arises the City or Municipal Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
- h) Develop the specific mechanics and guidelines for the implementation of the City or Municipal Solid Waste Management Plan;

- i) Recommend to appropriate local government authorities specific measure or proposals for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to RA 6967, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchises and build-operate-transfer agreements.
- j) Provide the necessary logistical and operational support to its component cities and municipalities in consonance with subsection (f) of Section 17 of the Local Government Code;
- k) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and
- l) Coordinated the efforts of its component barangays in the implementation of the city or municipal Solid Waste Management Plan.

The Bureau shall provide advisory technical assistance in setting up of the local solid waste management boards. The Commission shall provide the policy directions for the Local Solid Waste Management Boards pursuant to Section 8 of these Rules and Regulations.

It shall be the duty of the LSWMBs and municipalities, to assist barangays in their solid waste management, where the barangay cannot financially or adequately manage all waste segregation, sorting, recovery, recycling and composting, conducted at the MRF.

LGUs may assist the barangay either financially, technically or in any other manner deemed necessary in order to achieve the waste diversion goal of section 20 of the Act. Provided that within 45

days of the effectivity of the IRRs, the Liga Ng Mga Barangay shall assess and thereby determine, those barangays requiring assistance from their respective LGUs. The LNB shall subsequently inform the respective LSWMBs of its findings.

Section 5. Membership of the City and Municipal SWM Board

The City and Municipals SWM Board shall be composed of the city or municipal mayor as chair with the following as members:

- a) One (1) representative of the Sangguniang Panlungsod or the Sangguniang Bayan, preferably chairpersons of either the Committees on Environment or Health, who will be designated by the presiding officer;
- b) President of the Association of Barangay Councils in the municipality or city;
- c) Chairperson of the Sangguniang Kabataan Federation;
- d) A representative from NGOs whose principal purpose is to promote recycling and the protection of air and water quality;
- e) A representative from the recycling industry;
- f) A representative from the manufacturing or packaging industry; and
- g) A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

The City or Municipal Solid Waste Management Board may, from time to time, call on any concerned agencies or sectors as it may deem necessary.

Representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.

Section 6. Creation of a Barangay Solid Waste Management Committee

The Barangay SWM Board shall have the following functions and responsibilities:

- a) Formulate solid waste management program consistent with city municipality plan
- b) Segregation and collection of biodegradable, compostable, reusable wastes
- c) Establish materials recovery facility
- d) Allocate barangay funds; look for sources of funds
- e) Organize core coordinators
- f) Submit monthly report to city or municipality

Section 7. Membership of the Barangay Solid Waste Management Committee

The Barangay SWM Board shall be composed of the barangay captain as chair with the following as members:

- a) One (1) Kagawad
- b) SK chair
- c) Presidents of Home Owners Association
- d) Public/private school principals or representative
- e) One (1) Parents and Teachers Association president or representative
- f) One (1) Religious organization representative
- g) One (1) Bus community representative
- h) One (1) environmental NGO representative
- i) President of Market Vendors Association; One (1) representative from junkshop owners' association

Section 8. Encouraging the Setting up of Multi-purpose Environmental Cooperative or Association in LGUs

Multi-purpose cooperatives and associations shall be encouraged and promoted in every LGU. The DENR and DTI, through their appropriate bureaus, and with the involvement of the National Ecology Center, shall provide technical assistance and advisory guidance to any interested parties duly supported by the LGUs intending to set up the multi purpose environmental cooperatives or associations.

PART III COMPREHENSIVE SOLID WASTE MANAGEMENT SYSTEM

RULE VII. PLANNING AND PROGRAMMING POLICY FOR SOLID WASTE MANAGEMENT

Section 1. The National Solid Waste Management Framework (NSWMF)

The Commission shall consider and adopt appropriate mechanisms that will facilitate the completion of the Framework. The Framework shall be updated every five years and integrated in the Medium Term Development Plan. The framework shall reflect, among others the following elements:

- a) Assessment of SWM situation
 - 1. Analysis and evaluation of the current state, trends projections of solid waste management on the national, provincial and municipal levels;
 - 2. Identification of critical solid waste facilities and local government units which will need closer monitoring and/or regulation;
 - 3. Characteristics and conditions of collection, storage, processing, disposal, operating methods, techniques and practices, location of facilities where such operating

methods, techniques and practices are conducted, taking into account the nature of the waste;

4. The profile of sources, including industrial, commercial, domestic and other sources.

b) Analysis of Options

1. Practical applications of environmentally sound techniques of waste minimization such as, but not limited to, resource conservation, segregation at source, recycling, resource recovery, including waste-to-energy generation, re-use and composting;
2. A technical and economical description of the level of performance that can be attained by various available solid waste management practices which provide for the protection of public health and the environment;
3. Methods of closing or upgrading open dumps for purposes of eliminating potential health hazards;
4. Appropriate solid waste facilities and conservation systems;
5. Recycling programs for the recyclable materials, such as but not limited to glass, paper, plastic and metal.

c) Mandatory Program of Actions

1. Waste diversion goal pursuant to Section 20 of the Act;
2. Schedule for the closure and/or upgrading of open and controlled dumps pursuant to Section 37 of the Act;

d) Public participation and IEC campaign

1. Venues for public participation from all sectors at all phases/stages of the waste management program/project;
2. Information and education campaign strategies.

e) Aspects for standardization and measuring performance

1. A description of levels of performance and appropriate methods and degrees of control that provide, at the

minimum, for protection of public health and welfare through:

- i) Protection of the quality of groundwater and surface waters from leachate and run-off contamination;
 - ii) Disease and epidemic prevention and control;
 - iii) Prevention and control of offensive odor; and
 - iv) Safety and aesthetics.
2. Minimum criteria to be used by the local government units to define ecological solid waste management practices. As much as practicable, such guidelines shall also include minimum information for use in deciding the adequate location, design and construction of facilities associated with solid waste management practices, including the consideration of regional, geographic, demographic and climatic factors; and
 3. The method and procedure for the phase-out and the eventual closure of existing open dumps and/or sanitary landfills located within an aquifer, groundwater reservoir or watershed area.

Section 2. The Local Government Solid Waste Management Plan (LGSWMP) Formulation and Programming

The preparation of the LGSWMP shall consider the planning cycles embodied in the relevant provisions of RA7160 and shall also integrate other mandatory plans pursuant to the relevant provisions of other existing rules and regulations. Under the overall direction of the Commission, the DENR, DILG, NEDA and the various leagues of local governments, shall develop a coordinative mechanism that will ensure that LGUs are significantly guided in the preparation of LGSWMP. The Commission shall promulgate and standardize a process for LGUs to follow in having their respective LGSWMP approved.

Section 3. Components and Elements of Local Government Solid Waste Management Plans

The thrust of the LGSWMP shall be the identification of implementable strategies and activities that encourage the re-use, recycling and composting of wastes generated in their respective jurisdictions with specific schedules and timetables, targets and measurable indicators of achievements. Subject to the guidelines that will be subsequently issued by the Commission, the preparation of the Local Solid Waste Management Plans shall reflect, among others, the components enumerated under Section 17 of the Act which is enumerated below. The Commission, through the Secretariat and the DILG shall develop a coordinative mechanism that will assist the appropriate units/offices of LGUs tasked to develop their respective solid waste management plans.

a) Background Information

1. City or Municipal Profile – The plan shall indicate the following background information on the city or municipality and its component barangays, covering important highlights of the distinct geographic and other conditions:
 - i) Estimated population of each barangay within the city or municipality and population projection for a 10-year period;
 - ii) Illustration or map of the city/municipality, indicating locations of residential, commercial, and industrial centers, and agricultural area, as well as dump sites, landfills and other solid waste facilities. The illustration shall indicate as well, the proposed sites for disposal and other solid waste facilities;
 - iii) Estimated solid waste generation and projection by source, such as residential, market, commercial, industrial, construction/demolition, street waste,

agricultural, agro-industrial, institutional, other wastes;
and

- iv) Inventory of existing waste disposal and other solid waste facilities and capacities; including an inventory of existing equipment used for collection and the number of people involved in solid waste management, in order that the budget required to implement plans and cost estimations, be calculated.

b) Waste Characterization

For the initial source reduction and recycling element of a local waste management plan, the LGU waste characterization component shall identify the constituent materials which comprise the solid waste generated within the jurisdiction of the LGU. The information shall be representative of the solid waste generated and disposed of within that area. The constituent materials shall be identified by volume, percentage in weight or its volumetric equivalent, material type, and source of generation, which includes residential, commercial, industrial governmental, or other sources. Future revisions of waste characterization studies shall identify the constituent materials, which comprise the solid waste, disposed of at permitted disposal facilities. Appendix A sets the general guide in the conduct of waste characterization.

c) Source Reduction

The source reduction component shall include a program and implementation schedule which shows the methods by which the LGU will, in combination with the recycling and composting components, reduce a sufficient amount of solid waste disposed of in accordance with the diversion requirements of Section 20 of the Act.

The source reduction component shall describe the following:

1. strategies in reducing the volume of solid waste generated at source;
2. measures for implementing such strategies and the resources necessary to carry out such activities;
3. other appropriate waste reduction technologies that may also be considered, provided that such technologies conform with the standards set pursuant to this Act;
4. the types of wastes to be reduced pursuant to Section 15 of this Act;
5. the methods that the LGU will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through re-use, recycling and composting; and
6. new facilities and of expansion of existing facilities which will be needed to implement re-use, recycling and composting.

The LGU source reduction component shall include the evaluation and identification of rate structures and fees for the purpose of reducing the amount of waste generated, and other source reduction strategies, including but not limited to, programs and economic incentives provided under Section 45 of the Act to reduce and use of non-recyclable materials, replace disposable materials and products with reusable materials and products, reduce packaging, and increase the efficiency of the use of paper, cardboard, glass, metal, and other materials. The waste reduction activities of the community shall also take into account, among others, local capability, economic viability, technical requirements, social concerns, disposition of residual waste and environmental impact. Projection of future facilities needed and estimated cost shall be also incorporated in the plan.

d) Recycling

The recycling component shall include a program and implementation schedule which shows the methods by which the LGU shall, in combination with the source reduction and

composting components, reduce a sufficient amount of solid waste disposed of in accordance with the diversion requirements set in Section 20 of the Act and Section 7 Rule VII of these IRR.

The LGU recycling component shall describe the following:

1. The types of materials to be recycled under the programs;
2. The methods for determining the categories of solid wastes to be diverted from disposal at a disposal facility through recycling; and
3. New facilities and expansion of existing facilities needed to implement the recycling component.

The LGU recycling component shall describe methods for developing the markets for recycled materials, including, but not limited to, an evaluation of the feasibility of procurement preferences for the purchase of recycled products. Each LGU may determine and grant a price preference to encourage the purchase of recycled products.

The five-year strategy for collecting, processing, marketing and selling the designated recyclable materials shall take into account persons engaged in the business of recycling or persons otherwise providing recycling services before the effectivity of the Act. Such strategy may be based upon the results of the waste composition analysis performed pursuant to this Section or information obtained in the course of past collection of solid waste by the local government unit, and may include recommendations with respect to increasing the number of materials designated for recycling pursuant to the Act.

The LGU recycling component shall evaluate industrial, commercial, residential, agricultural, governmental, and other curbside, mobile, drop-off, and buy-back recycling programs, manual and automated materials recovery facilities, zoning, building code changes and rate structures which encourage

recycling of materials. The Solid Waste Management Plan shall indicate the specific measures to be undertaken to meet the waste diversion specified under Section 20 of the Act and Section 7 Rule VII of these IRR.

Recommended revisions to the building ordinances, requiring newly-constructed buildings and buildings undergoing specified alterations to contain storage space, devices or mechanisms that facilitate source separation and storage of designated recyclable materials to enable the local government unit to efficiently collect, process, market and sell the designated materials. Such recommendations shall include, but shall not be limited to separate chutes to facilitate source separation in multi-family dwellings, storage areas that conform to fire and safety code regulations, and specialized storage containers.

The Solid Waste Management Plan shall indicate the specific measures to be undertaken to meet the recycling goals pursuant to the objectives of the Act.

e) Composting

The composting component shall include a program and implementation schedule which shows the methods by which the LGU shall, in combination with the source reduction and recycling components, reduce a sufficient amount of solid waste disposed of within its jurisdiction to comply with the diversion requirements of Section 20 of the Act and Section 7 Rule VII of these IRR.

The LGU composting components shall describe the following:

1. The types of materials which will be composted under the programs;
2. The methods for determining the categories of solid wastes to be diverted from disposal at a disposal facility through composting; and

3. New facilities, and expansion of existing facilities needed to implement the composting component.

The LGU composting component shall describe methods for developing the markets for composted materials, including, but not limited to, an evaluation of the feasibility of procurement preferences for purchase of composted products. Each LGU may determine and grant a price preference to encourage the purchase of composted products.

f) Collection and Transfer

The plan shall take into account the geographic subdivisions to define the coverage of the solid waste collection area in every barangay. The barangay shall be responsible for ensuring that a 100% collection efficiency from residential, commercial, industrial and agricultural sources, where necessary within its area of coverage, is achieved. Toward this end, the plan shall define and identify the specific strategies and activities to be undertaken by its component barangays, taking into account the following concerns:

1. Availability and provision of properly designed containers or receptacles in selected collection points for the temporary storage of solid waste while awaiting collection and transfer to processing sites or to final disposal sites;
2. Segregation of different types of solid waste for re-use, recycling and composting;
3. Hauling and transfer of solid waste from source or collection points to processing sites or final disposal sites;
4. Issuance and enforcement of ordinances to effectively implement a collection system in the barangay; and
5. Provision of properly trained officers and workers to handle solid waste disposal.

The plan shall define and specify the methods and systems for the transfer of solid waste from specific collection points to solid waste management facilities.

g) Processing

The plan shall define the methods and the facilities required to process the solid waste, including the use of intermediate treatment facilities for composting, recycling, conversion and other waste processing systems. Other appropriate waste processing technologies may also be considered provided that such technologies conform with internationally acceptable and other standards set in other laws and regulations.

h) Solid Waste Facility Capacity and Final Disposal

The solid waste facility component shall include, but shall not be limited to, a projection of the amount of disposal capacity needed to accommodate the solid waste generated, reduced by the following:

1. Implementation of source reduction, recycling, and composting programs required in this Section or through implementation of other waste diversion activities;
2. Any permitted disposal facility which will be available during the 10-year planning period; and
3. All disposal capacity which has been secured through an agreement with another LGU, or through an agreement with a solid waste enterprise.

The plan shall identify existing and proposed disposal sites and waste management facilities in the city or municipality or in other areas. The plan shall specify the strategies for the efficient disposal of waste through existing disposal facilities and the identification of prospective sites for future use. The selection and development of disposal sites shall be made on the basis of internationally accepted standards and on the guidelines set in Sections 41 and 42 of the Act.

Strategies shall be included to improve said existing sites to reduce adverse impact on health and the environment, and to extend life span and capacity. The plan shall clearly define

projections for future disposal site requirements and the estimated cost for these efforts.

Open dumpsites shall not be allowed as final disposal sites. If an open dumpsite is existing within the city or municipality, the plan shall make provisions for its closure or eventual phase out within the period specified under the framework and pursuant to the provisions under Section 37 of the Act. As an alternative, sanitary landfill sites shall be developed and operated as a final disposal site for solid and, eventually, residual wastes of a municipality or city or a cluster of municipalities and/or cities. Sanitary landfills shall be designed and operated in accordance with the guidelines set under Sections 40 and 41 of the Act.

i) Education and Public Information

The education and public information component shall describe how the LGU will educate and inform its citizens about the source reduction, recycling, and composting programs.

The plan shall make provisions to ensure that information on waste collection services, solid waste management and related health and environmental concerns are widely disseminated among the public. This shall be undertaken through the print and broadcast media and other government agencies in the municipality. The DECS and the Commission on Higher Education shall ensure that waste management shall be incorporated in the curriculum of primary, secondary and college students.

j) Special Wastes

The special waste component shall include existing waste handling and disposal practices for special waste or household hazardous wastes, and the identification of current and

proposed programs to ensure the proper handling, re-use, and long-term disposal of special wastes.

k) Resource Requirement and Funding

The funding component includes identification and description of project costs, revenues, and revenue sources the LGU will use to implement all components of the LGU solid waste management plan.

The plan shall likewise indicate specific projects, activities, equipment and technological requirements for which outside sourcing of funds or materials may be necessary to carry out the specific components of the plan. It shall define the specific uses for its resource requirements and indicate its costs. The plan shall likewise indicate how the province, city or municipality intends to generate the funds for the acquisition of its resource requirements. It shall also indicate if certain resource requirements are being or will be sourced from fees, grants, donations, local funding and other means. This will serve as basis for the determination and assessment of incentives which may be extended to the province, city or municipality as provided for in Section 45 of the Act.

l) Privatization of Solid Waste Management Projects

The plan shall likewise indicate specific measures to promote the participation of the private sector in the management of solid wastes, particularly in the generation and development of the essential technologies for solid waste management. Specific projects or component activities of the plan which may be offered as private sector investment activity shall be identified and promoted as such. Appropriate incentives for private sector involvement in solid waste management shall likewise be established and provided for in the plan, in consonance with Section 45 hereof and other existing laws, policies and regulations; and

m) Incentive Programs

A program providing for incentives, cash or other wise, which shall encourage the participation of concerned sectors shall likewise be included in the plan.

Section 4. Considerations of local government SWM Plans prior to the Act's effectivity

Acknowledging that a number of LGUs have initiated efforts in preparing their respective solid waste management plan, prior to the effectivity of the Act, these efforts shall be recognized as works complying with the pertinent provisions of the Act; provided that, earlier developed plans shall be made consistent with the elements prescribed in Section 3 under Rule VII of this rules and regulations. Said plan upon its validation and adjustments shall be subject to approval by the Commission.

Section 5. Clustering of Common Solid Waste Management Problems

The Department shall publish guidelines for the identification of areas which have common solid waste management problems and are appropriate units for clustered solid waste management services. The guidelines shall be based on the following considerations:

- a) the size and location of areas which should be included;
- b) the volume of solid waste which would be generated;
- c) the available means of coordinating local government planning between and among the LGUs and for the integration of such with the national plan;
- d) possible lifespan of the disposal facilities; and
- e) common waste treatment and disposal facilities

The Commission shall recommend to concerned local government units to consolidate and coordinate efforts, services and resources

for jointly addressing solid waste management issues. Furthermore, technical guidelines, criteria for joint activities and projects, and a set of incentive systems for LGUs opting to consolidate efforts by jointly planning and implementing a comprehensive SWM programs for their respective areas of jurisdictions shall be subsequently specified and regularly updated by the Department.

Mandatory public hearings for the national framework and local government solid waste management plans shall be undertaken by the Commission and the respective Boards. Provided that, the Commission and respective Boards ensure that at least three (3) weeks notice, prior to the hearing is given to the public. Such notice shall include an explanation of the hearing process, location, and any other factor, either the Commission or respective Boards consider relevant.

The Commission shall formulate standard rules and procedures for the conduct of public hearings. However, each hearing shall be of a substantive nature. It shall include more than just a description of the National Framework and local government solid waste management plans, by the Commission and respective Boards.

Every citizen shall be given the right and opportunity to comment on the Framework, and solid waste management plans, preferably in writing.

All records of the proceedings of said hearings shall be filed with the Commission and the respective boards; and that they shall be readily available and accessible to the public. The Commission and respective boards shall formulate their decision whether to adopt, reject or revise the reviewed plans on the basis of materials and information, provided their knowledge and experience, in addition to the materials adduced in public hearings.

Section 7. Establishing Mandatory Solid Waste Diversion

Each LGUSWM plans shall include an implementable schedule which shows that within five (5) years after the effectivity of the Act, the LGU shall divert at least 25% of all solid waste from waste disposal facilities through re-use, recycling and composting activities and other resource recovery activities. The baseline for the 25% shall be derived from the waste characterization results which each LGUs are mandated to undertake. Subsequently the waste diversion goals shall be increased every three (3) years thereafter. Nothing in this IRR however, prohibits a local government unit from implementing re-use, recycling and composting activities designed to exceed the 25% goal.

RULE VIII. IMPLEMENTATION OF THE ECOLOGICAL SOLID WASTE MANAGEMENT SYSTEMS

Section 1. Overall Policy

It shall be the overall policy of the Department to strictly implement the provisions of the Rules and Regulations of the Act. The implementation of the ecological solid waste management shall fundamentally take into account the management of waste in the following hierarchy:

- a) Source reduction and minimization of wastes generated at source;
- b) Resource recovery, recycling and reuse of wastes at the barangay;
- c) Efficient collection, proper transfer and transport of wastes by city/municipality; and
- d) Efficient management of residuals and of final disposal sites and/or any other related technologies for the destruction/reuse of residuals.

Section 2. Implementation of the Ecological Solid Waste Management Systems

The Local Government Code, the LGUs shall be primarily responsible for the implementation and enforcement of the ecological solid waste management systems within their respective jurisdictions.

Waste segregation and collection shall be conducted at the barangay level specifically for biodegradable/compostable and reusable/recyclable wastes. The collection and disposal of non-recyclable/non-recoverable materials and special wastes shall be the responsibility of the city or municipality.

RULE IX. WASTE SEGREGATION AT SOURCE

Section 1. Waste Segregation and Volume Reduction at Source

Volume reduction at the source shall be the first priority of the ecological SWM system. All LGUs shall actively promote among its constituencies the reduction and minimization of wastes generated at source; responsibility for sorting and segregation of biodegradable and non-biodegradable wastes shall be at the household level and all other sources.

Section 2. Minimum Requirements for Segregation and Volume Reduction

The following shall be the minimum requirements for segregation and storage of solid waste pending collection:

- a) There shall be a separate container for each type of waste from all sources. For bulky waste, it will suffice that the same be collected and placed in a separate container and in designated areas;

- b) The solid waste container depending on its use shall be properly marked or identified for on-site collection as “compostable,” “recyclable” or “special waste,” or any other classification as may be determined by the Commission; and
- c) For premises containing six (6) or more residential units, the LGUs shall promulgate ordinances and regulations requiring the owner or person in charge of such premises to:
 - 1. Provide for the residents a designated area and containers in which to accumulate source separated recyclable materials to be collected by the barangay or private collector; and
 - 2. Notify the occupants of such buildings of the requirements of the Act and the regulations promulgated pursuant thereto.
- d) For all commercial, institutional and industrial establishments, the LGUs shall promulgate ordinances requiring the owner or head of the institutions to:
 - 1. Provide a designated area and containers in which to accumulate source separated recyclable materials to be collected by the barangay or private collector;
 - 2. Notify all workers, employees, and entities working in the premises of the requirements of the Act and the regulations promulgated pursuant thereto; and
 - 3. No scavenging or unauthorized collection in designated segregation containers or areas shall be allowed.

***RULE X. COLLECTION, TRANSPORT AND HANDLING OF
SOLID WASTES***

Section 1. Minimum standards for the collection, transport and handling of Solid Wastes

The following shall be the minimum standards and requirements for the collection, transport and handling of solid waste:

- a) All collectors and other personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment and paraphernalia such as, but not limited to gloves, masks and safety boots, to protect them from the hazards of handling solid wastes.
- b) The City or Municipal Health Officer shall provide necessary training to the collectors and personnel to ensure that the solid wastes are handled properly in accordance with the guidelines pursuant to the Act. The Commission through the National Ecology Center, in coordination with the DOH shall develop training guidelines.
- c) Collection of solid waste shall be done in a manner that prevents damage to the container and spillage or scattering of solid waste within the collection vicinity.
- d) The equipment used in the collection and transportation of solid waste (or materials which have been separated for the purpose of recycling) shall be constructed, operated and maintained in such a manner as to minimize health and safety hazards to solid waste management personnel and the public.
- e) Equipment shall be maintained in good condition and kept clean to prevent the propagation or attraction of vectors and the creation of nuisances.

- f) The use of separate collection schedules and/or separate trucks or haulers shall be required for specific types of wastes. Otherwise, vehicles used for the collection and transport of solid wastes shall have the appropriate compartments to facilitate efficient storing of sorted wastes while in transit. The waste compartment shall have a cover to ensure the containment of solid wastes while in transit.
- g) Vehicles shall be designed to consider road size, condition and capacity to ensure the safe and efficient collection and transport of solid wastes.
- h) For the purpose of identification, vehicles shall bear the body number, the name, and telephone number of the contractor/agency collecting solid waste.

Section 2. Minimum Requirements for Establishing and Operating Transfer Stations

Transfer stations shall be designed and operated for efficient waste handling capacity and in compliance with environmental standards and guidelines set pursuant to the Act, these IRRs and other regulations. In addition the design and operation of transfer stations shall conform to the following standards and criteria:

- a) Leachate and Drainage Control – Facilities shall be designed such that waste shall not come into contact with run-off and to prevent the generation of leachate.
- b) Provisions for vector, odor, litter and dust control shall be included.
- c) The siting of the transfer station shall consider the land use plan, proximity of collection area, and accessibility of haul routes to disposal facility. The design shall give primary consideration to size and space sufficiency in order to

accommodate the storage of waste, and vehicles for the loading and unloading of wastes.

- d) The following records shall be kept and maintained, such records shall be submitted to the Department upon request:
1. Record of daily weights or volumes of waste received and transferred accurate to within ten percent (10%) and adequate for overall planning purposes and tracking of waste volumes
 2. Daily logbook or file of the following information shall be maintained: fires, special occurrences, unauthorized loads, injury and property damage
- e) Waste shall be removed from the transfer station within twenty-four (24) hours of its receipt.

RULE XI. MATERIALS RECOVERY FACILITIES AND COMPOSTING

Section 1. Operations of a Materials Recovery Facility

Barangays shall be responsible for the collection, segregation, recycling of biodegradable, recyclable, compostable and reusable wastes. MRFs will be established in every barangay or cluster of barangays.

The facility shall be established in a barangay-owned or leased land or any suitable open space to be determined by the barangay through its Sanggunian. For this purpose, the barangay or cluster of barangays shall allocate a certain parcel of land for the MRF. The determination of site and actual establishment of the facility shall likewise be subject.

The MRF shall receive biodegradable wastes for composting and mixed non-biodegradable wastes for final segregation, re-use and

recycling. Provided, that each type of mixed waste is collected from the source and transported to the MRF in separate containers.

The resulting residual wastes shall then be transferred to a long-term storage or disposal facility or sanitary landfill.

Materials recovery facilities shall be designed to receive, sort, process and store compostable and recyclable material efficiently and in an environmentally sound manner. The facility shall address the following considerations:

- a) The building and/or land layout and equipment must be designed to accommodate efficient and safe materials processing, movement and storage;
- b) The building must be designed to allow efficient and safe external access and to accommodate internal flow;
- c) If the MRF includes a composting operation, it shall comply with the provisions of Section 2 and of Rule XI of this IRR applicable to composting and composts;
- d) The following records shall be kept and maintained, such records shall be submitted to the Department upon request:
 - 1) Record of daily weights or volumes of waste received, processed and removed from site accurate to within ten percent (10%) and adequate for overall planning purposes and tracking of success of waste diversion goals; and
 - 2) Daily logbook or file of the following information shall be maintained: fire, special occurrences, unauthorized loads, injury and property damage

Section 2. Guidelines for Compost Quality

Organic fertilizers derived from compost and intended to be distributed commercially shall conform with the standards for organic fertilizers set by the Fertilizer and Pesticide Authority of the Department of Agriculture. Compost products intended for

commercial or non-commercial distribution shall be free from hazardous/toxic constituent above permissible levels, and shall be tested for such constituents using the Toxicity Characteristic Leaching Procedure (TCLP) test method developed by the United States Environmental Protection Agency (USEPA).

Section 3. Inventory of Markets for Composts

Within six (6) months after the effectivity of this Act, the DA shall publish an inventory of existing markets and demands for composts. Said inventory shall thereafter be updated and published annually: Provided that composting of agricultural wastes, and other compostable materials, including but not limited to garden wastes, shall be encouraged.

Section 4. Minimum Requisites for Operating Composting Facilities

Composting facilities shall conform to the following siting, design and operating standards and criteria:

- a) The Facility shall not be sited in areas subject to frequent flooding, unless engineering controls are provided in the design to prevent inundation of the facility.
- b) Leachate and Drainage Control
 1. Facilities shall be designed such that compost piles, windrows, residues and processed material will not come in contact with surface storm run-off.
 2. Where excess leachate storage is provided, discharge of leachate into any body of water is prohibited unless such discharge meets the limits prescribed by the DENR standards for effluents. Where leachate needs to be stored, it shall comply with the provisions of Section 1(k) of Rule XIV of this IRR. Provisions shall be made such that

leachate is re-circulated back into compost piles or windrows as much as possible.

- c) Provisions for vector, odor, litter and dust control shall be included
- d) Records keeping shall be maintained at all times in accordance with Section 2(b) of Rule XIV of this IRR.
- e) Residues shall be managed as solid waste and shall be disposed of as such.
- f) Temperatures of compost piles, curing piles and processed composts shall be maintained in safe levels to prevent spontaneous combustion.
- g) Aerobic conditions shall be maintained to prevent creation of dangerous gases such as methane.

Provided that, individual household backyard composting shall be exempted from the provisions of Section.

All technical reports, technical documents, plans and specifications pertaining to the engineering of the facility and other waste management facilities shall be certified based on EMB requirements.

RULE XII. IMPLEMENTING A RECYCLING PROGRAM

Section 1. Formulating a Recycling Program (Eco-labeling, Reclamation, Buy Back Mechanism)

The DTI shall, in cooperation with the Department, DILG/LGUs, sectors practicing recycling and other concerned agencies, shall undertake a study of existing markets for processing and purchasing recyclable materials, and the potential steps necessary to expand these markets.

When developing the market for recycled goods, an investigation of markets should be made for each recyclable material, as defined in the Act, by the Commission, DTI, DOF and the NEC, and should include at a minimum:

- a) identifying potential purchasers of the recovered material through standard market research techniques;
- b) directly contacting buyers and determining the buyers quality specifications, potential transportation agreements and any minimum quantity criteria.

All information from the investigation of markets, including a list of prospective buyers of recycled products, and a list of procedures, standards and strategies to market recyclable materials and develop local markets, shall be easily accessible by the public, through the solid waste management information database, formulated by the National Ecology Center.

Section 2. Environmentally Preferable Purchasing

The Commission, DTI, DOF, NPS and the NEC, shall encourage national and local governments to purchase environmentally preferable products and services.

All government personnel shall seek to reduce the environmental damages associated with their purchases by increasing their acquisition of environmentally preferable products and services to the extent feasible, consistent with price, performance, availability and safety considerations.

Responsibility for environmentally preferable purchasing shall be shared among the program, acquisition and procurement personnel of government agencies.

The principles of pollution prevention, life cycle perspective/multiple environmental attributes, comparison of environmental impacts – recovery time and geographic scale, differences among competing products' environmental

performance and human health shall all be considered in environmentally preferable purchasing.

Section 3. Specifications, Product Descriptions and Standards

It shall be the responsibility of the DTI to conduct a study into product standards for recyclable and recycled materials. Such a study shall consider and include, through not be limited to any existing standards on recycled and recyclable products and existing international practices. In the formulation of such a study, DTI shall consult with affected industries and other concerned agencies; provided that, the results of such a study and any subsequent guidelines or standards formulated, shall be easily accessible to the public through the NEC database.

Section 4. Eco-labeling

The Department of Trade and Industry – Bureau of Product Standards (DTI-BPS) shall formulate and implement a coding system for packaging materials and products to facilitate waste recycling and re-use. The coding system shall initially be based on ISO 14020 series standards, particularly, ISO standard 14024, “Environmental Labeling – Practitioner Programs – Guiding Principles, Practices and Certification Procedures of Multiple Criteria (type 1) Programs”, with criteria to be determined on the basis of life cycle assessment of the product group.

The criteria shall be regularly reviewed to ensure their appropriateness and currency in light of scientific and technical progress, and of the experience gained in this area, and to ensure consistency with relevant, internationally recognized standards.

DTI shall clarify the principles for establishing the effectivity level of the eco-label, in order to facilitate consistent and effective implementation of the scheme.

The eco-label shall include simple, accurate, non-deceptive and scientifically based information on the key environmental aspects which are considered in the award of the label in order to enable consumers to make informed choices. Provided DTI shall make relevant information about the attributes of the products available to purchasers, and that information on the process and methodologies used in the eco-labeling process, shall be available to all interested parties.

Section 5. Non-Environmentally Acceptable Products

The Commission should decide which products or packaging are non-environmentally acceptable. Provided, that this criteria is regularly reviewed to ensure its appropriateness and currency, in light of scientific and technical progress, and of the experience gained in this area.

Prohibiting non-environmentally acceptable products, any decision to prohibit certain packaging types and products must be supported by available scientific, environmental, technical and economic information and technical studies through, but not limited to life cycle assessment and economic analysis. Provided that the Commission consults representatives from affected industries and subject to public notice and hearing.

Further, in making such decisions, the Commission shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, such decisions shall, as a last resort, be adopted by a two-thirds majority vote of the Commission.

Based on the assessments made, the Commission may decide:

- a) which products should be added to or removed from the list of non-environmentally acceptable products;
- b) the mechanism, scope and timing of the control measures that should apply to those products;

- c) possible alternatives to controlled products as defined in RA 6969;
- d) costs and benefits of relevant control strategies; and
- e) the specific measures to be undertaken to comply with Section 29 of the Act.

The list on non-environmentally acceptable products shall be made available to the public through the solid waste management information database.

Prior to each annual revision and update of the list of non-environmentally acceptable products, the Commission shall seek information from the appropriate experts qualified in the fields mentioned and in any other field deemed necessary to the revision. Notice of the updated list will also be given to the public and affected industries and at least 60 days shall be allocated for comment of the public and affected industries. Any written comments may be submitted to the Commission.

Provided, the list of non-environmentally acceptable products and the schedule for their phase-out, shall be included in the solid waste management information database, formulated by the National Ecology Center.

Section 6. Reclamation Programs and Buy-back Centers

The NEC shall assist LGUs in establishing and implementing deposit or reclamation programs in coordination with manufacturers, recyclers and generators to provide separate collection systems or convenient drop-off locations for recyclable materials and particularly for separated toxic components of the waste stream like dry cell batteries and tires to ensure that they are not incinerated or disposed of in landfill.

In assisting LGUs in the establishment of buyback centers and reclamation programs, the NEC shall conduct a detailed study on feasible reclamation programs and buyback centers. The NEC shall also assist in implementing such programs and centers, by

cooperating with respective LGUs in the formulation of related ordinances.

RULE XIII OPERATIONS OF CONTROLLED DUMPSITES

Section 1. Controlling the Operation of Open Dumpsites

No open dumpsites shall be established and operated by any person or entities, including the LGUs, will be allowed. Within three (3) years following the effectivity of the Act, all open dumpsites shall be converted to controlled dumpsites to operate only within five (5) years and beyond the said period shall consider these facilities as deemed closed and phased out. The Commission through the Department shall issue subsequent guidelines that will classify controlled dumpsites according to the following considerations:

- a) Volume of wastes received;
- b) Types and character of wastes received; and
- c) Cost requirements for operating the facilities.

Section 2. Minimum Requirements for Operation of Controlled Dumpsites

The following minimum requirements shall be applied in siting, designing and operation of controlled dumpsites:

- a) Daily cover consisting of inert materials or soil of at least 6 inches in thickness shall be applied at the end of the working day; where there is a lack of onsite soil material, other alternative materials may be used subject to the prior written approval of the enforcement authority and the Department;
- b) Drainage and runoff control shall be designed and managed such that storm water does not come in contact with waste and that discharge of sediments into the receiving body of water is minimized. Appropriate erosion protection shall be installed at storm discharge outfalls;

- c) Provision for aerobic and anaerobic decomposition shall be instituted to control odor;
- d) Working areas shall be minimized and kept at no more than a ratio of 1.5 square meter (sqm) or less per ton/day (tpd) of waste received on a daily basis, e.g. 30 sqm working area for a 20 tpd facility;
- e) Security fencing shall be provided to prevent illegal entries, trespassing and large animal entries. Large animals shall include but not limited to adult domesticated or feral animals such as dogs, cats, cattle, pigs, carabaos and horses. Provisions for litter control including the use of litter fences and daily picking of litter shall be included;
- f) Basic record keeping including volume of waste received daily, special occurrences such as fires, accidents, spills, unauthorized loads (maintain record of unauthorized and rejected loads, name and address of hauler and generator of such unauthorized waste), and daily waste inspection logs;
- g) Provision of maintained all-weather access roads;
- h) Controlled waste picking and trading, if allowed by owner/operator, in order to facilitate daily covering and compliance to Subsections (a) through (e) above;
- i) Provision of at least 0.60 m final soil cover at closure, and post-closure maintenance of cover, drainage and vegetation; Post-closure maintenance shall be for a period of ten (10) years;
- j) Site shall not be located in flood plains and areas subject to periodic flooding and it shall be hydro-geologically suitable, i.e., adequate separation or clearance between waste and underlying groundwater and any surface body of water shall be provided. Engineering controls shall be provided otherwise.

- k) Open dumpsites that do not comply with siting requirements of this Section shall be closed immediately. A replacement facility shall be, at a minimum, a controlled dump and shall meet the requirements of Rule XIII, and other applicable provisions of the IRR

RULE XIV OPERATIONS OF SANITARY LANDFILLS

Section 1. Minimum Considerations for Siting and Designing Sanitary Landfills

The following guidelines, standards and criteria shall be applied in siting and designing sanitary landfills:

- a) The location of the facility shall be consistent with the overall land use plan of the LGU.
- b) The site shall be accessible from major roadways and thoroughfares, provided that if it is not accessible, the project design shall include means of access.
- c) The site shall have an adequate quantity of earth cover material that is easily handled and compacted; as an alternative, an offsite guaranteed source of cover material shall be identified.
- d) If the site is located within two (2) kilometers of an airport runway, it shall not pose a bird hazard to aircraft. The Owner/Operator shall institute a bird control program so as to prevent hazards to aircraft if bird population becomes significant due to the operation of the landfill. The site shall comply with other requirements for safety of flying aircraft in terms of height of structures, such as provisions for obstruction lights, if required.
- e) Locations of public water supply intakes located within one (1) kilometer from the facility, including active public drinking water supply wells, shall be shown on a facility map.

- f) The facility shall not be constructed within 75 meters from a Holocene fault or known recent active fault.
- g) If significant archaeological and cultural resources are present at the site, such resources shall be protected and preserved.
- h) If the site is a habitat of listed endangered species, mitigation measures for protection of the species as required by applicable laws shall be included in the project proposal.
- i) The site shall be chosen with regard to the sensitivities of the community's residents. The Sangguniang Bayan/Lungsod of the host LGU shall adopt a resolution confirming compliance with the pertinent siting, design criteria and standards. The resolution shall be deemed as having fully satisfied the public sensitivity requirement of this section.
- j) Except as provided by Section (m) of Rule XIV, for landfills located in sensitive resources areas, landfills shall be provided with a base liner system consisting of clay and/or geosynthetic membranes (geomembrane). If clay is used, it shall have a minimum thickness of 0.75m and permeability of 1×10^{-6} cm/sec or less. Geomembranes shall be at least 1.5 mm thick with a permeability of 1×10^{-14} cm/sec or less; Geosynthetic Clay Liners (GCL) shall have a thickness of at least 64 mm and a permeability of 1×10^{-9} cm/sec or less. If composite liner is used (clay under geo-membrane), the thickness of the clay liner may be reduced to 0.60 m. The overlying geomembrane shall have the same properties as stated above. In the design of geosynthetic liners, international standards (e.g. Geosynthetic Research Institute, or applicable ASTM standards) shall be used for its design and specifications in terms of properties, manufacturing and construction quality assurance and testing procedures.
- k) Leachate collection and removal system shall be provided and designed such that leachate buildup in the landfill will be minimized. For design purposes, an allowable leachate level of

not more than 0.60 meter over the liner system shall be maintained. If leachate is discharged to a receiving body of water, the discharge shall meet effluent discharge and water quality criteria prescribed by DENR.

- l) Leachate storage facilities shall be designed with containment systems to prevent leachate from spillage and its migration into underlying groundwater or nearby surface body of water. For leachate impoundment ponds, the design shall include a geomembrane liner system, underlain by a low permeability soil layer of at least 0.30 m thick. The geomembrane liner shall be at least 1.5 mm thick with a permeability of 1×10^{-14} cm/sec or less; Liner specifications, CQA and engineering certification requirements shall be per provisions of Section 1m of Rule XIV. Adequate freeboard including allowance for rainfall volume and other safeguards shall be provided to prevent pond overflowing.

- m) The site shall be located in an area where the landfill's operation will not detrimentally affect environmentally sensitive resources such as aquifers, groundwater reservoir or watershed area, by provision of the following special mitigation measures and additional criteria:
 - 1. The facility shall be a minimum 50 meters away from any perennial stream, lake or river.
 - 2. The site shall be evaluated for presence of geologic hazards, faults, unstable soils, its foundation stability, and its hydrogeologic character. The site shall not be located in a floodplain.
 - 3. It shall be provided with a composite base liner system consisting of a minimum 1.5 millimeter (mm) thick high density polyethylene liner (HDPE) underlain by a soil liner with a minimum thickness to 0.60 meter (m) and maximum permeability of 1×10^{-6} centimeter/second (cm/sec).
 - 4. A Geosynthetic Clay Liner (GCL) with a minimum thickness of 6.4 mm and permeability of 1×10^{-9} cm/sec or less, may be substituted for the soil liner. Likewise, the

design of the final cap shall be equivalent to its liner system in terms of permeability. The thickness of the final cover system shall be at least 1.5 m including a minimum 0.60 m thick soil foundation layer, its final cap, a drainage layer, and a vegetative layer of at least 0.30 m thick. If the thickness of the equivalent final cap makes the entire cover system less than 1.5 m thick, the deficiency shall be made up by increasing the thickness of the foundation layer.

5. Strict liner and final cap construction quality assurance (CQA) and testing shall be performed by a third party experienced in earthwork, clay and geosynthetic liner installation, quality assurance supervision, testing and inspection. The lead CQA person, as a minimum qualification or experience, must have supervised the installation of at least 100,000 square meters each of clay and geosynthetic liner system; the CQA person or firm shall submit a construction completion report within 60 days of liner or final cap construction completion to the Department, certifying that construction of each liner system was performed and completed in accordance with its plans and specifications. The CQA report shall be certified by a registered Civil or Geotechnical Engineer or other registered Engineer, provided that the certifying Engineer shall have at least designed or supervised the installation of soil and geosynthetic liners of quantities similar to those of the lead CQA person.
- n) The design of the landfill shall be statistically stable and shall be able to withstand the effects of a ground acceleration generated by an earthquake of 100-year or more recurrence interval.
 - o) A separation of at least two (2.0) meters shall be maintained between the top of the liner system and underlying groundwater.
 - p) A temporary impoundment for drainage runoff shall be provided with a detention time sufficient for sediment removal and/or reduction, prior to its discharge.

- q) The site shall be large enough to accommodate the community's waste for a period of five (5) years or more during which people must internalize the value of environmentally sound and sustainable waste disposal.
- r) The site chosen shall facilitate developing a landfill that will satisfy budgetary constraints, including site development, operation for many years, closure and post-closure care and possible remediation costs.
- s) Operating plans shall include provisions for coordinating with recycling and resource recovery projects.
- t) Designation of a separate containment area for household hazardous wastes.
- u) A gas control system shall be provided when the volume of waste in the landfill has reached 0.5 million metric tons. The owner/operator shall consider recovery and conversion of methane gas into usable energy if economically viable. Prior to installation of gas control facilities, perimeter boundary gas monitoring shall be performed in accordance with Section 2(b) of Rule XIV.
- v) Groundwater monitoring wells shall be placed at appropriate locations and depth for taking water samples that are representative of groundwater quality and for predicting groundwater flow.
- w) Cover shall consist of a daily soil cover at least 6 inches in thickness applied at the end of each workday. Alternative Daily Cover (ADC), maybe used provided that the owner/operator can demonstrate to the Department in writing, the equivalency of the proposed ADC in controlling infiltration, vector, odor and litter based on technical research or studies. In areas within the landfill that will not be used for at least 180 days, an additional interim soil cover of 6 inches thick shall be placed over the existing daily cover. The final

cover shall consist of, from bottom to top, the foundation layer (consisting of 0.60m thick soil layer including interim cover), a final cap with an equivalent permeability as that of its liner system. A drainage layer and a vegetative layer. Installation of final cover shall be completed within six (6) months from the last receipt of waste.

- x) Closure of the landfill shall be completed within one year of cessation of landfill operation.
- y) Post-closure care shall be for a period of fifteen (15) years. DENR shall establish post-closure guidelines and requirements for financial assurance mechanisms within one year.
- z) Small facility exemption from specific standards of this Section. The DENR will establish criteria for exemption within one (1) year from approval of the IRR.
- aa) All technical reports, technical documents, plans and specifications pertaining to the engineering of the facility shall be certified and sealed by a licensed Engineer with relevant experience and expertise.

Section 2. Minimum Considerations for Operating Sanitary Landfills

In the operation of sanitary landfills, each site operator shall maintain the following minimum operating requirements:

- a) Disposal site records of, but not limited to:
 - 1. Records of weights or volumes accepted in a form and manner approved by the Department. Such records shall be submitted to the Department upon request, accurate to within ten percent (10%) and adequate for overall planning purposes and forecasting the rate of site filling;

2. Records of excavations which may affect the safe and proper operation of the site or cause damage to adjoining properties;
 3. Daily logbook or file of the following information: fire, landslides, earthquake damage, unusual and sudden settlement, injury and property damage, accidents, explosions, receipt or rejection of non-permitted wastes, flooding and other unusual occurrences;
 4. Record of personnel training; and
 5. Copy of written notification to the Department, local health agency, and fire authority of names, addresses and telephone numbers of the operator or responsible party of the site.
- b) Water quality monitoring of surface and ground waters and effluent, and gas emissions shall be performed in frequencies prescribed by the Department on a project by project basis; Parameters for groundwater, effluent and surface waters shall be as prescribed by the Department in the facility's permit. For landfills sited under Section 1m of Rule XIV of this IRR, groundwater, perimeter gas monitoring and receiving surface water monitoring shall be on a quarterly basis and treated leachate effluent discharge shall be monitored for pH, 5-day Biochemical Oxygen Demand (BOD5) and Total Suspended Solids (TSS) concentrations on a weekly basis or when discharged if discharge is not on a daily basis, and shall not exceed limits prescribed by the Department according to the classification of the receiving body of water. Other parameters to be monitored and their respective frequencies shall be in accordance with the facility's permit. Owners/Operators of Section 1m of Rule XIV facilities shall submit monitoring and inspection reports on a quarterly basis to the designated enforcement authority with a copy furnished to the Department and other relevant agencies. The report shall be certified as to its correctness and accuracy by the owner/operator or his designated (in writing) representative. For other facilities, reporting frequencies shall be specified by the Department but

in no case will it be more frequent than quarterly basis unless the facility is in a state of verification/assessment monitoring.

- c) Groundwater Sampling Protocol – The DENR shall establish requirements and guidelines within one year from approval of this IRR.
- d) Background Groundwater Quality Monitoring Statistical Data Evaluation and Establishment of Concentration Limits for Contaminant Indicators – The DENR shall establish requirements and guidelines within one year from approval of IRR.
- e) Detection Groundwater Monitoring Data Statistical Analysis, Verification Monitoring – The DENR shall establish requirements and guidelines within one year from approval of IRR.
- f) Assessment Monitoring and Corrective Action – The DENR shall establish requirements and guidelines within one year from approval of IRR.
- g) Documentation of approvals, all reports, certification, plans and specifications, as built drawings, determinations and other requirements by the Department and other pertinent and relevant documents shall be kept in the facility’s operating record.
- h) Signs:
 - 1. Each point of access from a public road shall be posted with an easily visible sign indicating the facility name and other pertinent information as required by the Department;
 - 2. If the site is open to the public, there shall be an easily visible sign at the primary entrance of the site indicating the name of the site operator, the operator’s telephone number and hours of operation; and easily visible sign at an appropriate point shall indicate the schedule of charges and

the general types of materials which will be accepted or not;

3. If the site is open to the public, there shall be an easily visible road sign and/or traffic control measures which direct traffic to the active face and other areas where wastes or recyclable materials will be deposited; and
 4. Additional signs and/or measures may be required at a disposal site by the Department to protect personnel and public health and safety.
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- i) The site shall be designed to discourage unauthorized access by persons and vehicles by using a perimeter barrier or topographic constraints. Areas within the site where open storage or ponding of hazardous materials occurs shall be separately fenced or otherwise secured as determined by the Department. The Department may also require that other areas of the site to be fenced to create an appropriate level of security.
 - j) Roads within the permitted facility boundary shall be designed to minimize the generation of dust and the tracking of materials onto adjacent public roads. Such roads shall be kept in safe condition and maintained such that vehicle access and unloading can be conducted during inclement weather.
 - k) Sanitary facilities consisting of adequate number of toilets and handwashing facilities shall be available to personnel at or in the immediate vicinity of the site.
 - l) Safe and adequate drinking water supply for the site personnel shall be available.
 - m) The site shall have communication facilities available to site personnel to allow quick response to emergencies.
 - n) Where operations are conducted during hours of darkness, the site and/or equipment shall be equipped with adequate lighting

as approved by the Department to ensure safety and to monitor the effectiveness of operations.

- o) Operating and maintenance personnel shall wear and use appropriate safety equipment as required by the Department.
- p) Personnel assigned to operate the site shall be adequately trained in subject pertinent to the site operation and maintenance, hazardous materials recognition and screening and heavy equipment operations, with emphasis on safety, health, environmental controls and emergency procedures. A record of such training shall be placed in the operating record.
- q) The site operator shall provide adequate supervision of a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The operator shall notify the Department and local health agency in writing of the names, addresses, and telephone number of the operator or responsible party. A copy of the written notification shall be placed in the operating record.
- r) Any disposal site open to the public shall have an attendant present during public operating hours or the site shall be inspected by the operator on a regularly scheduled basis, as determined by the Department.
- s) Unloading of solid wastes shall be confined to a small area as possible to accommodate the number of vehicles using the area without resulting in traffic, personnel, or public safety hazards. Waste materials shall normally be deposited at the toe of the fill, or as otherwise approved by the Department. For practical purposes, a working area shall be limited to 1.5 square meter or less per ton/day (tpd) of waste received on a daily basis, e.g. 30 sqm working area for a 20 tpd facility.
- t) Solid waste shall be spread and compacted in layers with repeated passages of the landfill equipment to minimize voids

within the cell and maximize compaction. The loose layer shall not exceed a depth approximately 0.60 m or two feet before compaction. Spreading and compacting shall be accomplished as rapidly as practicable, unless otherwise approved by the Department.

- u) Covered surfaces of the disposal area shall be graded to promote lateral runoff of precipitation and to prevent ponding. Grades shall be established of sufficient slopes to accost for future settlement of the fill surface. Other effective maintenance methods may be allowed by the Department.
- v) Cover material or native material unsuitable for cover, stockpiled on the site for use or removal, shall be placed so as not to cause problems or interfere with unloading, spreading, compacting, access, safety, drainage or other operations.

PART IV SOLID WASTE MANAGEMENT FINANCING, INCENTIVES AND COST RECOVERY

RULE XV. FINANCING OF SOLID WASTE MANAGEMENT INITIATIVES

Section 1. National Solid Waste Management Fund

There is hereby established a National Solid Waste Management Fund (SWMF), also known as the Fund which shall be a special account in the National Treasury, and administered by the Commission. The fund shall be a catalytic fund which shall initiate bigger and wider SWM engagements in the future. LGUs may avail of the Fund and accordingly, the Commission shall develop the scheme or guidelines for the Fund administration. Reporting on the status of such Fund shall be transparent and shall be annually published by the Commission in collaboration with the Commission on Audit, four (4) months after the end of each fiscal year.

Section 2. Sources and Use of the National SWM Fund

The Fund shall be sourced from the following:

- a) Donations, endowments, grants and contributions from domestic and foreign sources.
- b) Amounts specifically appropriated for the Fund under the annual General Appropriations Act.
- c) Fines collected under Sec. 49 of the Act shall be allocated based on a sharing scheme between the Fund and the LGU concerned which shall be formulated by the Commission.

The Fund shall be used to support endeavors, which enhance the implementation of the Act. These shall include activities on the following:

- a) Products, facilities, technologies and processes to enhance proper solid waste management
- b) Awards
- c) Incentives
- d) Research programs
- e) Information, education, communication and monitoring activities
- f) Technical assistance
- g) Capability building activities

Section 3. Criteria for Availing the National SWM Fund

Subject to the availability of funds, the Fund may be made available to the SWM project/activities of LGUs on the basis of a set of criteria formulated through a consultative process, duly published and copied to all LGUs. Such criteria shall be reviewed and updated as necessary. Henceforth, the criteria for availment of the Fund shall include but not be limited to the list as follows:

- a) The SWM Plan of the proponent LGU from which the project/activity was designed has been duly approved by the Commission.

- b) Funding request for project/activity does not exceed PHP1,500,000; provided however, the Commission Secretariat shall review the funding level every three years. Only one (1) project/activity per LGU shall be eligible for support.
- c) Project/activity types under the following categories shall be considered:
 - 1. SWM projects which shall catalyze investment from the private sector and/or other investors
 - 2. Innovative SWM approaches
 - 3. Prototyping SWM models
- d) The LGU may avail of the SWM Fund once in every three (3) years, but not for the same project/activity
- e) The LGU does not have another outside fund source for SWM tasks.
- f) The LGU is committed to put in counterpart funds, the computation of which shall be provided by the Commission Secretariat per LGU classification.
- g) The process for Fund availment is completed.

Section 4. Process for Availing the National SWM Fund

The Commission through the Secretariat shall prescribe a simple procedure and proforma for fund application. The Commission shall strive for a decentralized system of accepting, appraising and approving of proposals. Furthermore, report proforma as well as procedures for the handling of government fund shall be provided by the Commission. In general, the availment process shall start from the submission of a project/activity concept drawn from the SWM plan. Once the concept proposal is approved, the LGU shall submit a detailed version of the proposal for review and final decision by the Commission. Subject to a more detailed

procedural guideline to be issued by the Commission the general process is described in Appendix B of these IRR.

In no case shall the Fund be used for the creation of positions or payment of salaries and wages.

Section 5. Establishment of Local SWM Fund

Barangay councils may issue council resolutions to establish ordinances for the creation of a Local Solid Waste Management Fund (also known as the Local Fund), pursuant to the relevant provisions of RA 7160. Funds for the Local fund shall be derived from the LGU collection of fines. The ordinance may vest authority in the Local SWM Board of every LGU to administer the Local Fund as a special account of the LGU, and to develop pertinent guidelines on the management of the Local Fund.

In the case of clustered LGUs, a governing Memorandum of Agreement of the cluster may be created in addition to ordinances, stipulating that the Local SWM Cluster Board shall administer the Local Fund. Moreover, stipulating that the Local SWM Cluster Board shall develop schemes to sustain the Local Fund including resource generating ventures and placing appropriate monies as Trust.

The ordinance may stipulate that reporting on the status of the Local Fund be transparent and that a report be issued annually, to the Commission or other relevant authority, by the LGU in collaboration with the Commission on Audit four (4) months after the end of each fiscal year. The Local SWM Cluster Board may conduct the same process of reporting. Further, the ordinance may include, however, shall not be limited to the following provisions:

Section 6. Sources and Use of the Local SWM Fund

Funds that will constitute the Local SWM Fund can be sourced from the following:

- a) Donations, endowments, grants and contributions from domestic and foreign sources.
- b) LGU allocation of fines collected.
- c) Fees collected from provision of solid waste services such as collection, recycling, and transport among others.
- d) Sub-contracting fees including management, transport and others, as stipulated in the contract or Memorandum of Agreement as in the case of private sector's and civil society's engagement of SWM services, respectively.
- e) LGU may allocate fund from the 20% Development Fund for waste management.

The Local Fund may be used to support endeavors, which enhance the implementation of the Act. These may include activities/projects on the following:

- a) Products, facilities, technologies and processes to enhance proper solid waste management
- b) Research activities
- c) Information, education, communication and monitoring activities
- d) Capability building activities

Section 7. Criteria for Accessing the Local Fund

- a) The proposed project/activity be based on the approved SWM Plan(s) of the LGU or the cluster of LGUs.
- b) The level of funding request for a project/activity shall be determined by the Local SWM Board/Local SWM Cluster Board. Only one (1) project per LGU, private sector or civil society group in a locality, respectively, shall be eligible for support.
- c) Project/activity types under the following categories may be considered:
 1. SWM projects which catalyze investment from the private sector and/or other investors

2. Innovative SWM approaches
 3. Prototyping SWM models
- d) A proponent may avail of the Local Fund once in every three (3) years, however, not for the same project/activity. Private sector and civil society groups shall be accredited by the Local SWM Board/Local SWM Cluster Board, and the process shall be defined by the respective boards.
 - e) The process for the availment of funds be completed.

Section 8. Process for Availing the Local Fund

The Local SWM Board/Local SWM Cluster Board shall prescribe a simple procedure and proforma for fund application. An efficient system of accepting, appraising and approving of proposals shall be established by the respective boards. Furthermore, report proforma as well as procedures for the handling of government funds, shall be provided by the boards. In general, the availment process shall start from the submission of a project/activity concept drawn from the SWM plan. Once the concept proposal is approved, the proponent shall submit a detailed version of the proposal for review and final decision by the board. Subject to a detailed guideline which the respective Local SWM Boards will promulgate, the general process is described in Appendix C.

In no case shall the Community Fund be used for the creation of positions or payment of salaries.

RULE XVI INCENTIVES

Section 1. Incentives

Incentives shall be provided for the purpose of encouraging LGUs, enterprises, private sector and civil society to develop or undertake socially acceptable, effective and efficient solid waste management, and/or to actively participate in any program for the

promotion thereof, as provided for in the Act, and these IRRs. The incentives may be fiscal including duties, taxes, interest rates or non-fiscal, including simplified bureaucratic procedures and reduced paper requirements.

- a) Rewards - shall be provided to LGUs, individuals, private organizations and entities, including non-government organizations, that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in re-use, recycling and reduction. The reward shall be appropriately sourced from the Fund.

A set of standards for innovativeness, proactivity, exemplary and outstanding SWM endeavors shall be formulated by the Commission and localized by the Local SWM Boards. There may be a variety of criteria for granting rewards, including though not limited to, the following categories:

1. For LGUs who initiate policy reform on SWM, principally by including co-management and the decentralization of authority to conceptualize, support and implement SWM development projects.
2. For LGUs using methodologies which substantively reduce the generation of wastes and which thereby exceed the 25% waste diversion goal.
3. For LGUs with comprehensive SWM prototypes which have undergone professional evaluation as matured models on SWM with complete coverage on the sustainable development requisites like the social, economic, cultural, political, technological, institutional and ecological dimensions.
4. For LGUs using alternative indigenous processes, materials, technologies and approaches which have been exhaustively screened for social acceptability, efficiency and effectivity.
5. For LGUs hosting SWM facilities. The Commission shall promulgate within one (1) year following the effectivity of these IRR specific guidelines that will provide specific

incentives, aside from giving grants and other financial assistance packages, to LGUs hosting or offering to host SWM facilities. The principle by which this package of incentive is designed resolves round the recognition of paying for the access granted to the present and future use of resources that are within the localities. The set of incentives may include, among others, targeting subsidies for specific use of resources like water and power; plowing back certain percentage of the profits generated from the facility to support development initiatives of the LGUs or payment of royalties for continued operation of the facilities. The Commission shall task DENR to undertake a study that will look into the specific aspects of these incentives and present to the public within a year the results of the said study.

The rewards may be monetized or non-monetized depending on the valuation of the awarding body, in this case, the Commission and Local SWM Boards. The manner of selection for the awardees shall be transparent and public.

- b) Grants -Under the Fund, the provinces, cities and municipalities with Commission approved SWM Plans, shall be entitled to receive project/activity grants for a range of SWM endeavors.
- c) Fiscal Incentives - A Committee on Fiscal Incentives for SWM Projects and Initiatives (CFI) may be established by the Commission. Committee members may serve a fixed 3-year term. The CFI may be chaired by the DOF and co-chaired by the DTI, and its members constituted by the chairpersons. The organizational protocol of the committee may be formulated by the committee members, but duly approved by the chair of the Commission. This committee may be responsible for providing the technical basis for the fiscal incentives, design proposals, review and for setting the required standards and processes to avail of these fiscal incentives. The procedures for availment of incentives under EO 226 shall be followed.

Existing Environment-Friendly Establishment. The Commission may provide monetary and non-monetary incentives to existing businesses and industries that have been professionally evaluated to engage in socially acceptable, effective and efficient recycling of wastes. The Commission shall formulate the criteria in awarding these incentives such as:

1. Tax and Duty Exemption on Imported Capital Equipment and Vehicles

Within ten (10) years upon effectivity of this Act, LGUs, enterprises or private entities shall enjoy tax and duty-free importation of machinery, equipment, vehicles and spare parts used for collection and processing of solid wastes. Provided, that the importation of such machinery, equipment, vehicle and spare parts shall comply with the following conditions:

- i. They are not manufactured domestically in sufficient quantity, of comparable quality and at reasonable prices;
- ii. They are reasonably needed and will be used actually, directly and exclusively for the above mentioned activities; and
- iii. The approval of the Board of investment (BOI) of the DTI for the importation of such machinery, equipment, vehicle and spare parts.

Provided further that, the sale, transfer or disposition of such machinery, equipment, vehicle and spare parts, without prior approval of the BOI, within five (5) years from the date of acquisition shall be prohibited, otherwise, the LGU concerned, enterprises or private entities and the vendee, transferee or assignee shall be liable to pay twice the amount of tax and duty exemption given it.

2. Tax Credit on Domestic Capital Equipment

Within ten (10) years from the effectivity of the Act, a tax credit equivalent to 50% of the value of the national internal revenue taxes and customs duties that would have been waived on the machinery, equipment, private entities, including NGOs, subject to the same conditions and prohibition.

3. Tax and Duty Exemption of Donations, Legacies and Gift.

All legacies, gifts and donations to LGUs, enterprises or private entities, including NGOs, for the support and maintenance of the program for socially acceptable, effective and efficient solid waste management shall be exempt from all internal revenue taxes and customs duties, and shall be deductible in full from the gross income of the donor for income tax purposes. The standard procedures for such exemptions are contained in the Tariff and Customs Code, Section 105-106.

4. Financial Assistance Program

Government financial institutions such as the Development Bank of the Philippines (DBP), Landbank of the Philippines (LBP), Philippine National Bank (PNB), Government Service Insurance System (GSIS), and such other government institutions providing financial services shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority to extend financial services to individuals, enterprises, or private entities engaged in solid waste management. These services maybe in the form of, but are not limited to the list as below:

- i. Provision of technical assistance to prospective SWM project proponents
- ii. Special interest rates

- iii. Collateral for loans
 - iv. Grace period of loans
- d) Non-Fiscal Incentives - LGUs/Authorities, enterprises or private entities shall also be entitled to applicable non-fiscal incentives formerly provided for under E.O. 226, otherwise known as the Omnibus Investments Code.

1. Enhanced Procedure for Importation

The Commission shall define a simplified and more efficient process for the importation of equipment, spare parts, new materials and supplies; provided the process is in accordance with the existing custom standards.

2. Enhanced Procedure for Exportation

An enhanced procedure to export locally processed products from SWM projects shall be established by the Commission. Similarly, the Commission shall develop export standards for SWM processed products.

3. Enhanced Certification, Permitting and Licensing Processes

The Commission through the Department shall provide support to SWM projects requiring an ECC. It shall thereby hasten the EIA process by formulating a guideline for the specific procedure of EIA for SWM projects. Similarly, the Local SWM Boards/Local SWM Cluster Boards shall establish simplified and efficient procedure for permitting and licensing functions.

4. Knowledge and Skills Exchange

The Commission, Local SWM Boards and Local SWM Cluster Boards shall provide cross study visits in-country and outside the country, in order to model SWM projects. The travel requirements and process shall be established by

the Commission in accordance with existing governmental procedures.

5. Employment of Foreign Nationals

Pursuant to the relevant provisions of EO 226, procedures for an enhanced processing of the employment of foreign nationals shall be hereafter followed.

- e) Private Sector Participation - Essentially, contractual arrangement is envisaged to be entered into by a Local SWM Board/Local SWM Cluster Board. This provides authority for the private sector to finance, construct, operate and maintain a facility and, in the process, to charge user fees or receive compensation. The Commission shall further define the guidelines for the private sector engagement.

The choice of the participation mode may vary from any of the scheme authorized under the BOT Law, RA 6957, as amended by RA 7718 and its implementing Rules and Regulations or joint venture arrangement allowed under the Local Government Code, RA 7160, as well as other private sector funded arrangements.

The following rights may be bestowed on the private sector proponent:

1. To operate the facility over a fixed period, not to exceed 50 years;
2. To charge facility user fees, tolls, rentals or share in the revenue of the project; and
3. To recover capital, operating and maintenance expenses and earn a reasonable return on investment.

RULE XVII. COST RECOVERY MECAHNISMS

Section 1. Power to Collect Solid Waste Management Fees

The Local SWM Board/Local SWM Cluster Board shall impose fees on the SWM services provided for by the LGU and/or any authorized organization or unit. In determining the amounts of the fees, a Local SWM Board/Local SWM Cluster Board shall include only those costs directly related to the adoption and implementation of the SWM Plan and the setting and collection of the local fees. This power to impose fees may be ceded to the private sector and civil society groups which have been duly accredited by the Local SWM Board/Local SWM Cluster Board; provided, the SWM fees shall be covered by a Contract or Memorandum of Agreement between the respective board and the private sector or civil society group.

The fees shall pay for the costs of preparing, adopting and implementing a SWM Plan prepared pursuant to the Act. Further, the fees shall also be used to pay the actual costs incurred in collecting the local fees and for project sustainability.

Section 2. Basis of SWM Service Fees

Reasonable SWM service fees shall be computed based on but not limited to the following minimum factors:

- a) Types of solid waste to include special waste
- b) amount/volume of waste
- c) distance of the transfer station to the waste management facility
- d) capacity or type of LGU constituency
- e) cost of construction
- f) cost of management
- g) type of technology

Section 3. Collection of Fees

Fees may be collected corresponding to the following levels:

- a) Barangay - The Barangay may impose fees for collection and segregation of biodegradable, compostable and reusable wastes from households, commerce, other sources of domestic wastes, and for the use of Barangay MRFs. The computation of the fees shall be established by the respective SWM boards. The manner of collection of the fees shall be dependent on the style of administration of respective Barangay Councils. However, all transactions shall follow the Commission on Audit rules on collection of fees.
- b) Municipality - The municipal and city councils may impose fees on the barangay MRFs for the collection and transport of non-recyclable and special wastes and for the disposal of these into the sanitary landfill. The level and procedure for exacting fees shall be defined by the Local SWM Board/Local SWM Cluster Board and supported by LGU ordinances, however, payments shall be consistent with the accounting system of government.
- c) Private Sector/Civil Society Group - On the basis of the stipulations of contract or Memorandum of Agreement, the private sector or civil society group shall impose fees for collection, transport and tipping in their SLFs. Receipts and invoices shall be issued to the paying public or to the government.

Section 4. Collection and Retention of Fines

The collection of fines under the penal provisions of the Act may be conducted by the Local SWM Board/Local SWM Cluster Board or any other authorized body. The collection shall be receipted. Alternatively, the Local SWM Board/Local SWM Cluster Board and/or any duly authorized body shall retain the 40% portion of the collected fees from fines and remit 60% of the same to the Fund, as

prescribed herein. Thereafter, the retained percentage is deposited under the Local Fund, the procedure for which shall be defined by the Local SWM Board/Local SWM Cluster Board.

Section 5. Special Account

The Local SWM Board/Local SWM Cluster Board shall establish appropriate special accounts for the fines, fees, donations and other monies collected or generated under the Act and this IRR.

PART V. PROHIBITED ACTS, PENALTIES AND SUITS

RULE XVIII PENAL PROVISIONS

Section 1. Prohibited Acts

The following acts are prohibited:

- a) Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same;
- b) Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permits set forth in or established pursuant to the Act;
- c) The open burning of solid waste;
- d) Causing or permitting the collection of non-segregated or unsorted waste;
- e) Squatting in open dumps and landfills;
- f) Open dumping, burying of biodegradable or non-biodegradable materials in flood-prone areas;
- g) Unauthorized removal of recyclable material intended for collection by authorized persons;
- h) The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;

- i) Establishment or operation of open dumps as enjoined in the Act, or closure of said dumps in violation of Sec. 37 of the Act;
- j) The manufacture, distribution or use of non-environmentally acceptable packaging materials;
- k) Importation of consumer products packaged in non-environmentally acceptable materials;
- l) Importation of toxic wastes misrepresented as “recyclable” or “with recyclable content”;
- m) Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers of facilities prescribed under the Act;
- n) Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and the Act and not conforming with the land use plan of the LGU;
- o) The construction of any establishment within two hundred (200) meters from open dump or controlled dumps or sanitary landfills; and
- p) The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and/or any portion thereof.

The Commission may also issue further guidelines that consider existing and relevant laws and regulations, and which may further define the scope and coverage of the above prohibited acts.

Section 2. Specific Prohibition Against the Use of Open Dumps for Solid Waste.

No open dumps shall be established and operated, nor any practice or disposal of solid waste by any person, including LGUs, which constitutes the use of open dumps for solid waste, be allowed after the effectivity of the Act; Provided, that within three (3) years after the effectivity of the Act, every LGU shall convert its open dumps into controlled dumps; Provided, further, that no controlled dumps shall be allowed five (5) years following effectivity of the Act. In

order to facilitate the Act’s requirement that LGUs convert their open dumps into controlled dumps, the Commission, shall direct the Department in collaboration with DILG, to formulate a staged-compliance program. The staged compliance program shall consider but not be limited to respective LGU classification and abilities to immediately comply with Section 41 of the Act. It shall also establish its base line from the inventory of all open dumpsites in the country, which must be completed not more than three (3) months following effectivity of these Rules and Regulations.

Section 3. Fines and Penalties

The following schedule of fines and penalties shall be imposed, upon conviction:

SPECIFIC VIOLATIONS (under Section 49 of the Act)	FINES	PENALTIES
Paragraph 1. Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same	Payment in the amounts not less than Three hundred pesos (P300.000) but not more than One thousand pesos (P1,000.00) <u>or</u>	Rendering of community service for not less than one (1) day to not more than fifteen (15) days to an LGU where such prohibited acts are committed <u>or both</u>
Para 2. Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation and other requirements or permits set forth in or established pursuant to the Act Para 3. The open burning of solid waste	Payment in the amounts not less than Three hundred pesos (P300.000) but not more than One thousand pesos (P1,000.00) <u>or</u>	Imprisonment of not less than one (1) day to not more than fifteen (15) days <u>or both</u>

SPECIFIC VIOLATIONS (under Section 49 of the Act)	FINES	PENALTIES
<p>Para 4. Causing or permitting the collection of non-segregated or unsorted waste</p> <p>Para 5. Squatting in open dumps and landfills</p> <p>Para 6. Open dumping, burying of biodegradable or non-biodegradable materials in flood-prone areas</p> <p>Para 7. Unauthorized removal of recyclable material intended for collection by authorized persons</p>	<p>Payment in the amounts not less than One thousand pesos (P1,000.00) but not more than Three thousand pesos (P3,000.00) <u>or</u></p>	<p>Imprisonment of not less than fifteen (15) days to not more than six (6) months <u>or both</u></p>
<p>Para 8. The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal</p> <p>Para 9. Establishment or operation of open dumps as enjoined in the Act, or closure of said dumps in violation of Sec. 37 of the Act</p> <p>Para 10. The manufacture, distribution or use of non-environmentally acceptable packaging materials</p> <p>Para 11. Importation of consumer products packaged in non-environmentally acceptable materials</p>	<p>For the first time, shall pay a fine of Five hundred thousand pesos (P500,000.00) plus an amount not less than five percent (5%) but not more than ten percent (10%) of his net annual income during the previous year</p>	<p>The additional penalty of imprisonment of a minimum period of one (1) year, but not to exceed three (3) years at the discretion of the court, shall be imposed for second or subsequent violations of Sec. 48 of the Act, paragraphs (9) and (10)</p>

SPECIFIC VIOLATIONS (under Section 49 of the Act)	FINES	PENALTIES
<p>Para 12. Importation of toxic wastes misrepresented as “recyclable” or “with recyclable content”</p> <p>Para 13. Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers of facilities prescribed under the Act</p>	<p>Payment in the amounts not less than Ten thousand pesos (P10,000.00) but not more than Two hundred thousand pesos (P200,000.00) <u>or</u></p>	<p>Imprisonment of not less than thirty (30) days but not more than three (3) years, <u>or both</u></p>
<p>Para 14. Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and the Act and not conforming with the land use plan of the LGU</p> <p>Para 15. The construction of any establishment within two hundred (200) meters from open dump or controlled dumps or sanitary landfills</p> <p>Para 16. The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and/or any portion thereof.</p>	<p>Payment in the amounts not less than One hundred thousand pesos (P100,000.00) but not more than One million pesos (P1,000,000.00) <u>or</u></p>	<p>Imprisonment of not less than one (1) year but not more than six (6) years, <u>or both</u></p>

If the offense is committed by a corporation, partnership, or other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager, managing partner or

such other officer-in-charge shall be liable for the commission of the offense penalized under the Act.

If the offender is an alien, he shall, after service of the sentence prescribed above, be deported without further administrative proceedings.

The fines herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines.

RULE XIX
ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Section 1. Proceedings

In the enforcement of the Act and this IRR, both criminal and administrative proceedings may be instituted.

Section 2. Criminal Actions

Violators of Section 48 of the Act shall be subject to criminal proceedings, pursuant to the relevant provisions of the revised rules on criminal procedure.

Section 3. Enforcement Mechanism

The Commission shall define the roles of the Department, other concerned agencies, LGUs and any other agency deemed responsible for the implementation and enforcement of the Act and its IRRs. It shall also promulgate detailed procedures and protocols for such implementation and enforcement of the Act and its IRRs at the Commission and local governmental level.

Section 4. Enforcement at the Local Government Level

LGUs shall be required to legislate appropriate ordinances to aid in the implementation of the Act and in the enforcement of its provisions. Specific measures to implement and enforce Section 48 of the Act should be included; Provided, such ordinances shall be formulated pursuant to relevant provisions of RA 7160; provided further, that the Commission shall aid LGUs in this process particularly by giving advisory assistance. For this purpose, a pro forma ordinance shall be established by the Commission for the guidance of LGUs. However, LGUs shall not be limited to this pro forma nor shall it prejudice any further improvement, modifications and revisions LGUs may chose to undertake of the pro forma.

Section 5. Deputization of Solid Waste Management Officers

The Commission shall be authorized to deputize persons, individuals or entities to be Solid Waste Management Officer, giving them authority to effect the arrest of violators in accordance with the law, for purposes of enforcing and implementing the Act, its IRRs and other rules and regulations governing solid waste management. Provided however, that no person is deputized until they have completed the necessary training and capacity building, required by the NEC, for the effective implementation of the Act and its IRRs.

The deputization shall be upon the recommendations of the Provincial Solid Waste Management Board and City/Municipal Solid Waste Management Boards. The Commission shall deputize only those persons of known integrity and probity, who have completed the aforementioned training and capacity building of the National Ecology Center. Further, the Commission shall formulate the necessary guidelines for the protocol and procedures for deputization within six (6) months following the effectivity of these Rules and Regulations.

Section 6. Enforcement by the Commission

The Commission shall provide a mechanism whereby, any citizen, LGU or concerned agency may file an action/complaint directly with the Secretariat and concurrently with any other appropriate legal proceeding.

Section 7. Actions and Procedures

The following sets of general procedures shall guide the administration of actions until such time as the Commission shall issue more detailed guidelines and procedures for the administration of enforcement.

- a) Commencement of Actions -Actions may be instituted for violations of any of the prohibited acts under the Act of these Rules and Regulations, and/or any further orders issued by the aforementioned agencies under the enforcement mechanism section of the IRRs.

Actions shall be commenced by any person filing a written complaint, or by the Department on its own initiative, or by the filing of a charge by any deputized agent of the Department, Commission or the LGU, before the court hearing officer.

However, the commencement of such an action shall be without prejudice to the right of any individual or affected person to file any other appropriate legal action for the violation of the Act, its IRRs and/or any further orders issued by the aforementioned concerned agencies.

The LGU ordinance shall prescribe the rules and procedures for the commencement of an action/complaint at the local level.

- b) Charge Sheets - For actions initiated by the respective LGUs, the filing of charge sheets shall be in accordance with the rules and procedures prescribed by relevant ordinances and pursuant

to the relevant provisions of RA 7160. Actions initiated by and for the Department shall follow the existing rules and procedures of the Agency. The charge sheet shall be in writing and drawn in clear and concise language. It shall recite the ultimate facts constituting the cause(s) of action and/or the violations committed under the Act and/or these Implementing Rules and Regulations, as well as all information pertinent thereto and shall be duly signed by the apprehending officer. The charge sheet shall include a notice requiring the Respondent to appear and answer the charge, and specify the date, time and place indicated therein which shall not be less than fifteen (15) days nor more than thirty (30) days from receipt hereof.

- c) Filing and Service of Charge Sheet/Complaint - The charge sheet shall be filed in two (2) copies before the secretariat. Upon the receipt of the charge sheet and/or a complaint, the secretariat shall determine the appropriate agency, to which the charge sheet and/ or complaint may be remitted.
- d) Hearing -Designated hearing officers of the appropriate agencies, to which the charge sheet/complaint is remitted, shall regard both the validity of the action/complaint and the appropriate authority, to which the charge sheet should proceed and be determined and shall make recommendations, thereto.

Hearing officers shall be appointed and undertake their responsibilities pursuant to the guidelines and criteria of their existing agency.

Department Secretaries shall be responsible for undertaking the appropriate action regarding the action/complaint, once the secretariat has determined that it should proceed to his/her particular agency. Existing agency procedures shall apply where appropriate, including both administrative and criminal procedure.

- e) Nature and Procedure - Subject to the basic requirements of due process, the proceedings herein provided shall be summary in nature. The technical rules of evidence obtaining in courts of law shall not bind the designated adjudicating unit for LGUs or of the Department as the case maybe. Similarly the rules of the Court shall not apply in proceedings before the adjudicating unit except in a supplementary character and only whenever applicable.

Section 8. Closure or Suspension of Operations of Solid Waste Management Facilities

The Department shall have the authority to order the closure or suspension of developments, construction or operation of solid waste management facilities pursuant to existing laws, rules and regulations.

Section 9. Authentication with Official Seal

All decisions, orders and appropriate legal documents hereinafter promulgated shall be issued with the official seal of the Department or the government agencies designated by the Commission.

RULE XX. SUITS

Section 1. Citizen Suits

The purposes of this section are to:

- a) promote the participation of the citizens in the enforcement of the Act
- b) ensure that government officials to take the necessary and appropriate action to abate and/or control pollution.

The legal actions contemplated under this section of the IRR are for civil and criminal remedies. The procedure for administrative

sanctions is discussed under Section 50 and Section 61 of the Act and IRR, respectively.

Any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:

- a. Any person who violates or fails to comply with the provisions of the Act or this rules and regulations; or
- b. The Department or other implementing agencies with the respect to orders, rules and regulations issued inconsistent with the Act; and/or
- c. Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by the Act or this rules and regulations.

Provided, however, that no suit can be filed until after thirty-day (30) notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

Section 2. Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of the Act.

Where a suit is brought against a person who filed an action as provided in Sec. 52 of the Act, or against any person, institution or government agency that implements the Act, it shall be the duty of the investigating prosecutor or the Court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of the Act. Upon determination thereof, evidence warranting the same, the Court shall dismiss the case and award attorney's fees and double damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no

grave abuse of authority, and done in the course of enforcing the Act.

Section 3. Administrative Sanctions

Local government officials and officials of government agencies concerned, who fail to comply with and enforce rules and regulations promulgated relative to the Act shall be charged administratively in accordance with the Ombudsman Law and RA 7160 and other existing laws , rules and regulations.

Any citizen may file an action. The action shall be filed with the DILG or the Ombudsman, if related to any LGU, or to any government agency/employee, respectively.

PART VI. RESEARCH, PUBLIC INFORMATION AND ACCESS TO RECORDS

RULE XXI. RESEARCH AND PUBLIC INFORMATION

Section 1. Research on Solid Waste Management

The Department, in consultations with the cooperating agencies, shall encourage, cooperate with and may render financial and other assistance to appropriate government agencies, academe, private institutions and individuals in the conduct and promotion of researches, experiments, and other studies on solid waste management.

- a) The DOH, in coordination with the concerned agencies and institutions, shall spearhead the study on the adverse health effects of the unintentional release of by-products of combustion (e.g., dioxins and furans) and methods to eliminate said effects. Likewise, the health effects of solid wastes to scavengers, garbage collectors and other personnel involved in the solid waste management (SWM) programs shall be looked into by concerned agencies.

b) The DENR, in coordination with the concerned agencies and institutions shall:

1. Spearhead the setting of standards for leachate.
2. Conduct monitoring of the leachate contamination of ground water and surface water.
3. Chair the panel that will evaluate research proposals on solid waste management for possible funding.
4. Lead in the benchmarking of researches on solid wastes for the identification of gaps.
5. Study on factors for success/failure of community-based waste management initiatives.
6. Pursue improvement in the disposal practices for the solid wastes including sludge.
7. Undertake researches on economic instruments in solid waste management.

c) The DOST, in coordination with the concerned agencies and institutions, shall:

1. Initiate study on the alternative usage of non-recyclable and non-reusable materials.
2. Develop an environmental technology verification (ETV) program in the evaluation of technologies prior to its introduction locally. ETV will serve as basis for verifying the performance of technology under local conditions.
3. Promote the development of clean technology (CT)/production (CP) program in industry. Technical assistance program shall be provided by concerned agencies to implement CP and CT by the industries.
4. Develop and apply new and improved methods of collecting and disposing of solid wastes and processing and recovering materials and energy from solid wastes.
5. Improved utilization of various types of organic materials as source of fertilizer and biofuels.
6. Conduct of study and development of new uses of recovered resources.

- d) The DA, in coordination with the concerned agencies and institutions, shall:
1. Lead in the improvement of composting technology and make such more affordable to communities at the barangay levels.
 2. Identify/inventory existing markets and demand for compost.
 3. Encourage the composting of agricultural waste, and other compostable materials including, but not limited to garden waste.
 4. Assist the compost producers to ensure that the compost products conform to standards.
 5. Set standards for organic fertilizers from compost.
- e) The DOE, in coordination with the concerned agencies and institutions, shall:
1. Spearhead landfill extraction and utilization of biogas.
 2. Lead in production of usable forms of recovered resources, including fuels from solid waste.

In carrying out solid waste management related researched and studies, the Secretary of the Department or the authorized representative may provide grants or enter into contract with government agencies, non-government organizations, academe, private institutions and individuals

The private sector is further encourage to pursue researched in solid waste management.

Section 2. Environmental Education in the Formal and Non-formal Sectors

- a) The Department of Education (DeptEd), the Technical Education and Skills Development Authority (TESDA), the Commission on Higher Education (CHED), the Department of

Environmental and Natural Resources (DENR), and other concerned government agencies, shall aggressively incorporate ecological waste management in the school systems at all levels, emphasizing the involvement of the school administrators, teaching and non-teaching staff, and studentry in school-wide and nearby community waste management actions, and in the strengthening of the waste management content in the curricula.

- b) Such education program shall emphasize, but not be limited to, the ill-effects of solid wastes relative to human health and the environment, waste minimization and pollution prevention, waste segregation (biodegradable and non-biodegradable) and storage, waste reduction at source, waste recycling/reuse, composting, different methods of waste management and economic benefits derived thereat, and other community-based solutions to the solid waste problem.
- c) The education program should also include the provisions of the prohibited acts, their sanction, and the right of citizens to file suits.

Section 3. Public Education and Information

- a) The Department of Interior and Local Governments (DILG) and its leagues, in coordination with the National Ecology Center and its local counterparts, shall ensure active education and public information on waste management of every local government unit, down to the barangay levels.
- b) The local government units, down to the barangay levels, shall allocate a portion of their funds, to public education and information activities on ecological waste management particularly biodegradable and non-biodegradable wastes including, but not limited to, installation of billboards on collection days for specific waste types, other outdoor signages, stickers, flyers, conduct of seminars, and other effective non-traditional information strategies.

- c) The Office of the Press Secretary, the Philippine Information Agency, the Kapisanan ng mga Brodkaster ng Pilipinas, the National Press Club, the Philippine Press Institute and the private sector (particularly the entertainment and advertising industries), shall allocate regular free air time and print spaces on waste management matters, in television, radio, broadsheets, outdoor signages, other telecommunications, information technologies and non-traditional medial channels.
- d) The DILG, through the Philippine National Police, the Department of National Defense and the Philippine Coast Guard, shall help enforce compliance to Sections 48 and 49 of the said prohibited acts of this Law.
- e) All government offices, at the national and local levels, within the executive, legislation and judicial branches, and government-owned and controlled corporations, shall ensure information, education and actual implementation of waste management programs at the workplaces and work premises, including the pursuit of environment-friendly purchasing policies for their respective offices.
- f) The DENR, other concerned government agencies, educational associations, non-government organizations, people's organizations and the private sector, shall also help implement various efforts in the education and public information on waste management.
- g) All garbage collection and hauling companies shall also be directed to install visible signs in their collection and hauling trucks, describing the waste type they are supposed to collect (for example, NABUBULOK, NARERESIKLO, DI NABUBULOK).
- h) All garbage collection and hauling companies shall also be enjoined to employ other possible media approached to ensure compliance to mandatory waste segregation (for example, use

of bell, characteristic music, jingle, slogan, color-coded trucks, and the like) in their garbage collection vehicles.

- i) All institutions in the foregoing provisions are directed to submit periodic reports to the appropriate local solid waste management boards. The criteria and mechanisms for the report and its submission may be specified by the NSWMC. The report shall thereafter be submitted to the NSWMC secretariat. Sample copies of education and public information materials and strategies employed, shall be part of such submissions.

RULE XXII. ACCESS TO RECORDS

Section 1. Public Access to Records

Any record, report or information obtained by the NSWMC and /or its secretariat, and their local offices, under the Act and the IRR, shall be available to the public.

Section 2. Business and Industry Role

The Commission shall encourage commercial and industrial establishments through appropriate incentives other than tax incentives:

- a) To initiate, participate and invest in integrated ecological solid waste management projects;
- b) To manufacture environmental-friendly products, to introduce, develop and adopt innovative processes that shall recycle and re-use materials, conserve raw materials and energy, reduce waste and prevent pollution; and
- c) To undertake community activities to promote and propagate effective solid waste management practices.

PART VII. FINAL PROVISIONS

Section 1. Separability Clause

If any section or provision of these Rules and Regulations is held or declared unconstitutional or invalid by a competent court, the other sections or provisions hereof shall continue to be in force as if the sections or provisions so annulled or voided had never been incorporated herein.

Section 2. Repealing Clause

All Rules and Regulations or parts of said rules and regulations of pertinent laws inconsistent with these Rules and Regulations are hereby revised, amended, modified and/or superseded as the case may be by these Rules and Regulations.

Section 3. Amendments

These Rules and Regulations may be amended and/or modified from time to time by the Department of Environment and Natural Resources.

Section 4. Effectivity

These Implementing Rules and Regulations shall take effect fifteen (15) days from the date of its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

APPENDIX A

General Guidelines/Procedures in Conducting Waste Characterization Survey/Study

When conducting waste characterization survey/study, the following guidelines shall apply unless modified by the Commission.

- 1) Waste composition – when analyzing solid waste composition, it is necessary to obtain the following information: total quantities of waste, bulk(density), moisture content, and composition (physical and chemical)
 - Waste may be described as:
 - Readily biodegradable – garbage, paper, wood, leaves, trees.
 - Readily combustible – textile, plastics, rubber, leather.
 - Mostly inert – metals, glass, dirt, ceramics, ash and stones
- 2) Sampling of solid waste – in order to obtain representative sample the following steps should be undertaken;
 - a) subdivide the area into sub areas each representing a certain economic status
 - b) further subdivide the areas into residential, commercial, market, light industrial, hospital, etc in case of municipal waste; and
 - c) collect a representative sample for each sub-area.

To adequately determine the composition, the generalized field procedure should include the following processes;

- a) As soon as the study area is selected and subdivided, a marked vehicle collects refuse from each unit area. Each vehicle must be fully loaded and brought into the sample processing site.
- b) The load is placed on a clean, flat surface, mixed thoroughly, then formed into a square about 30 cm high;
- c) This is subdivided into quarters, two opposite quarters are discarded and the two remaining quarters are thoroughly

mixed again, formed into a square, and again quartered. This continues until the desired refuse quantity is obtained (usually about one cubic meter)

- 3) Moisture content determination – when determining moisture content of waste, the following steps shall be undertaken:
 - a) Weigh the sample;
 - b) Separate the components;
 - c) Weigh each component as is;
 - d) Oven dry the component at about 75 degrees Celsius for 24 hours to minimize the possibility of components sticking to each other; and
 - e) Weigh each component again.

- 4) Sorting – when sorting the sample, the following guidelines shall apply
 - a) Sort the sample into major components
 - b) Weigh each component again

- 5) Statistical treatment of data – Data obtained is processed to determine the following:
 - a) seasonal means
 - b) differences of generation between economic groups
 - c) differences in quantity and quality between seasons
 - d) others depending on objective of study such as NPK values.**

APPENDIX B

General Procedure for Availing the National Solid Waste Management Fund

The following general procedure is herewith established with the intent of making availment process of the National Solid Waste Fund by the LGUs more efficient and transparent. The Commission shall further detail this process in its subsequent issuances. Interested proponents are advised to be familiar with this general process so as facilitate the decisions on the submitted proposals.

- 1. Pre-selection of project proposals** – The Commission through the Department shall formulate a set of criteria that will define eligible projects/activities that can be supported under the Fund. This set of criteria will pre-select which project/activities can be considered by the Commission for funding. Project concepts meeting this criteria can now be further considered with proponents completing a proforma application which is to be submitted to the Commission through the Secretariat. Only stipulated documents will be received by the Secretariat.
- 2. Submissions** – Submitted package concept proposal should be addressed to the following:

The Chairman
National Solid Waste Management Commission
Attn: Executive Director
The Secretariat
Environmental Management Bureau- DENR
Visayas Ave., Quezon City

- 3. Review of Submitted Proposals** – The Executive Director of the Secretariat is mandated to respond within two months upon receipt of the proposal. Upon determination that the proposal is considered meritorious and qualified for funding based on a

second set of project review criteria the Secretariat will advise the proponent to provide details of the proposal. Proponents shall be asked to prepare a detailed proposal for resubmission to the Secretariat. Only documents specified by the Secretariat and are considered materially important for the review of the proposal. Submitted detailed proposals will be thoroughly reviewed by the Secretariat. The Secretariat is also authorized to request for additional information from the proponent if deemed necessary. However, the requests for additional information shall be limited to two requests, as said proposals will then be considered for revision.

Project concepts not meeting the set criteria will be returned to the proponent with suggestions for refinement or improvement. Proponent has the option to resubmit the proposal upon incorporation of the suggested comments for refinement.

- 4. Approval** – Upon exhaustive assessment of the proposal the Secretariat shall recommend approval of project/activity to the Commission. Once the project is approved, the Commission and the proponent shall execute a Memorandum of Agreement
- 5. Pre implementation notice** - A notice to proceed along with the advice for the release of project/activity fund will be served to the proponent. Proponents will be advised of the manner of fund transfer which will follow government procedures for the its release.
- 6. Implementation** - Proper implementation of the project/activity is advised.

APPENDIX C

General Procedure for Availing Local Solid Waste Management Fund

The following general procedure is herewith established with the intent of making availment process of the Local Solid Waste Management Fund by the LGUs, private sector and the civil society more efficient and transparent. The Commission shall further detail this process in its subsequent issuances. Interested proponents are advised to be familiar with this general process so as facilitate the decisions on the submitted proposals.

- 1. Pre-selection of project proposals** – The Commission through the Department shall formulate a set of criteria that will help the Local SWM Board/Local SWM Cluster Board define eligible projects/activities that can be supported under the Fund. This set of criteria will pre-select which project/activities can be considered by the Local SWM Boards for funding. Project concepts meeting this criteria can now be further considered with proponents completing a proforma application which is to be submitted to the Local SWM Board. Only stipulated documents will be received by the Secretariat.
- 2. Submission** – Proponents shall submit their proposal to either the Local SWM Board/Local SWM Cluster Board using the following format:

The Mayor/Chairman
Local SWM Board/Local SWM Cluster Board
City/Municipality of _____
Province of _____
Address _____

- 3. Review of Submitted Proposals** – The designated office/unit by the Local SWM boards is mandated to respond within two months upon receipt of the proposal. Upon determination that

the proposal is considered meritorious and qualified for funding based on a second set of project review criteria the secretariat will advise the proponent to provide details of the proposal. Proponents shall be asked to prepare a detailed proposal for resubmission to the designated office/unit. Only documents specified by the said office and are considered materially important for the review of the proposal. Submitted detailed proposals will be thoroughly reviewed. The said office is also authorized to request for additional information from the proponent if deemed necessary. However, the requests for additional information shall be limited to two requests, as said proposals will then be considered for revision.

Project concepts not meeting the set criteria will be returned to the proponent with suggestions for refinement or improvement. Proponent has the option to resubmit the proposal upon incorporation of the suggested comments for refinement.

4. **Approval** – Upon exhaustive assessment of the proposal the designated review office /unit shall recommend approval of project/activity to the Chair of the Local SWM Board. Once the project is approved, the Board and the proponent shall execute a Memorandum of Agreement
5. **Pre implementation** – A notice to proceed along with the advice for the release of project/activity fund will be served to the proponent. Proponents will be advised of the manner of fund transfer which will follow government procedures for the its release.
6. **Implementation** – Proper implementation of the project/activity is advised.

DENR Memorandum Circular

No. 2001 – 06

February 26, 2001

SUBJECT : Errata to the DENR Administrative Order No. 2000-81, Series of 2000

In the interest of service and pursuant to the Executive Order No. 192, series of 1987 the following revisions be made to some PARTS of DAO - No. 2000-81 due to typographical errors, to wit:

PART I - GENERAL PROVISIONS

- 1) Rule VI, Section 1, line 7, of Hazardous substances definitions, the phrase "**whether shipped -into the country or generated locally** " shall be transferred to the end of line 8 of the Hazardous waste definition.

PART II - NATIONAL AMBIENT AIR QUALITY GUIDELINES

- 2) Rule VII, Section 1, Table 1, lines 2, 7, and 8, columns 2, and 5 shall be read as follows:

	$\mu\text{g}/\text{Ncm}$			$\mu\text{g}/\text{Ncm}$		
Carbon Monoxide	35 mg/Ncm	30	1 hour			
	10 mg/Ncm	9	8 hour			
Lead ⁹	1.5		3 months ⁹	1.0		1 year

PART IV MANAGEMENT OF NON-ATTAINMENT AREAS

Rule XII shall be read as follows:

3) Rule XII Existing Sources in Non-Attainment Areas

PART VII POLLUTION FROM STATIONARY SOURCES

- 4) Rule XXVIII, Section 3, Table 5, the emission standard for thallium and its compounds, expressed as thallium (TI) shall be **total 0.05 mg/Ncm**. Likewise, Arsenic, Lead, Chromium, Cobalt, Copper, Manganese, Nickel, Vanadium, Tin and their compounds shall have the same standard as that of Antimony and its compounds **total of 0.5 mg/Ncm** and presented as follows:

ITEM	AVERAGE VALUE ^A
Cadmium and its compounds, expressed as cadmium (Cd)	total 0.05 mg/Ncm
Thallium and its compounds, expressed as thallium (TI)	
Mercury and its compounds, expressed as mercury (Hg)	0.05 mg/Ncm
Antimony and its compounds, expressed as antimony (Sb)	total 0.05 mg/Ncm
Arsenic and its compounds, expressed as arsenic (As)	
Lead and its compounds, expressed as lead (Pb)	
Chromium and its compounds, expressed as chromium (Cr)	
Cobalt and its compounds, expressed as cobalt (Co)	
Copper and its compounds, expressed as copper (Cu)	
Manganese and its compounds, expressed as manganese (Mn)	
Nickel and its compounds, expressed as nickel (N)	
Vanadium and its compounds, expressed as vanadium (V)	
Tin and its compounds, expressed as tin (Sn)	
Dioxins and Furans	

PART IX - POLLUTION FROM MOTOR VEHICLES

- 5) Rule XXXI, Table 6, line 12, column 2, shall be stated as follows:

"Maximum Concentration of C0 at the end of last urban cycle =3.5%"

- 6) Rule XXXI, Table 13, lines 3, and 4, columns 2,3,4,and 5 shall be stated/corrected as follows:

Table 13

				6
	17.5+17.5 (R-100)/200	21+21(R-100)/200	4.2+1.8(R-100)/200	6+2.4(R-100)/1200

- 7) Rule XXXI, Table 14, lines 4 and 5 columns 2,3,4,and 5, shall be stated/corrected as follows:

Table 14

	12.8+19.2(R-100)/200	16+24(R-100)/200	8+4(R-100)/200	10.4+6.4(R-100)/200
				16.8

- 8) Rule XXXII, Section 1, Table 16, line 4, column 2, shall be stated as follows:

0.5

0.3 (K=1 +/-0.03)*

*or in accordance with manufacturer's specification

- 9) Rule XXXV, Section 3, 2nd paragraph first sentence shall be stated as follows: *"all potential agents prior to deputation shall undergo a mandatory training on emission standards and regulations"*.

PART X

- 10) Rule XXXVI, Section 3

Table 19: Fuel Specification

FUEL	PROPERTY	LIMITS	EFFECTIVITY
Unleaded Gasoline	Aromatics	45% max	January 1, 2001
		35% max	January 1, 2001
	Benzene	4% max	January 1, 2001
		2% max	January 1, 2003
Anti-knock Index	87.5 min	January 1, 2001	
Reid Vapor Pressure	9 psi max	January 1, 2001	

PART XIII

- 11) Rule LVI, Section 4

Any person who burns hazardous substances and waste in violation of Section 4 of Rule XXVIII shall be punished with four (4) years and one (1) day to six (6) years imprisonment.

AIR QUALITY INDICES

Air Quality Indices, letter a, shall read as follows:

11) (a) **Particulate Matter (ug/m³)**

The above modifications shall be published as required by law for its implementation.

For immediate compliance.

(Sgd.) **JOEMARI D. GEROCHI**
OIC-Secretary

Publication:

Malaya - March 30, 2001

DENR Memorandum Circular
No. 2001 – 09
May 18, 2001

SUBJECT : List of Classified Water Bodies in 2000.

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 of Water Classification, the following water bodies are hereby officially classified as follows:

	Name	Station	Location	Region	Class
1.	Bulu River	Upstream Downstream	Ilocos Norte Ilocos Norte	I I	A B
2.	Baren River		Apayao	CAR	B
3.	Cabicungan River		Apayao	CAR	B
4.	Nabuangan River		Apayao	CAR	B
5.	Ziwanan River		Apayao	CAR	B
6.	Zumigue River		Apayao	CAR	B
7.	Casecnan River	Downstream	Nueva Vizcaya	II	C
8.	Paniguian	Downstream	Bataan	III	C
9.	Taal Lake		Batangas	IV	B
10	Calancan Bay		Sta. Cruz, Marinduque	IV	SB
11	Ibajay River	Upstream Downstream	Aklan Aklan	VI VI	A B
12	South Iloilo Coastline		Iloilo	VI	SB
13	Butuanon River		Cebu	VII	D
14	Silot Bay		Cebu	VII	SB
15	Camotes Sea		Palompon, Leyte	VIII	SC

16	Maqueda Bay		Samar	VIII	SC
17	Patalon River	Upstream	Zamboanga City	IX	A
		Downstream	Zamboanga City	IX	B
18	Polo River	Upstream	Zamboanga del Norte	IX	B
		Downstream	Zamboanga Del Norte	IX	C
19	Buncalalan River	Upstream	Misamis Oriental	X	A
		Downstream	Misamis Oriental	X	C
20	Andanan River		Agusan del Sur	XIII	C

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.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Circular
No. 2001 – 16
December 19, 2001

SUBJECT : Adoption of the “Guidelines on Administrative and Financial Policies and Procedures” for the Philippine Ozone Desk Grant Funds.

In the interest of the service and in order to operationalize and institutionalize an administrative and financial procedures for the Philippine Ozone Desk, an office created by virtue of the ratification of the Montreal Protocol on Substances that Deplete the Ozone Layer on March 21, 1991, the “Guidelines on Administrative and Financial Policies and Procedures for the POD Grant Funds” is hereby adopted.

The guidelines shall be followed in all administrative and financial transactions of the Philippine Ozone Desk to ensure efficiency and transparency in its operations.

This Order shall take effect immediately and shall remain in force unless revoked in writing.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

PAWS SECTOR

**DENR Administrative Order
No. 2001 – 02
January 12, 2001**

SUBJECT : Amending Relevant Provisions of DAO 2000-68, Re: Institutionalization of the Directorate on Special Projects for Water and Integrated Ecosystems Management and Development (DSPWIEMD) and Related Functions, DAO No. 2000-70, Re: Suspension of DAO 2000-68 and Inclusion of Biodiversity Conservation Programs and Projects Within the Protected Areas and Wildlife Bureau.

In the interest of the service and to effectively implement the coastal and marine environment and biodiversity conservation programs and projects of the Department of Environment and Natural Resources (DENR) the relevant provisions of the aforementioned Department Orders are hereby amended and other related programs/ projects and activities, be placed within the Protected Areas and Wildlife Bureau to wit:

1. COASTAL AND MARINE PROGRAMS AND PROJECTS

- A. The Coastal Environment Project (CEP) created under DENR Administrative Order No. 19, Series of 1993 is hereby renamed as **Coastal and Marine Environment Program (CMEP)**.
- B. The CMEP shall become the overall program of the DENR for coastal and marine resources management and development and shall be institutionalized under the Protected Areas and Wildlife Bureau (PAWB).

C. The Director of PAWB shall be designated as concurrent CMEP National Coordinator, and as such shall supervise and manage the following:

1. The Coastal Resources Management Project and Fishery Resource Management Project components of the Natural Resources Management Program (NRMP);
2. The Executive Office/Secretariat of the Presidential Commission on Integrated Conservation and Development of the Sulu and Celebes Seas (PCICDSCS) and BRP Sulu-Celebes Biodiversity Research Vessel;
3. The Southern Mindanao Integrated Coastal Zone Management (SMICZM);
4. Other related programs and projects which shall be identified and assigned by higher authorities later.

D. The CMEP Steering Committee is also hereby abolished.

2. BIODIVERSITY CONSERVATION PROGRAMS AND PROJECTS

All biodiversity conservation programs/projects/activities currently being implemented by the DENR are also hereby institutionalized under PAWB. These include;

1. The Center for Integrated Ecosystems Management and Biodiversity Conservation and Development (CIEMBIOCAD);
2. The ASEAN Regional Center for Biodiversity Conservation (ARCBC) in coordination with the Philippines' ASEAN Senior Official on Environment (ASOEN);
3. Samar Island Biodiversity Project (SIBP).

This Order takes effect immediately and shall amend supersede or revoke all orders and instructions inconsistent herewith.

(Sgd.) ANTONIO H. CERILLES
Secretary

DENR Administrative Order
No. 2001 – 15
April 20, 2001

SUBJECT : Designation of Undersecretary Ramon J.P. Paje as Undersecretary for Environment and Natural Resources Operations.

In the interest of the service and consistent with the DENR's organizational development, Undersecretary Ramon J.P. Paje is hereby designated as Undersecretary for Environment and Natural Resources Operations.

As such, he shall supervise the line offices, particularly the Regional and Field Offices, the MGB, EMB and the Special Action and Investigation Division and reassume the functions/authorities of the Field Operations Office as defined under DAO No. 98-24, which were earlier transferred to the Special Concerns Office/Office of the Secretary. He shall also supervise, coordinate and monitor the implementation of plans, programs (i.e. CBFM, CARP, CMEP, NFP, LAMP, etc.) and projects, including foreign-assisted and special projects, being implemented by the regional and field offices. He shall likewise act as representative to the National Power Corporation and perform other functions as may be assigned by the DENR Secretary.

This Order shall take effect immediately and supersede/revoke all orders inconsistent herewith.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Administrative Order

No. 2001 – 16

May 07, 2001

SUBJECT : Institutionalizing the Counter-Partnership of the Civil Society Action Network in DENR Programs and Projects.

Consistent with the State policy to involve the civil society's participation in shaping the nation's development and aware of the important role they play in the protection, conservation, management and development of the environment and natural resources within the context of sustainable development and in the enforcement of ENR laws, rules and regulations, the following guidelines are hereby promulgated as part of the institutionalization process of civil society's participation in DENR programs and projects

Article I

Title, Policy and Objectives

Section 1. Title. This administrative order shall be known as *"Institutionalizing the Counter-Partnership of the Civil Society Action Network in the DENR Programs and Projects."*

Section 2. Basic Policy. The DENR shall encourage and promote the participation of the civil society in natural resources development, conservation, management and protection including the implementation of laws, rules and regulations for the sustainable development of the country's resources, within the Philippine Agenda 21 Framework.

Section 3. Objectives. The Network shall:

- 3.1 Serve as promoter of DENR's information, education and communication campaigns nationwide;
- 3.2 Act as facilitator of civil society processes that provide solutions and resolutions of different social, environmental, and economic issues, problems and conflicts;
- 3.3 Implement the accreditation, monitoring and evaluation of the civil society groups, which enter into contracts with DENR programs and projects;
- 3.4 Act as initiator and prime mover for national unity and for the alliance of civil society directly involved in the management and development of the environment and natural resources within the context of sustainable development.

Article II

Scope of Participation

Section 4. *Civil Society's participation in DENR programs and projects.* The Civil Society may participate in any of the existing DENR programs and projects, including those in the pipeline.

Section 5. *Key Areas of Participation.* The Civil Society collaboration and partnership in DENR programs and projects shall be in any of the following activities:

- 5.1 Project Implementation
- 5.2 Planning/Policy formulation
- 5.3 Research
- 5.4 Community Organizing
- 5.5 Information, Communication and Education
- 5.6 Law Enforcement
- 5.7 Monitoring and Evaluation
- 5.8 Training

Section 6. *Type of Assistance.* Type of assistance shall be in the form of, but not limited to, manpower, technical and financial including provisions of materials and equipment depending upon the resources committed by the civil society.

Article III Definition of Civil Society

Section 7. *Definition of Civil Society.* The Civil Society being referred to in this Order shall be defined as the private, nonprofit voluntary organizations that are committed to the task of socio-economic development, environmental protection and natural resources conservation within the context of sustainable development and established primarily for service and whose members are from the communities of non-governmental organizations (NGOs), Peoples Organizations, (POs), indigenous peoples (IPs) academe, labor, business, religious, foundations, concerned government employees and other cause-oriented groups.

Article IV Creation And Operationalization Of The Civil Society Action Network

Section 8. *Creation of Civil Society Action Network.* A Civil Society Action Network (CSAN) is hereby created at the DENR and shall be under the control and supervision of the Director, Special Concerns Office at the national level and of the Regional Executive Director at the regional level. The said offices shall be the coordinating body at their respective levels between the civil society and the DENR in the evaluation and processing of citizens complaints, and the civil society participation in the DENR programs and projects. The CSAN shall consult with the civil society within and outside the DENR and other related government agencies to ensure genuine participation and provide a mechanism for consensus building.

Section 9. *Operationalization of the Civil Society Action Network.* The implementing rules and regulations of this Order shall be formulated, in consultation with the members of and representatives from the civil society, within 60 days after the effectivity of this Order.

Article V
Effectivity

Section 9. *Effectivity.* This Order shall take effect immediately and supersedes other issuances, orders, and memoranda inconsistent herewith.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Administrative Order
No. 2001 – 18
June 29, 2001

Subject : Amendments to DENR Administrative Order No. 99-27, dated July 19, 1999 Re: Implementation of Gender and Development (GAD) in the DENR.

Pursuant to the provisions of Republic Act 7192 otherwise known as “Women in Development and Nation-Building Act,” Executive Order No 273 entitled “Adopting the Philippine Plan for Gender - Responsive Development (PPGD)” and in order to ensure the effective implementation of Gender and Development (GAD) in the Department, the following provisions of DAO No. 99-27 are hereby amended:

Section 1. Section 1 of DAO 99-27 is hereby amended to read as follows:

“Section 1. Statement of Policy and Objectives. It shall be the policy of the DENR to preserve, manage and conserve the environment and natural resources in a sustainable manner by harnessing all sectors of society in the achievement of the goals of the Philippine Strategy for Sustainable Development (PSSD). The DENR also recognizes the role that men and women play in the realization of the vision of the Administration. Toward this end, the DENR joins the entire government in the implementation of GAD activities”.

Section 2. Section 3 of DAO 99-27 is hereby amended to read as follows:

Section 3. Implementing GAD Programs and Activities. To achieve the objectives set forth in Section 1, the following bodies are hereby created/reconstituted in the DENR:

3.1 Central office

3.1.2 A National GAD Focal Point System (NGADFS) shall be formed to provide support to the National GAD Executive Committee (NGADEC). The NGADFS shall be composed of the following:

HEA/Highest Woman Official - Chairperson
Designated representatives - Member
of major offices/services
Chairpersons, Bureau/Agency - Member
GAD Focal Point System”.

Section 3. Section 3.1.2.1 of DAO 99-27 is hereby amended to read as follows:

"All active members of the existing NGADFS shall remain as such provided that the Chairperson of the NGADFS shall seek confirmation of their respective offices. The Chairperson of the NGADFPS may form the different Technical Working Committees and its membership".

Section 4. Section 3.4 of DAO 99-27 is hereby amended to read as follows:

"3.4 MGB and EMB Regional Offices

A Regional GAD Executive Committee (RGADEC) shall be created in all regional offices of the Mines and GeoScience Bureau. (MGB) and Environmental Management Bureau (EMB) to be composed of the following:

Bureau/Regional Director -Chairperson
Chairperson, Bureau/Regional GAD
Focal Point System -Vice Chairperson
All Bureau/Regional Division Chiefs - Members”.

Section 5. The second paragraph of section 3.5 of DAO 99-27 is hereby amended to read as:

"In the case of MGB and EMB, the RGADFPS shall be composed of section/unit chiefs who shall select from among themselves a Chairperson that will serve as Vice chairperson of the MGB/ EMB-RGADEC".

Section 6. This Order supersedes, amends and/or repeals all orders, memoranda, guidelines and other issuances inconsistent herewith. All other provisions of DENR Administrative Order No. 99-27 not inconsistent herewith shall remain in force.

Section 7. This Order shall take effect immediately.

(Sgd.) **HEHERSON T. ALVAREZ**
Secretary

DENR Administrative Order

No. 2001 – 19

July 02, 2001

SUBJECT : Reiterating The Jurisdiction Of The Protected Areas And Wildlife Bureau (PAWB) Over The DENR Wildlife Rescue And Rehabilitation Center (DWRRC) - Ninoy Aquino Park And Wildlife Nature Center (NAPWNC).

In the exigency of the service and pursuant to E.O. 192 and Proclamation No. 312 dated 25 May 2000, the administrative supervision and management of the DENR Wildlife Rescue and Rehabilitation Center (DWRRC)-Ninoy Aquino Parks and Wildlife Nature Center (NAPWNC) shall henceforth be under the responsibility of the PAWB.

As such, the PAWB is hereby instructed to return to its previous Office within the Center which shall be the official address of the Bureau. The PAWB Director shall submit compliance report to, the Secretary within thirty (30) days upon approval of this Order.

Likewise, the PAWB Director shall coordinate with the Natural Resources Development Corporation (NRDC) for the smooth transfer to the center.

All memoranda, orders, circulars and other issuances inconsistent herewith are deemed revoked accordingly.

This Order shall take effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

**DENR Memorandum Circular
No. 2001 – 01
January 04, 2001**

SUBJECT : Participatory 3-Dimensional Modeling as a Strategy in Protected Area Planning and Sustainable Natural Resource Management.

Pursuant to Chapter IV Section 8 of DAO 25 Series of 1992, DENR Circular Nos. 3 and 4 Series of 1993, the Participatory 3-Dimensional Modeling is hereby recommended as one of the strategies in protected area planning and sustainable natural resource management.

The Participatory 3-Dimensional Modeling integrates participatory resource mapping and spatial information to produce a stand-alone and user-friendly scaled relief model which has proven to be relatively accurate for spatial research, planning and management. The model contains information which can be extracted and further elaborated by the Geographic Information System.

A Manual on Participatory 3-Dimensional Modeling has been developed for the guidance of all Regional Executive Directors and concerned Assistant Regional Executive Directors.

(Sgd.) ANTONIO H. CERILLES
Secretary

DENR Memorandum Circular

No. 2001 – 11

June 06, 2001

SUBJECT : Standard Format in the Monitoring and Evaluation of Status of Biodiversity Monitoring System (BMS) Implementation and Results.

Pursuant to Section 4.4 of DENR Administrative Order No. 2000-13 on the Guidelines on the Implementation of Biodiversity Monitoring System (BMS) in Protected Areas, attached is the standard format which shall be used by PAWB and the Regional Offices, specifically PAWD, in the quarterly monitoring and evaluation of BMS implementation and results. The Regional Offices shall submit the accomplished forms to PAWB.

This Order shall take effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Circular

No. 2001- 12

July 02, 2001

SUBJECT : Revised Guidelines on the Rendition of Overtime Services.

In reference to DBM Budget Circular No. 10 dated 29 March 1996 and in view of the directive from the Office of the President with the promulgation of Administrative Order No. 6 dated 28 February 2001 that prescribed fiscal discipline measures, the following Guidelines on the Rendition of Overtime Services are hereby adopted in the DENR Proper, Bureaus, Regional Offices, PENROs and CENROs:

A. Government Policy on Overtime

Overtime work should be avoided by adequate planning of work activities. It should not be resorted to in the performance of regular routine work and activities, except in cases of unforeseen events and emergency situations (DBM Circular No. 10 dated 29 March 1996).

B. Rendition

1. The rendition of overtime services during weekdays shall be allowed only *until 7:00 p.m., and Saturdays or holidays, except Sundays, from 9:00 a.m. to 4:00 p.m.*
2. Authority must be secured a week before the start of the scheduled overtime for the month and not after such services have been rendered. In emergency/rush cases, an approval from the ASEC for Management Services/Bureau Director/RED must be secured. The authority shall state the definite duration of the service and shall not extend beyond the

scheduled date of completion. For reference and monitoring purposes, the Personnel Division/Unit and security guard shall be furnished copies of the authority by the concerned Offices.

3. Overtime services rendered by an employee shall not exceed twenty (20) hours per month.
4. No overtime service with pay of an employee will be allowed for two (2) consecutive months (more than four weeks), except with the strict approval of the ASEC for Management Services/Bureau Director/RED.
5. Monthly overtime claims shall be checked and verified by the Personnel Division/Unit.
6. Employees who are absent on Fridays cannot render overtime services on Saturdays or holidays immediately following said absence.
7. Employees who have reported late for work, specifically after 8:00 a.m. during Mondays, and 9:00 a.m. during Tuesdays through Fridays, are not allowed to render overtime services.
8. The activities on which overtime may be authorized shall be in accordance with ***Sec. 280, Chapter 4, Volume I of the Government Accounting and Auditing Manual (GAAM)*** as follows:
 - Seasonal work such as budget preparation and rendition of annual reports to meet scheduled deadlines.
 - Preparation of special financial/accountability reports required occasionally by central monitoring agencies like the Congress of the Philippines, Office of the President, Commission on Audit, Department of Budget and

Management, and National Economic Development Authority.

- Implementation of special program/projects embodied in presidential directives and authorizations, and with specific dates to complete which are in the nature of additional work of personnel with other regular duties.
 - Services rendered by drivers and other immediate staff of officials authorized to have such staff support when they are required to keep the same working hours as their superiors (NBC 410, supra).
 - Provision of essential public services during emergency situations.
9. Specific activities and/or individual targets, and expected outputs must be indicated in the Work Plan (Annex A), which shall be attached to requests for overtime. Division Chiefs or Heads of Offices shall therefore determine who among their personnel shall render requisite overtime services.
10. The use of air-conditioners, lights and computers must be in accordance with the provisions of Memorandum Order No. 2001-05 dated 01 June 2001, *Prescribing Fiscal Discipline Measures*.
11. Employees performing overtime services during Saturdays and holidays are required to record in the guard's logbook upon arrival and departure. They shall punch their Daily Time Cards during lunch break.
12. No payment of overtime services will be made unless funds are provided and available as certified by the Accounting/Finance Division, and duly approved by the ASEC for Management

Services in the central office, the Regional Executive Director (RED) in the regional offices, and the Bureau Director in staff and line bureaus.

C. Reporting

1. An Overtime Accomplishment Report (Annex B) shall be prepared and submitted by the concerned employee to the immediate supervisor at the end of each month to determine the status of work assignments.
2. Claims for overtime payment shall be supported by the Overtime Accomplishment Reports duly approved by the concerned Division Chief or Head of Office.
3. The Accounting/Finance Division shall monitor the costs of overtime services and shall submit a Monthly Report on Overtime Expenses to the Financial and Management Service Director/Bureau Director/RED, where these costs shall be charged against office savings.

The authority of employees rendering overtime services who fail to comply with these directives shall be automatically cancelled.

This Order shall take effect immediately and supersedes all other Issuances.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

Copy furnished:

Attached Agencies
COA Resident Auditor

DENR Memorandum Circular

No. 2001 – 13

July 09, 2001

**TO : All Undersecretaries
and Assistant Secretaries
All Regional Executive Directors
Bureau Directors and Heads of
Attached Agencies
All Service Chiefs
All Central-Based Project Leaders**

SUBJECT : Submission Of CSW Reports.

To expedite the decision-making process and prevent unnecessary delays caused by insufficient information and supporting documents, all documents to be submitted to the Office of the Secretary and Undersecretaries for their signature or approval must be accompanied with a brief containing the following information:

1. Factual Background

[Chronological statements of facts]

2. Justification

[An explanation on the economic, administrative or other justifications for the requested issuance or approval.]

3. Legal Basis

[A statement citing the legal basis for the requested issuance or approval]

4. Agencies Involved

[A statement enumerating the Departments, agencies or offices that may be involved in, or affected by, the implementation of the requested issuance or approval.]

5. *Coordination With Agencies*

[A statement that the necessary coordination or consultations were made with the agencies involved or affected.]

6. *Potential Problems*

[A statement on the Potential risks, probes or complications, if any, that may arise if the request for Presidential issuance or approval is granted or denied.]

7. *Recommendation*

For strict compliance.

(Sgd.) **HEHERSON T. ALVAREZ**
Secretary

DENR Memorandum Order
No. 2001 – 06
June 01, 2001

**SUBJECT : Adoption of Prescribed Methods in
Monitoring Biodiversity.**

All concerned Offices, officials, and personnel are hereby directed to adopt the methods prescribed in the attached Biodiversity Monitoring System Manual in monitoring biodiversity in terrestrial and wetlands (freshwater and marine). The Manual was jointly prepared by Protected Areas and Wildlife Bureau and the WB-Technical Assistance for Improving Biodiversity Conservation in Protected Areas of the Philippines Project through NORDECO.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

ADMINISTRATIVE SECTOR

**DENR Administrative Order
No. 2001 – 10
March 05, 2001**

**SUBJECT : Amendment to DENR
Administrative Order 2000 – 10
Re: DENR Centralized Library.**

Pursuant to DAO 2000 – 10 and its objectives, and to provide effective and comprehensive research for library users, paragraph IV of DAO 2000 – 10, is hereby amended as follows:

LIBRARY HOURS:

8:00 A.M. – 6:00 P.M.

Monday - Friday

All other provisions of DAO 2000 – 10 shall remain enforced and in effect.

This order shall take effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Administrative Order
No. 2001-11
March 06, 2001

SUBJECT : Reconstitution of the Management Information Systems Division and Returning it Under the Supervision of the Assistant Secretary for Planning, Policy Studies and Economic Affairs Office.

In the interest of the Service and in Order to rationalize the generation, processing, and transmittal of data and information and optimize their utilization for planning, project management, performance appraisal and decision making, the Management Information Systems Division is hereby reconstituted, segregated from the DSSO and returned under the supervision of the Assistant Secretary for Planning, Policy Studies and Economic Affairs Office (PPSEAO).

The design, fabrication and installation of telemetry systems and the decision support system for water and air quantity and quality forecasting, flood and weather prediction and other natural disaster phenomena mitigation aspects of the Environmental Telemetry Unit of the DSSO is hereby retained with the Directorate on Special Projects for Water and Integrated Ecosystems Management and Development (DPSWIEMD) until such time that said activities are transferred to the appropriate Bureau/Unit. The formulation of various computer programs needed to analyze and synthesize the collected data and their storage and inter-phase with different analytical models and spatial systems are hereby assigned to the reconstituted MISD.

The Assistant Secretary for PPSEAO, in consultation with the MISD and other units concerned, shall redefine the functions and structure of the reconstituted MISD based on the above

provisions and the data and information requirements of the Department.

This Order shall take effect immediately and amends/supersedes other Orders inconsistent herewith.

(Sgd.) JOEMARI D. GEROCHI
OIC, Secretary

DENR Administrative Order

No. 2001 – 20

July 03, 2001

SUBJECT : Guidelines In The Operationalization And Implementation Of The “Txt E-Mail DENR” Project.

In recognition of the vital role of information and communication technology in the promotion of sustainable development and the protection of the environment and natural resources, the DENR has conceptualized the ""Txt E-Mail DENR" Project.

To operationalize and implement the Project, the following guidelines are hereby adopted:

Section 1. Objectives.

1. Institutionalize an innovative and more responsive communication channel linking the DENR and the general public; and
2. Provide the framework and mechanism for the operationalization and implementation of the Project.

Section 2. Project Action Center. - There is hereby created the Txt E-Mail DENR Project Action Center which shall be headed by the Project Management Committee, which shall be assisted by the Operations Group, the Policy Working Group, and the Support Services Group in carrying out the guidelines hereby adopted.

Section 3. Project Management Committee. The Project Management Committee (PMC) shall provide overall direction and guidance for the effective realization of the goals and objectives of the Project.

The PMC shall be composed of the following:

Chair: The Head Executive Assistant

Co-Chair: The Undersecretary for Environment and Natural Resources Operations The Undersecretary for Environment and Natural Resources Lands, Legal and International Affairs

Members:

The Director, Decision Support Systems Office (DSSO)

The Director, Special Concerns Office (SCO)

The Director, Public Affairs Office (PAO)

The Director, Legal Service (LS)

The Director, Financial Management Service (FMS)

The Director, Investment Programming and International Cooperation Service (IPICS), FASPO

The Director, Policy Studies Service (PSS)

The Director, Information Management Department (IMD), NAMRIA

The Chief, General Services Division (GSD)

The Chief, Telecommunication Unit (TU)

The PMC shall regularly meet to monitor and assess the Project's implementation and performance, and shall report to the Secretary through the Head Executive Assistant.

Section 4. *Operations Group.* The Operations Group (OG) shall oversee the actual day-to-day operations of the Project Action Center.

The OG shall be composed of the following:

- a. Operations Coordinator-Chief, Management Information Systems Division (MISD);
- b. Officers of the Day;
- c. Point Persons from the Regional Offices, Bureaus and Attached Agencies; and
- d. Message Handling Specialists;

a. *Operations Coordinator (OC)*

The OC shall serve as the Project officer in charge, regularly coordinating with the Officers of the Day, Point Persons, Message Handling Specialists, and Support Services Group as regards the operational concerns of the Project. He/she must be knowledgeable of the DENR's mandate, organization and functional structure, areas of concern, and prevailing records and document routing systems and procedures, among other things.

The OC shall have the following duties and responsibilities:

- a. Implement the directives of the PMC;
- b. Monitor project operations to ensure that the system has adequate capacity in terms of personnel, hardware, software and data communication;
- c. Recommend to the PMC any measures to improve operational performance of the Project; and
- d. Ensure the maintenance and security of the system (hardware and peripherals, software, data) used in the Project.

The MISD head shall automatically assume the position of OC.

b. *Officer of the Day (OD)*

The OD shall be in charge of the operation of the Project during his/her duty. He/She shall be charged with giving specific instructions as to what office or to whom the messages received shall be forwarded.

He/she must be knowledgeable of the DENR's mandate, organization and functional structure, areas of concern, and prevailing records and document routing systems and procedures, among other things.

The OD shall have the following duties and responsibilities:

- a. Provide immediately, if possible, the appropriate response to all messages received through the Project Action Center. Otherwise, distribute or route messages to the concerned office/s or person/s, for appropriate action;
- b. Monitor and prepare periodic reports on the status of messages, taking note of the response and/or actions taken, or at least ensure that the office concerned is notified of the need to respond to the sender of the legitimate messages; and
- c. Report any problems or concerns that may hamper the operations of the Project to the OC.

There shall be one (1) permanent OD per day to be assigned by the Secretary upon the recommendation of the PMC and shall report directly to the OC.

They shall report from Monday to Friday on a rotation basis from 9am to 6pm.

If messages received before or after office hours need urgent action, the OD shall refer the same to the Office of the Secretary or directly report the same to the concerned official.

The designated OD who shall render services to the Project before and after office hours, Saturdays, Sundays and holidays shall be entitled to overtime pay and/or days off, whichever is applicable.

The OD shall come from the following offices:

1. Office of the Undersecretary for ENR Lands, Legal and International Affairs;
2. Office of the Undersecretary for ENR Policy and Planning;
3. Office of the Undersecretary for ENR Operations;
4. Office of the Head Executive Assistant; and
5. Special Concerns Office.

c. *Point Person (PoP)*

The PoP shall be in direct coordination with the OD of the Project Action Center and shall be responsible for all messages forwarded to his/her office. He/She must be knowledgeable of the DENR's mandate, most especially the organizational and functional structures, areas of concern, prevailing records and document routing systems, and procedures of the office he/she represents.

The PoP shall have the following duties and responsibilities:

- a. Provide to OD immediate appropriate response to all messages received from the Project Action Center. Otherwise, distribute or route messages to the concerned office or person, for appropriate action;
- b. Monitor or prepare periodic reports on the status of messages, taking note of the response and/or actions taken, and ensure that the office concerned is notified of the need to respond to the sender of the legitimate message; and
- c. Report any problems or concerns that may hamper the operations of the Project to the OC systems, and procedures of the office he/she represents.

There shall be one (1) PoP for each Regional Office, Bureau and Attached Agency. He/She shall be designated by the head of the office he comes from.

d. *Message Handling Specialist (MHSs)*

The MHSs shall man the Project Action Center, assisting the OD on the technical and operational aspect of the Project. They must be computer literate and familiar with the Project's technology.

The MHSs shall have the following duties and responsibilities:

- a. Classify the messages received according to subject or type of request/ complaint/inquiry, and forward the same to the designated OD;
- b. Ensure that all messages received are promptly and properly acknowledged; and
- c. Ensure that all text and e-mail messages are immediately assigned reference numbers for purpose of message tracking and retrieval.

There shall be two (2) MHSs per day to be assigned by the OC to assist the OD.

They shall report to the designated OD for their specific schedule.

The MHSs who shall render services to the Project before and after office hours, Saturdays, Sundays and holidays shall be entitled to overtime pay and/or days off, whichever is applicable.

The heads of the following offices shall recommend at least two (2) personnel to be designated as MHSS:

- Records Management and Documentation Division
- Special Concerns Office
- Management Information System Division
- Office of the Head Executive Assistant
- Public Affairs Office

Section 5. Policy Working Group. The Policy Working Group (PWG) shall be convening regularly, as deemed necessary by the PMC, to check and balance the entire operations of the Project.

The PWG shall have the following duties and responsibilities:

- a. Formulate guidelines for the effective operationalization and implementation of the Project;
- b. Prepare plans for the improvement of the project implementation; and
- c. Recommend policy decisions for approval of the Secretary.

The PWG shall be composed of the following:

Chair: Representative, Office of the Secretary

Co-Chair: Representative, Decision Support Systems Office

Members:

Representative, Office of the Undersecretary for Policy and Planning

Representative, Office ' of the Undersecretary for ENR Operations

Representative, Office of the Undersecretary for ENR Lands, Legal
and

International Affairs

Representative, Public Affairs Office

Representative, Special Concerns Office

Representative, Records Management and Documentation Division

Representative, Foreign Assisted and Special Projects Office

Representative, Environmental Management Bureau

Representative, Mines and Geo-Sciences Bureau

Representative, Forest Management Bureau

Representative, Lands Management Bureau

Representative, Ecosystems Research and Development Bureau

Representative, Protected Areas and Wildlife Bureau

Representative, National Mapping and Resource Information Authority

Representative, Laguna Lake Development Authority
Representative, Natural Resources Development Corporation

The designated representative of each office shall be the permanent representative to the PWG and an alternate shall be subsequently assigned.

Section 6. Support Services Group. The Support Services Group (SSG) shall ensure the continuous operation of the Project's information and communication technology components and other operational requirements. The SSG must have a working knowledge of the technologies involved.

The SSG shall be composed of the following:

1. Administrative Services Group; and
2. Technical Services Groups.

a. Administrative Services Group (ASG)

The ASG shall be responsible in procuring necessary items and sourcing funds for the functional needs and maintenance of the Project.

The ASG shall have the following duties and responsibilities:

- a. Provide the needed logistics such as IT supplies and materials;
and
- b. Install equipment and office space for the Project Action Center.

b. Technical Services Group (TSG)

The TSG shall provide technical and operational support for the Project.

The TSG shall have the following duties and responsibilities:

- a. Make or recommend improvements to upgrade the existing software application and hardware/network setup to streamline operations;
- b. Train and orient the MHSs on the technical aspects in operating the hardware, software, and communication components of the system, as may be appropriate;
- c. Perform specialized data and communication management functions, including data backups, hardware, software and network maintenance, and trouble shooting; and
- d. Coordinate with the technical staff of the project partners, Smart Communications, Inc. and Globe Telecom, in resolving technical and administrative issues,

The ASG and TSG shall be designated by the heads of the offices they represent.

The SSG shall come from the following offices:

Representative, General Services Division;

1. Representative, Financial Management Service;
2. Representative, Special Concerns Office; and
3. Representatives, Management Information and Systems Division

An organizational structure of the Project Management is hereto attached as Annex 'A'.

Section 7. Information Management. The messages received in the Project Action Center shall follow a standard communication flow, reporting system, information classification, and prioritization procedures.

A. Communication Flow. The following shall be used as guide for the handling of all messages received in the Project Action Center:

- a. The Project Action Center shall receive all messages;
- b. Messages shall be received and properly acknowledged by the MHSs using a ready “standard quick, responses”;
- c. Thereafter, the messages shall be sorted, recorded, and classified and forwarded to the OD;
- d. The OD shall determine the level of urgency, priority, and confidentiality of the messages received and forward the same to concerned office/s;
- e. messages forwarded to the PoP/s shall be properly acknowledged and refer the same to the concerned office/s- for appropriate action;
- f. The PoP/s shall then report the actions taken to the Project Action Center;
- g. The OD, through the MHSS, shall then inform the sender of the actions taken on his/her query, complaint/s, etc.;
- h. In cases of messages needing immediate action, the OD shall forward the same to heads of concerned offices and immediately after, such concerned office or PoP/s shall report the actions taken to the Project Action Center, copy furnished the Office of the Secretary. Mode of transmission of the report shall either be in form of fax or e-mail; and
- i. In case a message received before and after office hours needs urgent action, the OC shall refer the matter to the Office of the Secretary or directly report the matter to the concerned official.

A communication flowchart is hereto attached as Annex ""B".

B. Reporting System. The OD shall make a daily summary report of the messages received during his/her duty. The report should indicate **a)** the time when the message was received; **b)** to what office or to whom the message was forwarded; **c)** the time when the message was acknowledged; **d)** the action/s taken on messages forwarded, if applicable. The report shall be forwarded to the OC, copy furnished the Office of the Secretary.

Matrices of Summary Reports and Statistics shall be formulated by the Statistical Coordinating Division of the Planning Policy Studies and Economic Affairs Office and will form part of this document.

A summary report of messages deemed confidential, urgent or critical shall be prepared by the OD before the end of his duty and directly submitted to the Office of the Secretary.

The Records Management and Documentation Division shall be responsible for the compilation and safekeeping of hard copies of all documents concerning the Txt E-Mail DENR Project.

C. Information Classification. All text and e-mail messages must be sorted out accordingly in the form of Inquiries, complaints, and others. These messages shall be similarly classified according to the label of document classification as provided In DAO 97-24.

The classifications of these messages are as follows:

- a. Gener at Circulation (**GC**)
- b. Limited Circulation (**LC**)
- c. Restricted (**R**)
- d. Confidential (**C**)

- e. Top Secret (**TS**)

- a. All messages received requesting or inquiring for general information shall be classified as **GC** and shall be made accessible to the text and/or e-mail sender/s. Messages that fall under the GC include laws, policies, regulations, issuances, primers, publications, and other related DENR information;
- b. All messages received and classified as **LC** shall be made available subject to the submission of a formal request stating therein the purpose and approval of the concerned office. Messages that fall under the LC include contract, agreement, ENR applications, terminal reports, legal cases and the like;
- c. All messages received and classified as **R** shall be for use only within the DENR. However, they can be accessed by interested parties through a formal request subject to the approval of the head of office concerned. Messages of this type include, among others, inter-office communication, financial documents, evaluation reports law enforcement activities;
- d. All messages received and classified as **C** shall be solely available to concerned DENR officials and therefore, cannot be accessed. Disclosure of such information rests on the discretion of the Secretary or his designated officer or upon order by the courts.

Messages that fall under this type include *sub judice* matters, technical matters with distinct military value or requires protection, executive committee reports, and information that may have adverse impact on the Department's reputation; and

- e. All messages received and classified as **TS** are those, which when revealed indiscriminately, could endanger national security. Access to such documents shall be reserved to the Department's Head and other concerned higher officials and cannot be disclosed without clearance from the Secretary.

Messages of this type include critical information with vital and strategic values related to economy and defense.

D. Message Prioritization. The messages received shall be considered "Priority" depending on the extent of urgency, the messages shall be classified as follows:

1. **TOP PRIORITY - RUSH.** This type of message shall be acted upon or provided response within two (2) hours.
2. **PRIORITY - RUSH.** This type of message shall be acted upon or provided response Within 24 hours.
3. **RUSH.** This type of message shall be acted upon or provided response within two (2) working days.
4. **ASAP** This type of message shall be acted upon or provided response within five (5) working days.

Section 8. Utilization of Existing Equipment and Facilities. All concerned offices shall utilize and appropriate existing equipment and facilities for the implementation and operationalization of the Txt E-Mail DENR Project.

Section 9. Transitory Provisions. The Office of the Secretary shall oversee the implementation of the Txt E-Mall DENR Project until such time that the Project Management Committee, Operations Group, Policy Working Group, and Support Services Group shall have been reconstituted.

The Project Management Committee shall ensure the proper operationalization and implementation of the guidelines. It shall recommend the improvement and amendment of this Administrative Order, as may be deemed necessary.

Section 10. *Repealing Clause.* All other Orders, Memoranda and issuances or parts thereof which are Inconsistent with this Order, are hereby repealed, amended, or modified accordingly.

Section 11. *Effectivity.* This Order shall take effect immediately.

(Sgd.) **HEHERSON T. ALVAREZ**
Secretary

DENR Administrative Order
No. 2001 – 21
August 16, 2001

SUBJECT : Revised Guidelines on Gender and Development (GAD) Service Awards.

Cognizant of recent developments within the DENR, 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.

The attached guidelines marked as Annex A shall be followed for the fourth year of the GAD Service Awards.

As part of the continuing learning process of an organization, the National GAD Focal Point System is hereby authorized to regularly review these guidelines and caused its improvement and or revision.

All concerned officials and employees of the Department are hereby enjoined to participate in the awards.

This Order takes effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

ANNEX A

GUIDELINES ON GENDER AND DEVELOPMENT (GAD) SERVICE AWARDS OF THE DENR

I. BACKGROUND

It is the declared policy of the State to ensure that women must be provided with facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation. This is stated in the constitution, Article III, Section 14. In accordance thereof, the government issued Executive Order 348 (EO348), Series of 1989, Approving and adopting the Philippine Development Plan for Women (PDPW) for 1989-1992. On February 12, 1992, Republic Act NO. 7192 (RA 7192) otherwise known as “Women in Development and Nation Building Act” reinforced previous policies by recognizing the role of women in nation building and ensuring the fundamental equality before the law of women and men. As a sequel to PDPW, the Philippine Plan for Gender Responsive Development (PPGD) for 1995-2025 was approved and adopted by virtue of EO 273 signed on 8 September 1995. The PPGD, which is a 30-year perspective plan outlines the range of gender issues and their corresponding strategy and program responses which government should implement to realize the vision for a gender responsive society- a society where women and men equally contribute and benefit from development. The Environment and Natural Resources chapter in PPGD is DENR’s contribution in attaining the Gender and Development vision.

DENR on the other hand, is the government agency mandated to manage and develop natural resources of the country. As a guide, it has adopted the Philippine Strategy for Sustainable Development (PSSD) which was integrated in the Medium Term Philippine Development Plan (MTPDP) for 1993-1998, henceforth it has become the centerpiece of its programs and projects. Within, PSSD, women play an important role along with the men.

Therefore, efforts geared towards the attainment of MTPDP particularly those that are gender sensitive and involve women as managers or leaders thereby enhancing the need for GAD in DENR should be recognized and commended. Hence, the awards for the **MOST GENDER SENSITIVE PROJECT AND THE MOST GENDER SENSITIVE WOMAN PROJECT IMPLEMENTOR** in the DENR is hereby launched.

II. GOALS AND OBJECTIVES

The awards intend to enhance and highlight the participation of women and men in the promotion of PSSD with men and women equally benefiting from the fruits of development. Specifically, the awards are meant to:

1. Give due recognition to a project which have promoted the welfare of both women and men in all aspects of environment and natural resources development; and
2. Acknowledge the contribution of women in the management of the country's environment and natural resources plan/projects for the national development.

III. AWARDS CATEGORIES

There are two categories, namely:

- 1. MOST GENDER SENSITIVE PROJECT**
- 2. MOST GENDER SENSITIVE WOMAN PROJECT IMPLEMENTOR**

IV. AWARDS ADMINISTRATION

The awards shall be administered by a Search/Screening Committee and the Board of Judges at the national level, with the following functions and composition:

A. FUNCTIONS

Regional/Bureau/Attached Agencies Screening Committees

- Conduct initial screening of all projects in item 1 of Section V of this document, through the review of project documents, interviews with community beneficiaries and stakeholders, ocular inspection/and or administration of survey questionnaires to be designed by the Committee pursuant to the Evaluation Guide herein provided as Annex 1;
- Validate/assess the nominees using assessment criteria; and
- Submit comprehensive report to the Regional Board of Judges with supporting documents indicating therein validations and findings. The supporting documents shall include audio-visual materials such as photographs and video cassette tapes highlighting the project implementation of the regional/bureau/attached agencies finalists.

Regional/Bureau/Attached Agencies Board of Judges

- Review the comprehensive report of the Regional/Bureau/Attached agency Screening Committee;
- Introduce additional criteria if necessary, to finally select the region's/bureau's/attached agency's candidates. The said criteria shall be explained in the endorsement of the Board to the national level; and
- Endorse one candidate for each category. Endorsements should be accompanied by supporting documents such as proceedings of the selection process, score sheets (summary of individual scores), endorsement sheets signed by judges etc.

National Screening Committee

- Accept entries endorsed by the Regional/Bureau/Attached Agencies on or before the deadline;
- Review each entry and ensure that all forms are duly accomplished and that all requirements are complete;

- Evaluate the recommendation of the Regional/Bureau/Attached Agencies Board of Judges;
- Short list nominees and conduct field validations with assistance of the Regional Screening Committee;
- Submit to the National Board of Judges the validated entries from the shortlist of nominees with supporting documents relative to the nominations.

National Board of Judges

- The National Board of Judges shall undertake the final evaluation and selection of winners and awardees.

B. COMPOSITION

Regional/Bureau/Attached Agencies

- Screening Committee. Regional/Bureau/Attached Agencies GAD Focal Points and representative from the service in cooperation with the Employees Suggestion and Incentive Awards Committee (ESIAC).
- Board of Judges. Regional/Bureau/Attached Agencies GAD Executive Committee and or NGO/LGU representative.

National Level

Screening Committee. National GAD Focal Point System

V. RANKING

1. Qualified candidates for the **MOST GENDER SENSITIVE PROJECT AWARD** will be ranked based on the following criteria and point scores. Only those which garnered a total point score of at least 80, will be considered.
 - Planning Stage - 30 points
 - Implementation Stage - 30 points

- Monitoring & Evaluation - 20 points
- Impacts - 20 points

2. Qualified candidates for the **MOST GENDER SENSITIVE WOMAN PROJECT IMPLEMENTOR** will be ranked using the following criteria and point scores. Only those who have garnered a total of 80 points will be considered.

- Physical Accomplishments - 25 points
- Leadership Qualities - 25 points
- Public Relations - 20 points
- Gender Sensitiveness - 30 points

IV. AWARDS AND PRIZES

- The **MOST GENDER SENSITIVE PROJECT** will receive a plaque and a cash prize of PHP 30,000. Second and third prizes will receive PHP 25,000 and PHP 20,000, respectively. The cash prizes for this category must be used by the project/program on gender ad development related activities such as livelihood projects etc. The winner will be asked to submit a plan of action to utilize the fund prior to release of fund.
- The **MOST GENDER SENSITIVE WOMAN PROJECT IMPLEMENTOR** will receive a plaque and a cash prize of PHP 35,000. Second and third place winners will receive PHP 25,000 and PHP 20,000, respectively.
- The Regional finalists will receive Certificate of Recognition from the National Gender and Development Executive Committee.

VI. TIME TABLE

August 30, 2001 – Deadline for submission of entries to the Regional Board of Judges

September 1-15, 2001 – Screening/evaluation of entries by Regional Board of Judges

September 30, 2001 – Deadline for submission of candidates to the Central Office

October – November 16, 2001 – Validation period by National GAD Focal Point

November 19-30, 2001 – Submission of Assessment reports to the National Board of Judges

December 2001 – Proclamation of winners

VIII BUDGET ESTIMATES

Validation of entries

(Plane fare, bus fare and TEV for validators) PHP 150,000

Prizes (Plaques, Trophies, Cash) 180,000

Supplies and Materials 5,000

Miscellaneous 50,000

SUB TOTAL PHP 385,000

Plus 10% contingency 38,500

TOTAL PHP 423,700

**Department of Environment and Natural Resources
National Gender and Development Focal Point System
Guide Questions for the MOST GENDER SENSITIVE PROJECT**

VARIABLES	INDICATORS	QUESTIONS	PTS	VALIDATION GUIDE
1. PLANNING (30)	1. Planning is a regular activity of the project 2. At least 80% of the members/ respondents actively participate in planning activities 3. Those who participate are	What are the different types of plans of your organization? How often do you conduct planning activities? Do you participate in the planning activity of your organization? If yes, please specify why you have those planning activities.	30 6 6	Secure copy of plans Secure copies of minutes of planning activities

	<p>clear about the purpose and objective of the planning exercise.</p> <p>4. Organizational plans are prepared and ratified by GA</p> <p>5. Operational plans are disseminated to members/ shared with partner implementors.</p> <p>6. Women, men and youth members concerned were considered in the identification/</p>	<p>Who ratifies your organizational plans?</p> <p>Whose concerns were considered in the identification and planning of program/ projects?</p>	<p>6</p> <p>6</p>	<p>Note: The interviewer should define first concept of strategic and</p>
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<p>II. IMPLEMENTATION (30)</p> <p>- organizational structure</p>	<p>planning of programs/ projects</p> <p>7. Women and men both decide in the selection of programs, projects and service (control of measures)</p> <p>1. Presence of a defined organization structure</p>	<p>Who decide in the selection of programs, projects and service of the organization?</p> <p>Does the organization have a defined structure?</p>	<p>6</p> <p>30</p> <p>2</p>	<p>practical needs.</p> <p>Secure copy of any document that correspond the organization's structure.</p>
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	<p>2. Roles and responsibilities among leaders, members and different units/ position are clearly defined and delineated</p> <p>3. Women and are equally represented in the organizational</p>		<p>Through FGD, let the members draw organizational structure including the functions therein. Secure copies of leadership profile, membership profile and the list of committees and its members.</p>
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<ul style="list-style-type: none"> - leadership 	<p>structure.</p> <ol style="list-style-type: none"> 1. Tasking and responsibilities among leaders are based on competence not on gender basis. 			
<ul style="list-style-type: none"> - membership 	<ol style="list-style-type: none"> 1. The organization offers equal opportunity for women and men to join the organization. 	<p>How do you recruit members? Do you prefer female members? Male members? How are membership decided?</p>	<p>1</p>	<p>Secure copy of policies on membership</p>
<ul style="list-style-type: none"> - personnel (if PO has part-time or full time staff 	<ol style="list-style-type: none"> 1. Personnel have written job description and at least 75% of the qualification match the 			<p>Secure copy of biodata of personnel Secure copy of job description of personnel.</p>

	<p>requirements of their actual work.</p> <p>2. Selection and recruitment policies and mechanisms are gender fair.</p> <p>3. PO is able to provide just compensation to its staff, both men and women.</p> <p>4. PO has a staff development program.</p>	<p>How do you recruit staff? Do you prefer male? Do you prefer female?</p> <p>What training and education activities have you participated in? Please enumerate.</p>	<p>1</p> <p>2</p>	<p>Secure copy of salary schedule or equivalent document</p>
- education training	1. Presence of an	Do you have education	4	

	<p>education & training program that is being pursued and implemented.</p> <p>2. Presence of a group/committee that designs and implement it.</p> <p>3. Education and training program is responsive to the needs and interest of the members (women, men & youth)</p> <p>4. Women, men & youth members</p>	<p>and training program. If yes, what trainings do you offer to members? Who implement the conducts of your training and education activities? Are the training and education and education activities being conducted responsive to the needs of men, women and youth members? How are the participant to the training selected?</p>		
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<p>- programs, projects and services (IGPs, forestry)</p>	<p>are given equal opportunity to participate</p> <ol style="list-style-type: none"> 1. At least 80% if membership participate in the implementation of programs, projects and services. 2. At least 80% of member-respondents-both men and women benefit equitably from the programs, projects and services of the PO. 	<p>What are the various programs, projects and services that the organization offers? Among these in what activities do you participate in? What benefits do you derived from the program, projects and services of the organization? Are the persons involved in the various programs, projects and services trained to perform their roles/functions? If yes, please enumerate the trainings they have</p>	<p>10</p>	
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<p>- networking & linking</p>	<p>3. Persons involved in the implementation of programs, projects and services of the PO have the necessary knowledge.</p> <p>1. The organization has established partnership based on their assessed needs and interest.</p> <p>2. PO enjoys mutually benefiting partnership with all of its partner agencies and</p>	<p>attended.</p> <p>Who are the partner organizations? What is the nature of the linkage/partnership established (e.g. by project, service, by issue or advocacy, funds, etc.) How are the linkage with partner organization established? Does the organization</p>	<p>10</p>	
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<p>III. MONITORING AND EVALUATION (20)</p>	<p>organizations.</p> <ol style="list-style-type: none"> 1. PO conducts M & E regularly 2. M & E results are used to adjust plans, provisions of services and program/project implementation. 3. Sex disaggregated information on needs and resources of members/leaders and community 	<p>think that it has benefited from the partnership/alliances it has established?</p> <p>Does the organization have its own monitoring and evaluation system? Who conducts the M & E? How frequent is the monitoring and evaluation conducted?</p> <p>What courses of action does the organization take as a result of M & E.</p>	<p>20</p>	
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IV. IMPACTS (20)	serve as the context of the updating plans.	Are the project activities being conducted responsive to the needs of men, women and youth?	20	
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**Department of Environment and Natural Resources
National Gender and Development Focal Point System
Guide Questions for the MOST GENDER SENSITIVE WOMAN PROJECT IMPLEMENTOR**

VARIABLE	INDICATORS	QUESTIONS	PTS	VALIDATION GUIDE
1.a. PHYSICAL ACCOMPLISHMENT	<ul style="list-style-type: none"> - if PA is 100% - 124% - if PA is above 125% - if PA is 91%-99% - if PA is 80% - 90% 	<ul style="list-style-type: none"> - - - - 	<p><u>10</u></p> <p>10</p> <p>8</p> <p>5</p> <p>3</p>	<p>Secure copy of annual accomplishment.</p> <p>Compare accomplishment report in the previous year (CY 1998)</p> <p>If the nominee is not the first project leader, check previous reports (CY 1996-1997) to see if there were improvements.</p> <p>Validate accomplishment reports through site visit and interview with project beneficiaries.</p> <p>Cite significant accomplishment.</p>
1.b. FINANCIAL AND ADMIN,				

PERFORMANCE				
a. Fund Utilization	<ul style="list-style-type: none"> - allocate funds for specific purpose based on WFP - keep expenses within the budget 	1. Are funds utilized in accordance with approved WFP?	5	<p>Interview project beneficiaries and validate if funds were indeed allotted for the activities indicated in the project WFP or unprogrammed activities (if there are deviations)</p> <p>Check financial reports/statements or vouchers</p>
b. Management Systems	<ul style="list-style-type: none"> - facilitate drafting of gender responsive policy on rewards, incentive and sanctions, records and database mgt. 	1. What are the project polities, systems and procedures established by her/him?	10	Secure copy of report on the implementation of policies (especially local guidelines)

<p>II. LEADERSHIP QUALITIES</p>	<ul style="list-style-type: none"> - ensure that the drafted policies are based on needs and interests of leaders staff and members of the organization. <p>a. Job knowledge</p>	<ol style="list-style-type: none"> 1. Ask nominee to discuss the overall project goals, objectives and targets? 2. Does he/she have thorough knowledge of all phases of the job? 	<p>25 4</p>	<p>Interview project beneficiaries and validate if such policies were implemented.</p> <p>Interview staff/supervisor</p>
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	b. Teacher/Mentor	<ol style="list-style-type: none"> 1. Is he/she able to help people develop self confidence, ambition, enthusiasm and honesty? 2. Is he/she willing to transmit the skills of leadership? 	4	Interview staff/supervisor
	c. Fair	<ol style="list-style-type: none"> 1. Does he/she make decisions about performance reviews, work assignments, promotions, pay increase, hiring 	4	Interview staff/supervisor

	<p>d. Proactive and Innovativeness</p>	<p>& firing?</p> <ol style="list-style-type: none"> 1. What changes/ innovations has he/she introduced to improve project performance? 2. Effects/impact of such innovation to project implementation. 3. Is he/she able to anticipate problems, needs and opportunities of the project? 	<p>4</p>	<p>Interview staff/supervisor</p>
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	e. Honest	<p>4. Is he/she able to try new way to do something for the betterment of the project?</p> <p>1. Is there any pending administrative case against him/her?</p> <p>2. Does he/she adhere to the ethical and moral standard for public servants such as justice and hardwork?</p>	3	Interview project staff, peers, supervisor, NGOs, PO, local Official
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III. PUBLIC RELATIONS	f. Leader looks over the fence.	1. Does he/she exhibit an immense interest in all aspects of project operation?	3	Interview staff/supervisor
	g. Optimist/open minded	1. Does he/she welcome ideas suggested by staff/subordinates?	3	Interview staff/supervisor
	a. Relationship with General Public (DENR Clientele)	- Manner of relating with public (no gender bias, accommodating,	1. Does he/she attend fora when invited? 2. Is he/she always	10

<p>b. Relationship with the Subordinate/ Project Staff</p>	<p>considerate)</p> <ul style="list-style-type: none"> - Alliance networking with members of the community at different level including other sector. Such alliance involves commitment for the promotion of project. - ability to work harmoniously with project staff 	<p>available when needed?</p> <ol style="list-style-type: none"> 3. Was he/she able to establish alliances/ networking with members of community including other sector? Effect of such alliances to project implementation? 1. Is he/she concerned with the welfare of the project staff? Cite examples. 2. Is the work 	<p>5</p>	<p>Interview subordinate/project staff</p>
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<p>c. Relationship with Superior</p>	<p>- ability to work harmoniously with superiors, cooperative</p>	<p>he/she delegated equivalent to your rank?</p> <p>3. Does he/she mingle?</p> <p>4. Is here fairness in the evaluation of performance?</p> <p>5. The work assignments distributed equitably/ What factors are considered?</p> <p>1. If you are to rate the nominees ability to work with</p>	<p>5</p>	
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<p>IV. GENDER SENSITIVENESS</p> <p>A. Initiated Gender Integration in Project implementation</p>	<p>reliable and good follower</p> <p>- employed strategies or innovative approaches in providing equal opportunities and control of resources and benefits from project (training</p>	<p>harmoniously with superior, what would you give him/her? Given 1-5, being the highest.</p> <p>1. Do you know of any policy initiated to encourage participation of both men and women?</p> <p>2. Does he/she encourage you</p>	<p>30</p> <p>10</p>	<p>Interview project beneficiaries Secure copy of Special Order, Minutes of Meetings. Look for copies of proposed plans/policies/projects and other pertinent documents.</p>
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<p>B. Undertaken preparatory Steps for the Integration of Gender Concerns:</p> <ul style="list-style-type: none"> - data gathering, analysis and proposal - proposed plan/policy 	<p>of men and women, employment opportunities (hiring criteria), access to equivalent farm tool)</p> <ul style="list-style-type: none"> - GAD Training <ul style="list-style-type: none"> a. project sponsored training b. sponsored by other projects 	<p>to participate in project planning, decision making and other project management concerns?</p> <ol style="list-style-type: none"> 1. Did he/she initiated training on gender and development in the project? 2. Does he/she allow staff to attend GAD training on gender and dev't sponsored by other project? 		
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<p>project formulated</p>		<ol style="list-style-type: none"> 3. Does the project have sex disaggregated data base? 4. Does he/she use gender friendly terms? 5. Does he/she involve men and women in the planning session as well as in the preparation of project proposal? 	<p>20</p>	<p>Interview project beneficiaries</p>
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**DENR Administrative Order
No. 2001 – 24
September 03, 2001**

SUBJECT : Redefining and Realigning the Functions of the Foreign-Assisted and Special Projects Office (FASPO) and Renaming it as ENR Foreign-Assisted and Special Programs Office.

Consistent with the mandate, powers, and functions entrusted to the Department of Environment and Natural Resources (DENR) under Executive Order No. 192, dated June 10, 1987, and in line with the Department's priorities, specifically, priorities to encourage and promote public-private sector cooperation and private sector participation and investment in environment and natural resources (ENR) management and development and to institutionalize good governance in the management and implementation of programs/projects, the Foreign-Assisted and Special Projects Office (FASPO) is hereby renamed as ENR Foreign-Assisted and Special Programs Office (ENR-FASPO) and its structure and functions, as well as those of related or supportive programs and units under the ENR-FASPO, are hereby redefined/defined and realigned.

1. FUNCTIONS

The ENR-FASPO shall have the following main functions:

- a. Assist, in coordination with other DENR offices and the DENR Planning and Policy Studies Office (PPSO) in preparing the DENR's plans and programs, including the Medium-Term Investment and Technical Assistance Program and, in coordination with the PPSO and the ENR Operations Office, provide assistance in preparing the Regional Development Investment Plans;

- b. Coordinate and lead the formulation and negotiations of Country Assistance Strategies, Development Cooperation Strategies, and similar documents that serve as framework for development assistance of donor agencies for ENR protection, conservation, development, and management;
- c. Raised funds from foreign and local sources to help augment the financial requirements of the DENR's approved plans and programs, to introduce reforms and innovations that cannot be easily accommodated by the general fund, and to assist in implementing the DENR/Philippine commitments arising from international and regional agreements, conventions, conferences, protocols, and the like;
- d. Initiate and maintain close relationships with national, regional, and international organizations and agencies that are sources of investments (loans and grants) and special funds, or are involved in developing, managing, or promoting such funds; assist the Secretary in negotiating for investments and special funds (ISFs);
- e. Manage the DENR's ISFs in coordination with the Financial and Management Services and assist the Secretary in allocating such funds to various DENR offices and programs following the approved plans and priorities of the Department;
- f. Develop or adapt and recommend or implement, in coordination with the Financial and Management Services and other concerned DENR offices and units, an efficient and effective project accounts management system for ISF-ed programs and projects that is in compliance with applicable government budgeting, accounting, and auditing rules and regulations, and with donor requirements;
- g. Oversee, coordinate, and facilitate the conduct of activities throughout the project cycle (from project identification to evaluation and impact assessment) of programs and projects funded by ISFs;
- h. Synthesize and disseminate experiences gained, lessons learned, and technologies generated from ISF-ed programs and projects;
- i. Assist the Office of Legal and Legislative Affairs and the DENR management in preparing the DENR/Philippine position

- on international and regional environmental agreements, conventions, conferences, and the like;
- j. Assists in monitoring and evaluating the Philippines' international and regional environmental commitments covered by ISF-ed programs and projects, and formulate appropriate recommendations;
 - k. Establish and maintain the Philippine operational focal center for the Global Environment Facility and other centers for similar types of foreign-assisted facilities and funds;
 - l. Monitor and assist in the implementation of foreign-assisted international and regional ENR programs and projects hosted by the Department;
 - m. Provide technical and secretariat services to ISF-ed programs and projects in the procurement of consultancy services and goods;
 - n. Perform other activities related to ISF-ed programs and projects, which the Secretary may assign to the office.

2. ORGANIZATIONAL STRUCTURE

The ENR-FASPO shall be under the Office of the Secretary. It shall be directly supervised by the Secretary, or his designated senior staff member, who shall be assisted by an Assistant Secretary.

The ENR-FASPO shall have two (2) services, namely, the Foreign Investments Service (FIS) and the Local Investments and Program Support Service (LIPSS), each of which shall be headed by a Service Director.

The Foreign Investments Service (FIS) shall maintain two (2) divisions, namely: Multilateral Investment Program Division and Bilateral Investment Program Division, who shall be responsible for the multilateral and bilateral investment programs, respectively with work divided between them with due regard to the matching of manpower resources, work loads, and other factors that the Secretary may consider important.

On the other hand, the Local Investments and Program Support Service (LIPSS) shall maintain three (3) divisions, namely, the Special Fund Program Division (SFPD), the Program Assessment and Communication Division (PACD), and the Program Accounts Management Division (PAMD).

A Division Chief shall head each of the five divisions, All the Division Chiefs and their Directors shall work closely and cooperatively in ensuring the efficient and effective planning, complementation, utilization, and management of investments and special funds, and to achieve proper mainstreaming of the ISF-ed programs and projects funded by them.

The ENR-FASPO shall also have three support groups reporting directly to the head of the ENR-FASPO, namely, Private Sector Cooperation and Investment Support Group (PSCISG), Environment Facility Focal Centers Support Group (EFFCSG), and ENR-FASPO Management Information System Group (EMISG).

The offices, services, divisions, groups, and units under the ENR-FASPO shall have the following functions:

3. FOREIGN INVESTMENTS SERVICE (FIS)

3.1 MULTILATERAL INVESTMENT PROGRAM DIVISION AND BILATERAL INVESTMENT PROGRAM DIVISION (MIPD AND BIPD)

These two divisions, which shall have similar functions, cover programs and projects funded by multilateral and bilateral sources. Each division shall coordinate the activities of programs and projects from these sources throughout the project cycle. They shall perform the following functions:

- a. Assist, together with the other ENR-FASPO offices, services, divisions, and groups, and in coordination

with the DENR/Planning and Policy Studies Office (PPSO) and other DENR offices, in preparing the DENR's plans and programs, including the Medium-Term Investment and Technical Assistance Program and, in coordination with the PPSO and the ENR Operations Office, provide assistance in preparing the Regional Development Investment Plans;

- b. Assist in relating to existing foreign funding sources and in continuously seeking and developing relationships with new ones;
- c. Formulate or adapt project development and prioritization frameworks and guidelines for foreign-assisted programs/projects (FAPs) and disseminate them to concerned DENR offices;
- d. Initiate and coordinate the identification, conceptualization, design, and packaging of project proposals for foreign assistance and the conduct of feasibility studies and project appraisals; review and evaluate proposals received from other offices;
- e. Assist the DENR management in negotiations for foreign-assisted projects (FAPs) and assist the office in leading or coordinating such negotiations;
- f. Review, in coordination with the Program Accounts Management Division (PAMD), the Work and Financial Plans of programs and projects funded by loans and grants and local counterpart funds;
- g. Coordinate and liaise with donor and oversight agencies on FAPS throughout their project cycle; coordinate with the PAMD and other concerned DENR offices in following up the approval of FAPs with oversight agencies and funding sources;
- h. Facilitate, and assist in, the implementation of FAPs and assist the PAMD in the review and management of their accounts;
- i. Facilitate and assist in the conduct of phasing-in and phasing-out activities of FAPs;
- j. Conduct periodic monitoring and evaluation of FAPs during their implementation;

- k. Assist in the appropriate mainstreaming of FAPs into the DENR system, as may be required.

4. LOCAL INVESTMENTS AND PROGRAM SUPPORT SERVICE (LIPSS)

4.1 SPECIAL FUND PROGRAM DIVISION

- a. Assist, together with the other ENR-FASPO offices, services, divisions, and groups, and in coordination with the DENR/Planning and Policy Studies Office (PPSO) and other DENR offices, in preparing the DENR's plans and programs, including the Medium-Term Investment and Technical Assistance Program and, in coordination with the PPSO and the ENR Operations Office, provide assistance in preparing the Regional Development Investment Plans;
- b. Assist in relating to national government oversight agencies on special fund matters;
- c. Formulate or adapt project development and prioritization frameworks and guidelines for special funded programs/projects (SFPs) and disseminate them to other concerned DENR offices.
- d. Initiate and coordinate the identification, conceptualization, design, and packaging of project proposals for special funding and the conduct of feasibility studies and project appraisals; review and evaluate proposals received from other offices;
- e. Assist the DENR management in negotiations for projects requiring special funding and assist the office in leading or coordinating such negotiations;
- f. Review, in coordination with the PAMD the Work and Financial Plans of SFPs;
- g. Coordinate and liaise with oversight agencies throughout the project cycle, in coordination with the PAMD and other concerned DENR offices; follow-up the approval of SFPs within the DENR, oversight agencies, and special funding sources;

- h. Facilitate, and assist in, the implementation of SFPs; assist the PAMD in the review and management of their accounts;
- i. Facilitate and assist in the conduct of phasing-in and phasing-out activities of SFPs;
- j. Conduct periodic monitoring and evaluation of SFPs during their implementation;
- k. Assist in the appropriate mainstreaming of SFPs into the DENR system, as may be required.

4.2 PROGRAM ASSESSMENT AND COMMUNICATION DIVISION (PACD)

- a. Develop or adapt, in coordination with concerned services, divisions, and groups frameworks, systems, and procedures for the entire project cycle of ISF-ed programs and projects and for the internal management requirements of the ENR-FASPO.
- b. Undertake or coordinate the conduct of end-of-project evaluation and impact assessment of ISF-ed programs and assisted projects; coordinate the annual and other periodic evaluation of the entire ISF-ed programs and projects;
- c. Assist in the conduct of phasing-in and phasing-out activities of ISF-ed programs and projects;
- d. Coordinate the information, education, and communication (IEC) activities of the ENR-FASPO and assist in monitoring and evaluating the IEC components of ISF-ed programs and projects;
- e. Develop and maintain a library of basic project documents, accomplishment reports and related documents of all ongoing and completed ISF-ed programs and projects;
- f. Synthesize and disseminate experiences gained, lessons learned, and technologies generated from ISF-ed programs and projects;
- g. Assist in the appropriate mainstreaming of SFPs into the DENR system, as may be required.

4.3 PROGRAM ACCOUNTS MANAGEMENT DIVISION (PAMD)

- a. Assist, together with the other ENR-FASPO offices, services, divisions, and groups, and in coordination with the DENR/Planning and Policy Studies Office (PPSO) and other DENR offices, in preparing the DENR's plans and programs, including the Medium-Term Investment and Technical Assistance Program and, in coordination with the PPSO and the ENR Operations Office, provide assistance in preparing the Regional Development Investment Plans;
- b. Develop or adapt project accounts management systems, frameworks, and guidelines in coordination with the Financial and Management Services and in compliance with applicable government budgeting, accounting, and auditing rules and regulations and with donor requirements, and disseminate them to ERN-ISF-ed programs and projects and concerned DENR offices;
- c. Participate in the packaging of project proposals for investment and special funding and develop or coordinate the development of the required documentation;
- d. Assist the DENR management and other concerned ENR-FASPO services and divisions in negotiations for loans, grants, and local counterpart support for ISF-ed programs and projects;
- e. Assist in coordinating the planning, scheduling, and implementation of ISF-ed programs and projects;
- f. Review the Work and Financial Plans of ISF-ed programs and projects in coordination with the designated project manager/staff and the ENR-FASPO division concerned;
- g. Follow-up the approval of ISF-ed programs and projects within the DENR and with oversight agencies in government;

- h. Coordinate and liaise with oversight agencies and other funding organizations on financial management matters involving ISF-ed programs and projects; coordinate with the DENR planning and financial management offices with regard to government counterpart support;
- i. Facilitate, and assist in, the implementation of ISF-ed programs and projects, including the mobilization of loan and grant proceeds, processing of program/project accounts, and other financial management functions with regard to ISF-ed programs and projects;
- j. Assist in providing technical and secretariat support for the procurement of goods and services for ISF-ed programs and projects;
- k. Facilitate and assist in the conduct of phasing-in and phasing-out activities of ISF-ed programs and projects;
- l. Assist in the conduct of periodic monitoring and evaluation of ISF-ed programs and projects;
- m. Assist in the appropriate mainstreaming of ISF-ed programs and projects into the DENR system, as may be required.

5. PRIVATE SECTOR COOPERATION AND INVESTMENT PROGRAM SUPPORT GROUP (PSCIPSG)

- a. Assist in developing and implementing a Private Sector (business sector and civil society) Cooperation and Investment Program (PSCIP) for ENR development and management; provide secretariat support services to the program;
- b. Assist, together with the other ENR-FASPO offices, services, divisions, and groups, and in coordination with the DENR/Planning and Policy Studies Office (PPSO) and other DENR offices, in preparing the DENR's plans and programs, including the Medium-Term Investment and Technical Assistance Program and, in coordination with the PPSO and the ENR Operations Office, provide assistance in preparing the Regional Development Investment Plans;

- c. Identify and relate to private sector groups and private investment sources for ENR development and management;
- d. Formulate or adapt necessary project development and prioritization frameworks and guidelines appropriate for private sector sources and disseminate them to concerned DENR and other offices.
- e. Initiate and coordinate the identification, conceptualization, design, and packaging of project proposals for private sector assistance or participation; review and evaluate proposals received from other offices;
- f. Coordinate the provision of DENR assistance to private sector organizations in the formulation of programs and projects and in sourcing of financial and other types of support from traditional and non-traditional sources of assistance;
- g. Assist the DENR management in negotiations for private sector assistance and in leading or coordinating such negotiations;
- h. Assist in the review of private sector-assisted ENR programs and projects that require the DENR's support for public-private sector cooperation and investment;
- i. Coordinate and liaise with concerned organizations on the implementation of private sector-assisted ENR programs and projects;
- j. Assist in the review of ecologically sound private sector programs and projects that aim to contribute to ENR development and management and are supportive of the DENR's priorities; propose any necessary recommendations;
- k. Assist the PAMD in monitoring and evaluating private sector projects assisted by the PSCIP during their implementation phase.

6. ENVIRONMENT FACILITY FOCAL CENTERS SUPPORT GROUP (EFFCSG)

- a. Initiate and maintain close relationships with international and regional organizations that assist or may assist the Philippines in implementing its commitments arising from international or regional environmental agreements, conventions, conferences, protocols, and the like;
- b. Assist the Legal and Legislative Affairs Office and other offices concerned in preparing the DENR/Philippine position on regional and international environmental agreements, conventions, conferences, and the like;
- c. Assist in monitoring and evaluating the implementation of the Philippines' international and regional environmental commitments covered by ISF-ed programs and projects, and formulate appropriate recommendations;
- d. Assist in providing secretariat services for the Philippine focal center for the Global Environment Facility and other focal centers for similar types of environment facilities and funds;
- e. Assist in monitoring and facilitating the implementation of foreign-funded regional and international ENR programs and projects hosted or assisted by the DENR.

7. ENR-FASPO MANAGEMENT INFORMATION SYSTEM GROUP (EMISG)

The EMISG shall provide MIS support to the ENR-FASPO services, divisions, and groups, and shall perform the following support functions:

- a. In coordination with the MISD-PPSO and ENR-FASPO offices concerned, develop and implement management information systems, including data bases, which are essential for the efficient and effective conduct of the oversight functions of the ENR-FASPO over ISF-ed programs and projects;

- b. Coordinate with NAMRIA, MISD-PPSO, ISF-ed programs and projects, and other relevant offices concerned within the DENR, the development and implementation of GIS and other computerized applications required by the ENR-FASPO, especially by the PSCIP;
- c. Develop and manage, in coordination with the MISD-PPSO, the local area network, web page, and other computerized systems of the ENR-FASPO.
- d. Perform other information technology-related functions that are supportive of the ENR-FASPO's oversight functions.

8. OTHER PROVISIONS

- 8.1** The performance of the foregoing functions shall be undertaken in close coordination with other concerned DENR offices.
- 8.2** All DENR Offices implementing foreign-assisted and special programs and projects, including projects that involve or require private sector cooperation and investments shall coordinate their activities with the ENR-FASPO, which shall lead negotiations with foreign and private sector sources of loans and grants for such programs and projects. Offices with projects involving the participation or cooperation of the private sector, without investments for the DENR" programs and projects, such as industrial projects involving the cooperation of their proponents in complying with environmental laws, rules, and regulations, shall periodically share with the ENR-FASPO relevant information on such projects that may provide opportunities for enhanced public-private sector cooperation and private sector investments in the identified priority programs and projects of the DENR.
- 8.3** The functional realignment of the ENR-FASPO shall not result in any demotion or displacement of personnel, nor the abolition of positions or creation of positions that are not provided for in Executive Order No. 192. A realignment of the approved staffing pattern among the

services, divisions, and units within the ENR-FASPO may, however, be undertaken in accordance with their realigned functions. In addition, short-term personnel may be contracted to fill gaps in manpower needs and resources, subject to the availability of funds.

8.4 In order to ensure effective execution of their oversight, negotiation, and other critical functions covering ISF-ed programs and projects, ENR-FASPO officials and employees who shall be tasked to perform such functions shall be given adequate and appropriate training. For this purpose, the existing staff shall undergo a Capability Assessment Survey in order to determine the gap between the needs of the job and the capabilities of the staff. External professional services shall be obtained if necessary to provide training for the existing staff and capability assessment and building for the ENR-FASPO.

9. REPEALING CLASUE AND EFFECTIVITY

This Order, which amends DAO NO. 99-16 and other administrative issuances inconsistent herewith, shall take effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Administrative Order
No. 2001 – 25
October 09, 2001

SUBJECT : Institutionalizing Tree Planting as an Activity in Training Programs/ Workshop/Seminars with Three (3) Days or More Duration.

In support to the DENR's mandate, thrusts and priorities, tree planting activity shall be included as an essential component in the conduct of training programs/workshops/seminars with three (3) days or more duration. Each participant shall be required to plant not less than three (3) seedlings of any recommended tree species.

Henceforth, training implementors must consider the availability of planting sites and seedlings in the selection of venues. Further, the DENR office nearest to the training venues shall assist in finding suitable location and ensure the survival of planted seedlings.

No final payment for training/seminar expenses incurred will be made unless this order is complied. Implementor/organizer shall submit/attach a certificate of the undertaking to the Accounting Division for this purpose.

A quarterly report of compliance, using the attached format, shall be submitted to the Office of the Assistant Secretary for Finance and Management Services through the Human Resource Management Service (HRMS) for consolidation and evaluation (copy furnished FMB/REDs Office).

This Order shall take effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Administrative Order
No. 2001 – 26
October 25, 2001

SUBJECT : Creation of the Civil Society Action Network (CSAN) Executive Office.

In line with the DENR's vision of providing an efficient, effective and prompt delivery of services to all environment and natural resources (ENR) stakeholders and in order to institutionalize a system that shall be customer-friendly, and process and results-oriented bureaucracy, an executive office in the central and regional offices is hereby established with the following guidelines:

A. Composition of the CSAN Executive Office

The CSAN Executive Office shall be established in the central office under the Office of the Secretary to be headed by an Executive Director. The Executive Office shall be composed of detailed technical personnel from the following offices:

1. DENR Bureaus (FMB, EMB, MGB, LMB, PAWB, ERDB)
2. Sectoral Concerns (FASPO, NAMRIA, LLDA)
3. Central-Based Offices (Legal, Operations, Management/ Finance)

The CSAN Executive Office shall likewise be established in the regional offices under the Office of the Regional Executive Director. The CSAN Regional Office shall be headed by the RED and shall be assisted by technical personnel from the different technical services.

B. Functions of the CSAN Executive/Regional Offices:

The functions of the Executive/Regional Offices shall be as follows:

1. Serve as a “one-stop-shop” within the DENR
2. Receive complaints, follow-ups to delayed actions, accept request/comments and suggestions;
3. Refer issues/concerns to respective DENR Offices for immediate action and conduct follow-ups;
4. Record all issues/concerns brought to its attention and submit periodic reports to the Secretary;
5. Provide window for cooperation/collaboration with the civil society relevant to ENR concerns; and
6. Perform other functions as may be assigned by the Secretary.

C. Effectivity Clause

This Order shall take effect immediately and hereby revokes all orders and issuances inconsistent herewith.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Administrative Order
No. 2001 – 27
October 11, 2001

**SUBJECT : Amendment to DENR Adm. Order
2000-10 Re: DENR Centralized
Library.**

Pursuant to DAO 2000-10 and its objectives, and to provide effective and comprehensive research for library users, paragraph III of DAO 2000-10, is hereby amended as follows:

MANAGEMENT AND ADMINISTRATION

The DENR Centralized Library shall be under the direct management and supervision of the Director, Public Affairs Office.

The Centralized Library shall be housed at the DENR Central Office. Funding for the physical renovation and equipping of modern technology and facilities; like computer, internet, fax and copying machine shall be chargeable against the funds of the Office of the Secretary.

All other provisions of DAO 2000-10 shall remain enforced and in effect.

This order shall take effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Administrative Order
No. 2001 – 28
October 12, 2001

SUBJECT : Implementing Rules and Regulations on the Protection and Preservation of the Environment during VFA-Related Activities in the Country.

Pursuant to the Visiting Forces Agreement (VFA) between the Government of the Philippines and the United States of America, and in order to minimize, if not eradicate the adverse environmental impacts in the implementation of the agreement, the following rules and regulations on the matter are herewith established.

Section 1. Basic Policy

Military exercises and related activities undertaken under the VFA shall be in accordance with the country's existing environmental rules and regulations such as the National Integrated Protected Areas System Act (RA 7586), Solid Waste Management Act (RA 9003), Clean Air Act (RA 8749), Indigenous Peoples Rights Act (RA 8371), Wildlife Act (RA 9147), Cave Management Act (RA 9072), Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 (RA 6969) and other related environmental laws, rules and regulations.

Sec. 2 Areas Allowed for the Conduct of Exercises

VFA exercises/activities can be undertaken within military reservations and other areas as may be designated for the purpose, except in the following areas:

- a. Protected areas which must be used consistent with the principles of biological diversity and sustainable development as provided for in RA 7586. These areas are identified portions

of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human activities.

- b. Ancestral domains areas subject of valid claims of Indigenous Peoples. Their rights to such domains are protected under RA 8371, to ensure their economic, social and cultural well-being.
- c. Critical watersheds and forest areas covered by existing tenurial instruments such as Community Based Forest Management Agreement (CBFMA), Industrial Forest Management Agreement (IFMA), Timber Licenses Agreement (TLA), Private Land Timber Permit (PLTP), and Forest Land Grazing Management Agreement (FLGMA).

Sec. 3 Limitations and Prohibitions

3.1 Exercise/activities under the VFA must be undertaken only where these shall result to minimal/least damage to the following:

- a. existing forest stands and/or natural vegetation
- b. soil
- c. water bodies

3.2 Activities that shall involve or result to the following are prohibited in the exercises:

- a. generation of toxic and hazardous wastes
- b. use of nuclear materials
- c. substances that result to permanent pollution to air and water bodies

This is in accordance with RA 6969 which restrict or prohibit the use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment; and prohibit the entry, even in transit, of hazardous

and nuclear wastes and their disposal into the Philippine territorial limits.

Sec. 4 Compensation and Rehabilitation

Any adverse effects to individuals and/or properties of the exercises are subject to claims or compensation. In cases where damage to existing vegetation, soil and water bodies shall occur during and/or after the conduct of exercises, the concerned parties shall be responsible for the rehabilitation of the damaged ecosystem.

This Order takes effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

**DENR Administrative Order
No. 2001 – 30
November 05, 2001**

SUBJECT : Institutionalization of an “Adopt a Creek” in the DENR Programs.

Pursuant to the thrust of the current Administration to revitalize the environmental soundness of esteros, creeks, waterways, rivers, drainagelines and other water bodies in urban areas and to institute measures towards promoting clean environment through holistic waterways management and the “Community Service Program”, the following guidelines for the institutionalization of an “Adopt A Creek” Project in the DENR programs are hereby promulgated.

SECTION 1: GENERAL POLICY STATEMENT

It is the policy of the DENR to institute standards for water, air and land through protection and enhancement of the quality of environment, not only for the present but for future generations as well.

SEC. 2: OBJECTIVES AND SCOPE

It is the objective of the DENR to develop strong advocacy, awareness and partnerships towards recognition of the values and functions of an active, clean and environmentally sound waterways (e.g. esteros, creeks, rivers and drainage lines) in the urban areas. This program offers citizen participation in waterways cleaning projects within the urban areas. Helping with this program is a great way for schools, community organization and private companies to demonstrate their concerns about the environment. Activities shall focus on:

- a) the identification and inventory of critical waterways, esteros, creeks, rivers and drainage lines within urban areas that requires urgent environmental attention;

- b) the clearing of waterways of any clogging or obstructive debris and materials;
- c) the introduction of pragmatic ways of sustaining the environmental soundness of the active waterways;
- d) the reduction of the occurrence of floods;
- e) the monitoring and maintenance of the waterways against waste/garbage generators;
- f) the establishment of national monitoring and surveillance network to conserve or preserve the quality of water in the esteros or creeks to acceptable level; and,
- g) the establishment of green belts and ecological zones along adopted esteros, creeks, rivers and drainage lines.

SEC. 3: SELECTION AND ADOPTION OF ESTERO

The selection and adoption of a creek or estero shall take into account the existing and previous history of the water quality of the creek/estero, as well as the land use pattern of its surrounding environment, to determine its most desirable and beneficial uses. The selection and adoption of the creek/estero shall be on the basis of, but not limited to:

- a) the degree of water pollution;
- b) the long-term use;
- c) security of waterways;
- d) protection of water quality;
- e) ecological preservation; and
- f) sustainable development.

For a more effective designation of a creek/estero as priority/critical, a national system of selection shall be established. A local action plan and strategy shall be formulated for each adopted creek/estero, in close consultation and coordination with the DPWH, DILG, DOH, LGUs, Civil Society, Youth Organizations, Business Sector, Religious Groups and other stakeholders.

SEC. 4: PARTICIPATION

A set of existing safety and legal guidelines shall be followed to ensure the successful implementation of the estero clean-up projects. To qualify, any organized group or civil society shall follow these pre-requisites:

- a) Choose a Leader – A representative from any organized group or civil society can apply for an adoption of waterways.
- b) Application – The representative shall contract the DENR Adopt-A-Creek Program Coordinator. Before the adoption process can proceed, the representative shall submit the following: 1) a draft of “Memorandum of Agreement” for approval; 2) the proposed clean-up schedules and mode of operations with the Secretariat of PTFWEDM and SCO-DENR, for purposes of making representations, dialogues/consultations and agreements with the participating agencies and stakeholders.
- c) Map – A comprehensive map showing location, defining boundaries, name, barangay, and any relevant information/descriptions deemed necessary for the proposed creek shall be attached to the application.
- d) Legal and Safety Guidelines – Participating Parties must be guided at all times by the existing legal and safety provisions of the environmental laws in formulating the “Adoption Declaration” of the proposed creek.

SEC. 5: WATER QUALITY STANDARDS

Pursuant to the Philippine Water Code, the Sanitation Code and the Environmental Code, the Department of Environment and Natural Resources (DENR), Department of Public Works and Highways (DPWH) and the Department of Health (DOH) shall jointly set the water quality standards for the adopted creek/estero and wastewater discharge from polluting sources.

SEC. 6: CLEAN-UP AND REHABILITATION STRATEGY

The DENR in consultation with DPWH, DOH and DILG shall guide and oversee the participating parties in the preparation and formulation of the “CLEAN-UP AND REHABILITATION STRATEGY” upon the completion and acceptance of the MOA. A “Community Clean-up Steering Committee” shall be instituted to ensure effective implementation of the MOA. The Committee shall act as community extension of the DENR with specific functions to be agreed upon by the participating parties.

SEC. 7: INCENTIVES AND REWARDS

The DENR and participating parties shall be allowed to solicit funds to be used solely for rewards and incentives to ensure sustainability of the program. Guidelines shall be prepared in granting incentives and rewards.

SEC. 8: IMPLEMENTATION AND ENFORCEMENT

The presidential task force on Water Resources Development And Management (PTFWRDM) and Special Concerns Office (SCO) of DENR, shall be the primary coordinating offices responsible for the implementation and enforcement of this order. In view thereof, these offices shall have the authority to tap technical experts from the DENR central and regional offices, bureaus and attached agencies as the need arises.

To ensure proper coordination and effective implementation of this order, concerned offices of the DENR shall submit a monthly status report to the office of the secretary through the PTFWRDM and SCO-civil Society action desk. For purposes of uniformity, the format of which will be prepared and provided by the PTFWRDM and SCO of the DENR.

SEC. 9: REPEALING CLAUSE AND EFFECTIVITY

All orders, rules and regulations inconsistent with or contrary to the provisions of this order are hereby repealed or modified accordingly. This order shall take effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Administrative Order
No. 2001 – 31
October 04, 2001

SUBJECT : Establishing a National Flagship Projects Office (NFPO) under the Office of the Secretary.

In the interest of the service and consistent with the policy of the government to engage on significant and necessary Official Development Assistance (ODA) programs/projects that is envisioned to prop-up the need of the basic and special sectors of the society; and in support to the initiative of the Office of the President to closely monitor the implementation of all ODA programs and projects; and in line with the thrust of the incumbent administration to streamline government operations, a National Flagship Projects Office (NFPO) is hereby established under the Office of the Secretary.

SECTION 1. Policy Statement - It is hereby declared as a DENR policy to harmonize and improve the implementation of all special and foreign-funded programs and projects and commitments of the department that is envisioned to guide and fulfill national aspirations through the effective management and conservation of the country's environment and natural resources.

Sec. 2 Objectives - The National Flagship Projects Office shall seek to:

1. Improve performance of all project management offices (PMOs);
2. Institute a centralized network that shall assist all PMOs in the implementation of special and foreign-funded projects;
3. Formulate department standards that shall improve the efficiency and effectiveness of PMO operations, staff and concerned support offices relevant to project implementation;
4. Review and approve all work and financial plans of all PMOs;

5. Institute corrective measures necessary in achieving the desired goals of the projects;
6. Supervise implementation of approved and revised work and financial plans of all PMOs;
7. Coordinate an inter-bureau and cross-sectoral assembly that shall review the status of the Philippine environment;
8. Spearhead the creation of a Task Force that shall supervise the formulations of a Philippine ENR vision;
9. Initiate the drafting of a national guideline as basis for the packaging of desired programs/projects;
10. Facilitate the formulation of program/projects proposals supportive to the attainment of the country's ENR vision;
11. Perform other relevant activities in pursuit to the policy statement of this department order.

Sec. 3 *The NFPO Executive Office* – There is hereby established an Executive Office of the Secretary that shall supervise the day-to-day operations of the National Flagship Projects Office. The Executive Office shall be headed by an Executive Director and an Assistant Director.

Sec. 4 *Institutional Arrangements* – The NFPO shall be in-charge in all project implementation stages and formulation of a long-term ENR vision and management of all foreign-funded and special projects. The NFPO shall assume responsibility over a project upon confirmation of any agreement and extends to any approved post-project activity.

The FASPO shall continue to be in charge of fund sourcing/networking and monitoring and evaluation of all projects.

The Legal Services shall be in charge of the inventory of all regional/international commitments and submission of updated reports to the NFPO.

The Human Resources Management Services shall be in charge of preparing a capability training program for implementation of the NFPO.

The Finance management Services shall be in charge of the formulation of simplified finance, budget and accounting procedures that shall improve efficiency in the processing of financial transactions of all special and foreign funded projects by reducing red tape.

The Planning Services shall spearhead the crafting of a long-term ENR vision and coordinate with ERDB in the formulation of ENR standards as a guide for ERDB in the preparation and packaging of project proposals.

The Public Affairs Office shall be in charge of the preparation and implementation of all IEC activities in support to the ENR vision.

The Ecosystem Research and Development Bureau (ERDB) shall be the over-all coordinator in the preparation and packaging of all project proposals.

The Forest Management Bureau, the Mines and Geo-Sciences Bureau, the Environmental Management Bureau, the Land Management Bureau, the Protected Areas and Wildlife Bureau and the Civil Society Action Network Executive Office shall serve as the core group in the drafting and preparation of all ENR programs and projects.

The NFPO, whenever necessary, may from time to time call on any DENR official or office, including the attached agencies to assist in the implementation of NFPO activities.

Sec. 5 *Repealing Clause* – Deputy or Assistant Director Position/Designation or its equivalent on all Project Management Offices are hereby abolished and shall only have one Project Director.

Sec. 6 *Reporting Clause* – All PMOs shall have their respective Desk Officers as representative staff to the NFPO who

shall serve as Liaison Officers and be responsible in the updating of reports to the NFPO.

Sec. 7 *Effectivity Clause* - This Order shall take effect immediately and hereby revokes all Orders/Issuances inconsistent hereof.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Administrative Order
No. 2001 – 32
November 27, 2001

SUBJECT : Order Allowing the Transfer of CENRO of Puerto Princesa City to the Crocodile Farm Institute Compound.

In the Interest of the service, and in order not to disrupt the operation of the CENR Office in Puerto Princesa, Palawan, in view of the demand of the Local Government Unit of the Province of Palawan for the CENRO to vacate and demolish the office building presently occupied by the said office to give way to the planned construction of its own legislative building, it is ordered that:

1. The CENR Office of Puerto Princesa City shall transfer to the Crocodile Farm Institute compound.
2. The CENRO shall be responsible in the maintenance and proper upkeep of its office within the said compound.

This Order shall take effect immediately and all orders issued inconsistent herewith are hereby deemed repealed or amended accordingly.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

**DENR Administrative Order
No. 2001 – 33
December 07, 2002**

SUBJECT : Creation of DENR Sub-Office for Balabac Island, Palawan and Providing a Personnel and Funds to Operate the same.

Pursuant to Executive Order NO. 192 and in consonance with the request of the local officials and the people of the municipality of Balabac and for the purpose of ensuring a more responsive and efficient public service in remote areas, a DENR Sub-Office for Balabac Island is hereby created under the administrative supervision of CENRO Brooke's Point, Palawan.

The Balabac Island DENR Sub-Office shall be headed by an Officer-in-Charge to be designated by the Regional Executive Director. At least six (6) personnel shall man the sub-office to provide frontline services on lands, forestry, and environmental programs and activities. Likewise, the Regional Executive Director shall deploy necessary office equipment such as transceiver radios, motorcycle, and pumpboat for the use of the Balabac Sub-Office.

The Office of the Secretary, shall provide the initial operating expenses of the Balabac DENR Sub-Office for the current year to be sourced out from its savings until Region IV shall have included in its regular budget the operating funds of the sub-office in fiscal year 2002. The CENRO of Brooke's Pt., Palawan and the PENRO of Palawan shall prepare and submit the budget estimate for the operation of the Balabac Island DENR Sub-Office.

The Regional Executive Director shall define the authorities, responsibilities and workflow of the sub-office in accordance with existing laws, rules and regulations.

This Order shall take effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Circular

No. 2001 – 02

January 04, 2001

SUBJECT : Addendum to Memorandum Circular No. 99-21 Re: Coordination of all Training And Development Activities with the Human Resource Management Service.

In order to have a uniform and standard systems and procedures in addressing the development needs of the Department and as an addendum to DENR Memorandum Circular No. 99-21, all regional offices, bureaus and attached agencies are hereby required to coordinate all HRD related activities with their HR division/unit/section.

All provisions of Memorandum Circular No. 99-21 consistent herewith remain the same.

This Circular takes effect immediately and for strict compliance of all concerned.

(Sgd.) ANTONIO H. CERILLES

Secretary

DENR Memorandum Circular

No. 2001 – 10

May 18, 2001

SUBJECT : Granting Study Leave Privilege to DENR Employees Preparing for their Board/Bar Examinations or Completing their Master's Degree Program.

Pursuant to Section 68 of Civil Service Memorandum Circular No. 14, s. 1999 entitled "Additional Provisions and Amendments to CSC Memorandum Circular No. 41, s. 1998" dated 23 August 1999, the following guidelines (as quoted) are hereby adopted:

Section 1. "SEC. 68. - STUDY LEAVE. OFFICIALS AND EMPLOYEES, EXCLUDING THOSE IN THE TEACHING PROFESSION WHO ARE COVERED BY DIFFERENT PROVISIONS OF LAW, MAY BE ENTITLED TO STUDY LEAVE SUBJECT TO THE FOLLOWING CONDITIONS:

- a. THE STUDY LEAVE IS A TIME OFF FROM WORK NOT EXCEEDING SIX MONTHS WITH PAY FOR THE PURPOSE OF ASSISTING QUALIFIED OFFICIALS AND EMPLOYEES TO PREPARE FOR THEIR BAR OR BOARD EXAMINATIONS OR TO COMPLETE THEIR MASTERAL DEGREE. THE LEAVE SHALL BE COVERED BY A CONTRACT BETWEEN THE BENEFICIARY THEREOF AND THE AGENCY OR HIS REPRESENTATIVE.
- b. THE BENEFICIARY FOR SUCH LEAVE SHALL BE SELECTED BASED ON THE FOLLOWING QUALIFICATION REQUIREMENTS:
 - 1) THE OFFICLAL/EMPLOYEE MUST HAVE GRADUATED WITH A BACHELOR'S DEGREE WHICH CONSEQUENTLY REQUIRES THE PASSING OF

GOVERNMENT BAR AND BOARD LICENSURE EXAMINATIONS. FOR THESIS WRITING OR COMPREHENSIVE EXAMINATION, THE OFFICIAL/EMPLOYEE, MUST HAVE COMPLETED ALL THE ACADEMIC REQUIREMENTS FOR A MASTERAL DEGREE.

- 2) THE PROFESSION OR FIELD OF STUDY TO BE PURSUED MUST BE RELEVANT TO THE AGENCY OR TO THE OFFICIAL DUTIES AND RESPONSIBILITIES OF THE CONCERNED OFFICIAL OR EMPLOYEE.
- 3) MUST BE A PERMANENT EMPLOYEE.
- 4) MUST HAVE RENDERED AT LEAST TWO YEARS OF SERVICE WITH AT LEAST VERY SATISFACTORY PERFORMANCE FOR THE LAST TWO RATING PERIODS IMMEDIATELY PRECEDING THE APPLICATION.
- 5) MUST HAVE NO PENDING ADMINISTRATIVE AND CRIMINAL CHARGES.
- 6) MUST NOT HAVE ANY CURRENT FOREIGN OR LOCAL SCHOLARSHIP GRANT.
- 7) MUST HAVE FULFILLED THE SERVICE OBLIGATION OF ANY PREVIOUS SCHOLARSHIP AND TRAINING CONTRACT.

THE SERVICE OBLIGATION MUST BE ON THE BASIS OF THE FOLLOWING FORMULA:

PERIOD	SERVICE OBLIGATION
ONE (1) MONTH TO THREE (3) MONTHS	TWO (2) YEARS

MORE THAN THREE MONTHS (3)

THREE (3) YEARS

MONTHS TO SIX (6) MONTHS

IN CASE THE OFFICIAL OR EMPLOYEE FAILS TO RENDER IN FULL THE SERVICE OBLIGATION REFERRED TO IN THE CONTRACT ON ACCOUNT OF VOLUNTARY RESIGNATION, OPTIONAL RETIREMENT, SEPARATION FROM THE SERVICE THROUGH HIS OWN FAULT, OR OTHER CAUSES WITHIN HIS CONTROL, HE SHALL REFUND THE GROSS SALARY, ALLOWANCES AND OTHER BENEFITS RECEIVED WHILE ON STUDY LEAVE BASED ON THE FOLLOWING FORMULA:

$$R = (SOR - SOS) \times TCR$$

SOR

WEERE: R REFUND
 TCR TOTAL COMPENSATION RECEIVED
 (GROSS SALARY, ALLOWANCES
 AND OTHER BENEFITS RECEIVED
 WHILE ON STUDY LEAVE)
 SOS SERVICE OBLIGATION SERVED
 SOR SERVICE OBLIGATION REQUIRED

THE OFFICIAL/EMPLOYEE BENEFICIARY OF THE STUDY LEAVE SHALL INFORM HIS AGENCY IN WRITING, THROUGH THE PERSONNEL OFFICE OF HIS FAILURE TO PURSUE HIS STUDIES. OR HIS FAILURE TO TAKE THE BAR/BOARD EXAMINATION FOR WHICH HE WAS GRANTED THE STUDY LEAVE."

Sec. 2 Other Provisions. The ultimate paragraph of CSC Memorandum Circular No. 14, s. 1999 allows the agency to formulate its own internal guidelines. The following are additional provisions in the operationalization of the said circular:

- 2.1 Documentary requirements:
 - 2.1.1 Personal Data Sheet
 - 2.1.2 Service Record
 - 2.1.3 Certification from the Regional Executive Director/Regional Director on the following:
 - 2.1.3.1 that the applicant has no pending administrative and criminal case;
 - 2.1.3.2 that the absence of the applicant will not affect the operations of the unit where he/she is assigned;
 - 2.1.3.3 that the applicant does not have any current foreign or local scholarship;
 - 2.1.3.4 that the applicant has fulfilled the service obligation of any previous scholarship and training contract; and
 - 2.1.3.5 performance rating for the last two rating periods

2.2 Employees/officials who wish to avail of this privilege must submit their applications together with the documents indicated in Section 2.1 of this Memorandum Circular to the, Chair, DENR Scholarship Committee through the Director, Human Resource Management Service.

The Scholarship Contract signed by the applicant and the Regional Executive Director (RED)/Regional Director (RD) must be submitted together with the requirements. It shall be effective upon approval of the application by the Secretary through the issuance of a Special Order.

2.3 Those who have previously availed of the DENR Local and Foreign Scholarship Program or the Civil Service Local Scholarship Program, but who have not completed their programs within the period as stipulated in their contracts are not entitled to the privilege under this Memorandum Circular.

2.4 Officials/employees can avail of this privilege only once. Failure to complete the board/bar review classes or pass the board/bar examinations or complete their master's degree programs

(comprehensive and/or thesis process) within the period of the grant does not entitle the official or employee to another privilege or extension. Extensions of study leave shall be charged against the official's/ employee's leave credits.

2.5 Deferments of the study privilege shall not be allowed.

2.6 Due to budgetary constraints, there shall be no financial assistance to be extended by the DENR.

2.7 The RED/RD shall submit a report on the academic status of the officials/ employees who availed of the study privilege. Such report shall contain, among others, the following:

- a. the review school or educational institution where the board/bar reviewees and thesis writers are enrolled respectively;
- b. date of board/bar examinations or date of completion of thesis process,
- c. documentary proofs of enrollment;
- d. approved thesis outline; and,
- e. other information which the RED/RD deem as necessary.

This Memorandum Circular supersedes DENR Memorandum Circular No. 14, s. 1995 and all other orders, circulars, and memoranda inconsistent herewith.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Order

No. 2001 –01

April 04, 2001

SUBJECT : Appointment Of Atty. GREGORIO V. CABANTAC As Undersecretary For Legal And Legislative Affairs

WHEREAS, by virtue of Memorandum Circular No. 1, all Non-Career Executive Service Officers in the DENR it occupying career executive service positions shall continue only in a hold-over capacity, to perform their duties and discharge their responsibilities until their successors have qualified;

WHEREAS, included in the coverage of the Circular is the Undersecretary for Legal and Legislative Affairs of the Department who holds said office only until his successor has been appointed and has qualified;

WHEREAS, on 28 March 2001, President Gloria Macapagal-Arroyo favorably acted, upon the recommendation of the Secretary, on the appointment of Atty. Gregorio V. Cabantac as Undersecretary for Legal and Legislative Affairs;

NOW THEREFORE, I HEHERSON T. ALVAREZ, Secretary of the Department of Environment and Natural Resources, by virtue of the powers vested in me, do hereby install Atty. Gregorio V. Cabantac as the new Undersecretary for Legal and Legislative Affairs of the Department of Environment and Natural Resources.

All concerned DENR officials are hereby directed to cause the immediate implementation of this Order.

This Decree shall take effect immediately.

DONE in Quezon City, this 3rd day of April 2001, in the year
of Our Lord Two Thousand and One.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Order

No. 2001-02

May 21, 2001

Subject : Defining the Office of the Undersecretary for Environment and Natural Resources Legal and Legislative Affairs and the Offices Thereunder.

In the interest of the service and by virtue of the power vested in me as the Secretary of the Department of Environment and Natural Resources, I, Heherson T. Alvarez, hereby defines the functions of the Undersecretary for Environment and Natural Resources Legal and Legislative Affairs as follows:

- Heads the Office of the Undersecretary for Environment and Natural Resources Legal and Legislative Affairs:
- Supervises the Legal Service (LS) and the International Affairs Office (IAO), and the Assistant Secretary for Legislative Affairs,
- Supervises the Land Management Bureau (LMB), the Comprehensive Agrarian Reform Program (CARP) and the Land Administration and Management Program (LAMP),
- Reviews licenses, permits, agreements, contracts, as well as decisions and orders, including cases filed with the legal units of the bureaus, regional, provincial, and community offices of the Department;
- Reviews all international agreements, protocols, and conventions involving environment and natural resources,
- Appears and acts as counsel for the Department;

- Provides legal advise to the Secretary;
- Assists and advises the Secretary in the promulgation of all office orders, rules and regulations,
- Takes the lead in the preparation of DENR's positions concerning bills and legislation on natural resources and environment;
- Supervises all the legal units in the bureaus and DENR regional/provincial/community offices in all legal matters;
- Serves as DENR representative to tile National Power Corporation (NAPOCOR) Board and performs other functions as assigned by the Secretary.

All concerned offices and agencies are hereby directed to cause the immediate implementation of this order.

This Decree takes effect immediately and supersedes all other issuances by the Department.

This Order shall take effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Order
No. 2001 – 03
May 18, 2001

SUBJECT : Clarification on the Role of the Undersecretary for Environment and Natural Resources (ENR) Operations in the Implementation of Foreign-Assisted and Special Programs/Projects.

In the interest of the service and in view of the activation of the ENR Operations Office through Administrative Order No. 2001-15, the role of the said office in the implementation of foreign-assisted and special programs/projects is hereby clarified as follows:

1. The Undersecretary for ENR Operations shall ONLY supervise foreign-assisted and special projects *which are being implemented by or in the areas of the regional and field offices;*
2. Consistent with the regionalization effort of FASPO, all region-based programs/projects shall, as much as possible, be implemented by or through, the concerned PENROs/CENROs;
3. The relevant signing authorities previously exercised by the Undersecretary for International Commitment and Local Government Affairs pursuant to the Manual of Approvals (DAO 2000-11) and other orders, concerning the foreign-assisted and special projects being implemented by or in the areas of the regional and field offices, are therefore transferred to the Undersecretary for ENR Operations;
4. All designated Directors/Managers of foreign-assisted programs/projects which are being implemented by or in the areas of the regional and field offices, including those currently lodged in

the Sectoral Bureaus, shall henceforth report to the ENR Operations Office for supervision.

This Order shall take effect immediately and supersede/revoke all orders inconsistent herewith.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Order

No. 2001 – 04

May 31, 2001

**SUBJECT : Addendum To Memorandum Order
No. 2001-03 Dated 18 May 2001.**

In the interest of the service and consistent with Memorandum order No. 2001-02, the Undersecretary for ENR Legal and Legislative Affairs shall assume the signing authorities previously exercised by the Undersecretary for International Commitment and Local Government Affairs including the Comprehensive Agrarian Reform program (CARP), Land Administration Management Program (LAMP) and the Land Management Bureau (LMB) pursuant to DAO 2000-11. All said offices, including its personnel shall report to the said Undersecretary for supervision.

Similarly, the Undersecretary for Planning and Policy shall directly supervise the ARCBC, ICRI and the policy-related programs and projects previously supervised by the Undersecretary for Policy and Technical Services. He shall likewise, assume the relevant signing authorities pertaining to said programs/projects, pursuant to DAO 2000-11.

This Order shall take effect immediately and supersede/revoke all orders inconsistent herewith.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Order

No. 2001 – 05

June 01, 2001

SUBJECT : Prescribing Fiscal Discipline Measures

Pursuant to the provisions of Malacañang Administrative Order No. 5 dated 28 February 2001 directing the reduction of government expenditures in view of large expected budget deficit and a reduction in departments/MOOE budget of P517 M for CY 2001, the following fiscal discipline measures are hereby prescribed:

A. ELECTRICITY

All officials and employees are hereby enjoined to observe energy conservation measures in order to reduce power consumption,, as follows:

1. All air-conditioning units shall only be switched on from Monday through Friday at 8:00 a.m. and shall be switched off at 4:45 p.m.
Electric fans must be turned-off when the air-conditioner is already functioning. Personnel rendering overtime services during Saturdays and Holidays shall use electric fans only.
2. Lights must be put off, specifically from 12:00 noon through 1:00 p.m.
Minimal lighting during lunch breaks and at night time shall be maintained in the lobby and corridors.
3. For offices with more than two air-conditioners, one unit must be- put off when the desired room temperature has been reached.

4. Electric typewriters, fans, airpots and other equipment/appliance must be out off when not in use.
5. Switch-off computers during lunch breaks except the servers. The use of computers for video and computer games is strictly prohibited.

B. COMMUNICATION

1. The use of the International Direct Dialing (IDD) system for telephones and fax machines is prohibited, while domestic calls and, fax transmission shall be limited to urgent official matters only.
In order to minimize travel expenses, long distance calls and fax transmissions may be utilized in official transactions among central/regional/field offices, in lieu of official travels.
2. Utilize e-mall facilities in disseminating some information and other communication to all units of the Department, Bureaus, Regional and Provincial Offices.
3. The following allowable schedule of fixed rates for post-paid subscription (Executive Plan) of cellular phones is as follows:

OFFICIAL/PERSONNEL	RATE PER MONTH	
	GLOBE	SMART
Undersecretary/Asst. Secretary HEA	P 2,000.00	P 1,800.00
Service/Bureau Director/Asst.	1,500.00	1,800.00
RED/ARED	1,500.00	1,800.00
Project/Program Director		
<i>Foreign-assisted projects</i>	2,000.00	1,800.00
<i>Locally-funded projects</i>	1,500.00	1,800.00

The amount in excess of the allowed monthly rates shall be charged to the personal account of, the concerned official through salary deduction. No other officials and employees, aside from those listed above, are allowed post-paid subscription of cellular phones. Unauthorized holders of cellular phones must surrender their units to the Telecommunications Unit (GSD), not later than 15 June 2001.

4. Express delivery couriers shall only be used in sending documents that are urgent and emergency in nature. Printed matters and other documents or publications intended for the regions shall be placed in pouch bags assigned to each Region, to be picked up by any Regional Official and/or employee that is on official travel to the DENR Central Office and Bureaus, and vice versa.

The purpose of officially conveying the documents must be indicated in the Travel Order of the concerned official or employee. The Records Management and Documentation Division/Records Unit shall coordinate with the concerned offices regarding the implementation of this directive.

C. WATER

1. Any leakage or wastage in water due to defective faucets or water connections must be immediately reported to the General Services Division/Unit for repair and proper maintenance.
2. Watering of lawns and gardens shall be regulated.
3. Adjust the water level of every tank in all confort rooms so that three (3) liters of water can be saved from every flushing.
4. Close the faucet while brushing teeth.

D. SUPPLIES, MATERIALS AND EQUIPMENT

1. Procurement shall be done in accordance with the approved Annual Procurement Plan (APP) and office/unit budget.
2. Small purchases that are urgent or emergency in nature shall be procured through cash advances of the offices' designated Special Disbursing Officers (SDOs) authorized for the purpose, subject to the existing budgeting, accounting and auditing rules and regulations.
3. Used papers must be recycled for photocopying documents or drafting correspondence to promote zero waste, as well as reduce costs.
4. Surrender empty printer cartridges, used ribbon printer cartridges, old newspapers, and other papers that can no longer be recycled to the General Services Division for eventual disposal.
5. Limit the purchase of office supplies and materials to avoid over stocking,

E. MOTOR VEHICLES

- 1 Only one unit vehicle shall be assigned to ASECS, HEA, Service Directors, Bureau Directors and Assistant Directors, REDs, AREDs, PDs and PMs. All USECs, however, shall be allowed usage of another vehicle as reserve or for staff use.
2. Vehicles assigned to officials other than those mentioned in the preceding section and for general dispatch vehicles, shall be parked at the Motor Pool Compound after 5:00 p.m., unless when there are official travels in the provinces and/or meetings, seminars or conferences.

3. Provision for fuel, spare parts, repairs and maintenance of DENR vehicles shall not be allowed if same is not permanently marked "FOR OFFICIAL USE ONLY", with the name or logo of the agency. Motor vehicle trips shall be supported by properly accomplished and approved serially numbered Driver's Trip Tickets.
4. Purchase of motor vehicles not directly supportive of the agency's frontline services shall be deferred, except as replacement for luxury vehicles that were disposed of consonant to Administrative Order No. 3 dated 27 February 2001 or requirement to foreign-assisted projects.

F. OTHER ECONOMY MEASURES

1. Trainings, seminars or workshops shall be conducted in a simple and cost effective manner. The purchase of training kits or bags for the use of participants shall no longer be allowed, except with the approval of the ASEC for Management Services.
2. Subscription to magazines/journals (related to ENR) shall be limited to one (1) title for the Offices of the USEC, ASEC, HEA, Service Director, Bureau Director and Assistant Director, RED, ARED, PD, and PM except the OSEC, Public Affairs Office (PAO) and Library. The Offices of the USEC and ASEC are limited to two (2) daily newspapers, while the Offices of the HEA and Director are limited to one (1) newspaper, without weekend subscription, except OSEC, PAO, and Library.
3. Contracts for consultancy services regardless of fund source, shall be limited to those directed towards the government's institutional reform efforts.

4. Limiting the travel of DENR Officials and employees (frequency, duration and number of personnel) to the barest minimum of one staff and maximum of two staff per project visit and on a need basis. The concerned USEC/ASEC/Director should be strict on this measure.
5. The grant of clothing allowance for foreign travels is suspended effective 01 June 2001.
6. Overtime services of personnel shall be allowed only in cases of urgent and critical assignments. It should not be resorted to in the performance of regular routine work and activities. (Specific guidelines on the rendition of overtime services will be issued later.)
7. The conduct of cultural and sports activities and other celebrations of the agency is limited.
8. The giving of gifts, grants, contributions and donations shall be limited to those that are necessary in attaining agency's objectives or sectoral outcomes.
9. Purchase of furniture and fixtures shall be suspended, except upon the approval of the Secretary.
10. The creation of new offices and positions, except in CARAGA regional office where funds shall be offset with the abolition of existing positions, and the creation of Inter-agency committees and Interim bodies shall be prohibited, unless covered by available funds as approved by DBM and authorized by the Office of the President.
11. The hiring of contractuels shall be reduced, and resorted to only in vital and urgent work activities.

12.The General Services Division/Unit shall submit a Preventive Maintenance Program for all equipment facilities and vehicles to reduce the costs of maintenance and repair, and to act on matters prescribed above.

It is the duty and responsibility of the respective Heads of Offices/Units (Directors and Division Chiefs), Security Service and Internal Audit Staff to see that this Memorandum Order is strictly complied in all DENR Offices and Attached Agencies. The Financial and Management Service (FMS) will monitor the savings generated out of the above measures. Hence, the Accounting Division/Administrative Division/Finance Division/Administrative Support Section shall submit a Quarterly Report on Savings to the FMS.

This Order shall take effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

Copy furnished:

DENR Attached Agencies
COA Resident Auditor

DENR Memorandum Order
No. 2001 - 07
June 08, 2001

TO : All concerned Regional Executive Directors Regions 2, 3, 4, 6, 9, 10, 11, 12 and 13

SUBJECT : Reiterating the Provision of Core Staff to CPPAP Sites.

In line with our commitment to ensure the sustainability of protected areas management activities beyond the project life of the Conservation of Priority Protected Areas Project (CPPAP), the provision of core staff to CPPAP sites is hereby reiterated. In this connection, you are instructed to consider the qualified CPPAP contractual staff to regular plantilla positions and continue the process of detailing of regular DENR staff to fill up the sites even beyond project life.

You are further instructed to prepare Program/Project/Activity (PPA) per PA with an estimated budget for the core staff and core activities to be included in General Appropriations Act (GAA) for CY 2002 and 2003 based on the attached proposed annual core fund requirements prepared by the CPPAP-Project Coordinating Unit (PCU).

FOR COMPLIANCE.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Order
No. 2001 - 08
June 29, 2001

SUBJECT : Creation of an Ad Hoc Committee on Mangrove.

In order to effectively implement mangrove programs in the Department of Environment and Natural Resources (DENR), an Ad Hoc Committee on Mangrove is hereby organized, composed of the following personnel:

- | | | | |
|--------------------------|---|-----------|-------------------------------|
| 1. Ann Christine T. Rojo | - | HEA, OSEC | |
| 2. Ruby Buen | - | PSS | |
| 3. Norma Molinyawe | - | PAWB | |
| 4. Wilma Sabado | - | FMB | |
| 5. Noel Padilla | - | PSS | |
| 6. Honorato Palis | - | ERDB | |
| 7. Jesus Cariño | - | FASPO | |
| 8. Emiliano Ramoran | - | CEPCO | |
| 9. Florendo Barangan | - | CEPCO | |
| 10. Ann Melody Malano | - | CEPCO | as Documentor/
Secretariat |

The Mangrove Ad Hoc Committee members are hereby instructed to attend a leveling-off meeting on July 06, 2001 at the DENR Canteen at 1:00 P.M. to identify/determine appropriate programs of action regarding issues and concerns for a more effective mangrove program implementation in the DENR.

Expenses in the conduct of the leveling-off meeting shall be chargeable against the appropriations of the Coastal Environment Program Coordinating Office, subject to the usual accounting and auditing rules and regulations.

For your guidance and compliance.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Order

No. 2001 – 09

June 29, 2001

**FOR : BUREAU/SERVICE/PROGRAM/
PROJECT DIRECTORS, REDS,
PENROS, CENROS, and
ADMINISTRATORS (Attached
Agencies)**

**SUBJECT : Tree Planting Activity in
Environment Month**

In celebration of the environment month in June, let us make this occasion more meaningful and fruitful by undertaking a tree planting activity for half day (any date in June) among your officials and employees in your localities. It is suggested that at least one hundred (100) saplings be planted by your respective offices in appropriate/suitable places. Post billboards (2 or 3) with appropriate markings that these are planted by DENR with a campaign slogan, such as, "Let us protect the environment by planting more trees, or Save the environment and create wealth by planting trees." Moreover, encourage civic clubs/civil society to join, and you may request the media to cover your activity. (Request your janitors/utility staff to prepare the holes of equal distances; get your saplings from our nurseries; and provide treeguards, if necessary.)

Your office is authorized to spend not more than P 2,000 for this activity chargeable to your respective office budget.

Please submit a one page report and two pictures on the activity undertaken to the Office of the Secretary not later than July 13, 2001.

Let us keep our enthusiasm and leadership always high on the country's environmental agenda.

For your compliance.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Order
No. 2001 – 10
June 02, 2001

SUBJECT : Appointment of Dr. Rogelio V. Paglomutan as Assistant Secretary vice Jimmy G. Pesigan

WHEREAS, by virtue of Memorandum Circular No. 1 dated 30 January 2001, all Non-Career Executive Service Officers in the Department of Environment and Natural Resources (DENR) occupying Career Executive Service positions shall continue only in hold-over capacity to perform their duties and discharge their responsibilities until their successors have been appointed and have qualified.

WHEREAS, on 14 June 2001, Her Excellency President Gloria Macapagal-Aroyo favorably acted, upon my recommendation, on the appointment of Dr. Rogelio V. Paglomutan as DENR Assistant Secretary vice the item of Assistant Secretary Jimmy G. Pesigan.

NOW THEREFORE, I, HEHERSON T. ALVAREZ, DENR Secretary, by virtue of the powers vested in me, do hereby install Dr. Paglomutan as DENR Assistant Secretary vice the item of Assistant Secretary Jimmy G. Pesigan.

In the interest of the service, the former Assistant Secretary is hereby directed to clear himself of work responsibilities, financial and property accountabilities and turn over the same to the Undersecretary for ENR Legal and Legislative Affairs.

This Order shall take effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Order
No. 2001 – 11
July 26, 2001

Subject : Prescribing Guidelines on Cleanliness and Orderliness Within DENR Premises.

In consonance with the Department's mandate to promote and maintain a clean environment in the country, it is proper for us to first observe and maintain cleanliness and orderliness in our respective offices and surroundings. Moreover, the behavior of employees and officials are to some extent affected by office environment. Thus, all officials and employees are enjoined to comply with the following guidelines:

A. MAINTENANCE OF CLEANLINESS AND ORDERLINESS IN WORKPLACE

1. Arrange in an orderly manner all records, books, folders, papers and logbooks in appropriate areas.
2. Return items in respective places, drawers or cabinets to prevent unnecessary stack on one's table.
3. Minimize documents, papers, or items on top of tables. Bring out only the items or documents needed during the day to maximize work area and avoid documents being misplaced. The documents/papers must be kept and locked in drawers or cabinets, especially confidential ones, at the end of the day to clear the table.
4. Repair/repaint/varnish worn-out tables, chairs, office furniture and office walls if respective office's budget allows and/or get from savings.
5. Restructure office lay-out, if needed, to systematize flow of work and provide a conducive working environment to

enhance productivity and service to public clientele and colleagues.

6. If possible, provide areas for the following:
 - a. Procedures and requirements on public transactions are posted.
 - b. Where clients could be entertained and/or served.
7. Refrain from eating or drinking on sensitive equipment and computer work areas to avoid spillage of fluids that may damage the computer and equipment.

If space allows, provide a pantry where employees could eat.

B. ECOLOGICAL SOLID WASTE MANAGEMENT

1. Each office is required to practice proper solid waste management in compliance with the Ecological Solid Waste Management Act of 2000 (Republic Act 9003). Segregation of wastes in color-coded containers (starting at the division level) shall be done as follows:
 - a. Biodegradable waste – food wastes, yard wastes, etc. (**green**)
 - b. Non-biodegradable/Recyclable wastes – paper, plastic, styrofoam, tin cans, bottles, etc. (**red**)
 - c. Non-recyclable/residual wastes – used/worn out rugs, ceramics, soiled plastics, candy wrappers, etc. (**blue**)
 - d. Special/Hazardous Wastes – used fluorescent lamps/bulbs, batteries, spray canisters, etc. (**black**)

Each container should be properly labeled and equipped with lid to prevent the escape of foul odors and entry of vermin.

2. Burning of waste is strictly prohibited. Minimize waste through recycling such as reuse of the back portion of copy/bond paper for drafting and photocopying documents.
3. Wrap broken glasses or sharp or pointed objects to be thrown in the trash can to avoid incidents of injury to cleaners.

C. RECORDS/MATERIALS DISPOSAL

1. Dispose records or files that are no longer in use or those that have exceeded the prescribed disposal period in accordance with DECS Order No. 13-A dated 03 February 1988 on the **Guidelines on the Decentralized Disposal of Valueless Records in Government Agencies**.
2. Surrender to the General Services Division/Unit empty or used printer cartridges, old newspapers and other papers that can no longer be recycled for eventual disposal in accordance with the Fiscal Discipline Measures prescribed under Memorandum Circular No. 2001-05 dated 01 June 2001.
3. The Management Information System Division (MISD) in coordination with relevant offices shall prepare a plan for implementation on installing a Computer Document Imaging System particularly in the Records Division and relevant offices/units, in order to reduce the voluminous papers and records on file (Computer-based Document Retrieval and Archives System).

D. OTHERS

1. The following are strictly prohibited in the offices:
 - a. Drinking of liquors.
 - b. Staying in the office overnight.
 - c. Smoking (smoking area should be designated).

- d. Gambling
2. Comfort rooms should **always** be clean, dry and odor-free (Standard criterion: one can eat or sleep inside)
 - a. Use comfort rooms properly to avoid damage to faucets, toilet bowls and other facilities.
 - b. Food scraps should not be poured into the sink drain to avoid clogging.
 3. The General Services Division/Unit shall perform the following duties:
 - a. Keep the buildings and premises clean and free from litters, leaves, scraps and other refuse by conducting regular inspection of offices and grounds, and to closely supervise janitorial services. The Head, Building and Grounds Maintenance Section shall inspect the buildings and offices (roam around) at least once a week, and check for deficiencies, defects, and areas for improvement.
 - b. Provide four color-coded trash receptacles consonant to provision B.1, to be placed in each strategic places inside the building and surroundings.
 - c. Maintenance and improvement of the grounds/garden.
 - d. Remove eyesores such as junks and furniture/office scraps that are stacked in the premises.
 - e. Monitor the janitorial services in the collection and disposal of solid wastes. The last schedule of garbage collection inside the building shall be done between 5:00 – 6:30 p.m. daily so that **totally** no wastes shall be left inside offices for pests to eat and play with at night.

- f. Declog downspouts, eaves and canals of dirt to prevent flooding and cases of dengue.
 - g. Conduct pest control measures (at least once a year), applying ecologically sound methods and materials.
 - h. Keep office bodega in order following the relevant guidelines above.
4. No eating shall be allowed after the last garbage collection or food wastes must be thrown in garbage containers located outside the building.
 5. Everyone is encouraged to develop and adopt other initiatives on this subject matter, that are not in conflict with the above.
 6. All Division Chiefs and Heads of Offices shall evaluate the janitorial crew and the agency every six months using the prescribed form (Annex A) as basis for improving janitorial performance or bidding for better janitorial services.

E. ACTION GROUPS

1. A Cleanliness and Orderliness Circle (COC) comprising of at least five (5) members in each division/office, with the Chief/Head as the Team Leader, shall be organized. The COCs shall prepare an Action Plan, implement this Memorandum Order and oversee the regular cleanliness and orderliness of their respective offices with the participation of all employees. They shall meet regularly, at least once a month. Respective offices/units are given half-day every semester to devote full time in fixing and cleaning their offices, things and surroundings.

The COCs shall submit the first report on actions taken by 17 August 2001 to the Director, Administrative Service or

equivalent. All the Directors shall monitor and support the activities of all COCs under them.

2. The DENR Central Office, Bureaus, Regional Offices, PENROs, CENROs and Attached Agencies shall give awards and incentives to deserving offices/units who are outstanding in performance on cleanliness and orderliness. Respective Offices shall set their own categories of awards and criteria for this purpose.

F. PENALTY

Appropriate penalty shall be imposed upon the recommendation of the Head of Administrative Service/Offices/Units on complaints, violations and non-compliance to this memorandum.

For strict compliance.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Order
No. 2001 – 12
August 21, 2001

SUBJECT : Renewal of Contracts of Persons Under Contract – 29.

To effectively monitor the proposed “Contracts of Service” of persons in the Central Office under Object-29, the same shall be forwarded to the Personnel Division which shall review the contracts particularly the required qualifications of the person concerned to the position of which hi/her service is being contracted, prior to the signing of the contract. The Personnel Division/Section shall maintain records on every Contract of Service of persons hired under Contract-29 and submit quarterly report to the Assistant Secretary for Finance and Management Services. However, the Undersecretaries supervising the offices where the persons will be employed are required to sign the Contracts of Service.

The same process shall be done in the Bureaus and Regional Offices where their Administrative Division and Personnel Section shall do the evaluation and maintenance of indexes and records of every Contract of Service. The signatories of these Contracts shall be the Bureau Directors and the respective Regional Executive Directors.

In the hiring of persons under Contract-29, the concerned offices shall take into consideration the pertinent provisions of DBM Circular Letter No. 2000-11 dated 01 June 2000 entitled, “Compensation of Contractual Personnel and Individual Professional Consultants”.

This Order shall take effect immediately and supersedes previous orders/instructions on this subject.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

DENR Memorandum Order
No. 2001 – 13
August 27, 2001

SUBJECT : Guidelines on the Use of the DENR Central Office Hostel.

In order to effectively manage, provide quality service, and maintain the proper use of the DENR Central Office Hostel, all DENR officials and employees who wish to avail of its accommodations shall strictly adhere to the following:

- a. Only DENR officials and employees shall be accommodated.
- b. Reservation is not accepted. The “*first-come-first-serve policy*” shall be observed.
- c. Guests are allowed a maximum period of only one (1) week of stay so as not to deprive others. Otherwise, approval of the Secretary must be secured.
- d. When checking in, present to the desk officer the following:
 - DENR Identification Card (I.D.)
 - Approved Travel Order or Special Order
(The next higher officer shall sign the travel order while the Regional Executive Director or any official from the Central Office shall sign the Special Order. Failure to present the required document shall mean non-admission to the hostel.)
- e. Hostel fee of seventy-five pesos (P75.00) per day shall be charged to cover the cost of maintenance. Payment shall be made upon checking in.
- f. Use of electricity for laptop computers, printers, hairdryers, flat iron, etc. must have permission from the desk officer.

The DENR Hostel shall henceforth be under the administrative supervision and management of the Human Resource Management Service.

Be guided accordingly.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

OTHER ISSUES

REPUBLIC ACT NO. 9003

AN ACT PROVIDING FOR AN ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM, CREATING THE NECESSARY INSTITUTIONAL MECHANISMS AND INCENTIVES, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

CHAPTER I BASIC POLICIES

Article 1 General Provisions

Section 1. Short Title. -- This Act shall be known as the "Ecological Solid Waste Management Act of 2000".

Section 2. Declaration of Policies. -- It is hereby declared the policy of the State to adopt a systematic, comprehensive and ecological solid waste management program which shall:

- (a) Ensure the protection of public health and environment;
- (b) Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery;
- (c) Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures, including composing, recycling, re-use, recovery, green charcoal process, and others, before collection, treatment and disposal in appropriate and environmentally-sound solid waste management facilities in accordance with ecologically sustainable development principles;

- (d) Ensure the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practices in ecological waste management excluding incineration;
- (e) Promote national research and development programs for improved solid waste management and resource conservation techniques, more effective institutional arrangement and indigenous and improved methods of waste reduction, collection, separation and recovery.
- (f) Encourage greater private sector participation in solid waste management;
- (g) Retain primary enforcement and responsibility of solid waste management with local government units while establishing a cooperative effort among the national government, other local government units, non-government organizations, and the private sector;
- (h) Encourage cooperation and self-regulation among waste generators through the application of market-based instruments;
- (i) Institutionalize public participation in the development and implementation of national and local integrated, comprehensive and ecological waste management programs; and
- (j) Strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry.

Article 2

Definitions of Terms

Section 3. Definition of Terms. – For the purpose of this Act:

- (a) Agricultural waste shall refer to waste generated from planting or harvesting of crops, trimming or pruning of

- plants and wastes or run-off materials from farms or fields;
- (b) Bulky wastes shall refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes. These include large worn-out or broken household, commercial, and industrial items such as furniture, lamps, bookcases, filing cabinets, and other similar items;
 - (c) Bureau shall refer to the Environmental Management Bureau;
 - (d) Buy-back center shall refer to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials;
 - (e) Collection shall refer to the act of removing solid waste from the source or from a communal storage point;
 - (f) Composting shall refer to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product;
 - (g) Consumer electronics shall refer to special wastes that include worn-out, broken, and other discarded items such as radios, stereos, and TV sets;
 - (h) Controlled dump shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of site operation;
 - (i) Department shall refer to the Department of Environment and Natural Resources;
 - (j) Disposal shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land;
 - (k) Disposal site shall refer to a site where solid waste is finally discharged and deposited;
 - (l) Ecological solid waste management shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of

- solid waste and all other waste management activities which do not harm the environment;
- (m) Environmentally acceptable shall refer to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment;
 - (n) Generation shall refer to the act or process of producing solid waste;
 - (o) Generator shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling;
 - (p) Hazardous waste shall refer to solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
 - (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
 - (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed;
 - (q) Leachate shall refer to the liquid produced when waste undergo decomposition, and when water percolate through solid waste undergoing decomposition. It is a contaminated liquid that contains dissolved and suspended materials;
 - (r) Materials recovery facility – includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility;
 - (s) Municipal waste shall refer to wastes produced from activities within local government units which include a combination of domestic, commercial, institutional and industrial wastes and street litters;
 - (t) Open dump shall refer to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of

without due planning and consideration for environmental and health standards;

- (u) Opportunity to recycle shall refer to the act of providing a place for collecting source-separated recyclable material, located either at a disposal site or at another location more convenient to the population being served, and collection at least once a month of source-separated recyclable material from collection service customers and to providing a public education and promotion program that gives notice to each person of the opportunity to recycle and encourage source separation of recyclable material;
- (v) Person(s) shall refer to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations;
- (w) Post-consumer material shall refer only to those materials or products generated by a business or consumer which have served their intended end use, and which have been separated or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacturing of recycled product, excluding materials and by-products generated from, and commonly used within an original manufacturing process, such as mill scrap;
- (x) Receptacles shall refer to individual containers used for the source separation and the collection of recyclable materials;
- (y) Recovered material shall refer to material and by-products that have been recovered or diverted from solid waste for the purpose of being collected, processed and used as a raw material in the manufacture of a recycled product;
- (z) Recyclable material shall refer to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including, but not limited to, newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum,

- glass, office paper, tin cans and other materials as may be determined by the Commission;
- (aa) Recycled material shall refer to post-consumer material that has been recycled and returned to the economy;
 - (bb) Recycling shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw materials for the production of other goods or services: *Provided*, That the collection, segregation and re-use of previously used packaging material shall be deemed recycling under this Act;
 - (cc) Resource conservation shall refer to the reduction of the amount of solid waste that are generated or the reduction of overall resource consumption, and utilization of recovered resources;
 - (dd) Resource recovery shall refer to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use: *Provided*, That, such resource recovery facilities exclude incineration;
 - (ee) Re-use shall refer to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics;
 - (ff) Sanitary landfill shall refer to a waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility;
 - (gg) Schedule of Compliance shall refer to an enforceable sequence of actions or operations to be accomplished within a stipulated time frame leading to compliance with a limitation, prohibition, or standard set forth in this Act or any rule or regulation issued pursuant thereto;

- (hh) Secretary shall refer to the Secretary of the Department of Environment and Natural Resources;
- (ii) Segregation shall refer to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;
- (jj) Segregation at source shall refer to a solid waste management practice of separating, at the point of origin, different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;
- (kk) Solid waste shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agriculture waste, and other non-hazardous/non-toxic solid waste.

Unless specifically noted otherwise, the term “solid waste” as used in this Act shall not include:

- (1) waste identified or listed as hazardous waste of a solid, liquid, contained gaseous or semisolid form which may cause or contribute to an increase in mortality or in serious or incapacitating reversible illness, or acute/chronic effect on the health of persons and other organisms;
- (2) infectious waste from hospitals such as equipment, instruments, utensils, and fomites of a disposable nature from patients who are suspected to have or have been diagnosed as having communicable diseases and must therefore be isolated as required by public health agencies, laboratory wastes such as pathological specimens (i.e., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals), and disposable fomites that may harbor or transmit pathogenic organisms, and surgical

- operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms; and
- (3) waste resulting from mining activities, including contaminated soil and debris.
- (ll) Solid waste management shall refer to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that is also responsive to public attitudes;
- (mm) Solid waste management facility shall refer to any resource recovery system or component thereof; any system, program, or facility for resource conservation; any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste;
- (nn) Source reduction shall refer to the reduction of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials re-use and packaging restrictions;
- (oo) Source separation shall refer to the sorting of solid waste into some or all of its component parts at the point of generation;
- (pp) Special wastes shall refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard wastes that are collected separately, batteries, oil, and tires. These wastes are usually handled separately from other residential and commercial wastes;

- (qq) Storage shall refer to the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal;
- (rr) Transfer stations shall refer to those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. This term does not include any of the following:
- (1) a facility whose principal function is to receive, store, separate, convert, or otherwise process in accordance with national minimum standards, manure;
 - (2) a facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for re-use and are not intended for disposal; and
 - (3) the operations premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business.
- (ss) Waste diversion shall refer to activities which reduce or eliminate the amount of solid wastes from waste disposal facilities;
- (tt) White goods shall refer to large worn-out or broken household, commercial, and industrial appliances such as stoves, refrigerators, dishwaters, and clothes washers and dryers collected separately. White goods are usually dismantled for the recovery of specific materials (e.g., copper, aluminum, etc.); and
- (uu) Yard waste shall refer to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetables residue that is recognizable as part of a plant or vegetable and other materials identified by the Commission.

CHAPTER II INSTITUTIONAL MECHANISM

Section 4. National Solid Waste Management Commission. --There is hereby established a National Solid Waste Management Commission, hereinafter referred to as the Commission, under the Office of the President. The Commission shall be composed of fourteen (14) members from the government sector and three (3) members from the private sector. The government sector shall be represented by the heads of the following agencies in their *ex officio* capacity:

- (1) Department of Environment and Natural Resources (DENR);
- (2) Department of Interior and Local Government (DILG);
- (3) Department of Science and Technology (DOST);
- (4) Department of Public Works and Highways (DPWH);
- (5) Department of Health (DOH);
- (6) Department of Trade and Industry (DTI);
- (7) Department of Agriculture (DA);
- (8) Metro Manila Development Authority (MMDA);
- (9) League of provincial governors;
- (10) League of city mayors;
- (11) League of municipal mayors;
- (12) Association of barangay councils;
- (13) Technical Education and Skills Development Authority (TESDA); and
- (14) Philippine Information Agency.

The private sector shall be represented by the following:

- (a) A representative from nongovernment organizations (NGOs) whose principal purpose is to promote recycling and the protection of air and water quality;
- (b) A representative from the recycling industry; and

- (c) A representative from the manufacturing or packaging industry;

The Commission may, from time to time, call on any other concerned agencies or sectors as it may deem necessary.

Provided, That representatives from the NGOs, recycling and manufacturing or packaging industries shall be nominated through a process designed by themselves and shall be appointed by the President for a term of three (3) years.

Provided, further, That the Secretaries of the member agencies of the Commission shall formulate action plans for their respective agencies to complement the National Solid Waste Management Framework.

The Department Secretary and a private sector representative of the Commission shall serve as chairman and vice chairman, respectively. The private sector representatives of the Commission shall be appointed on the basis of their integrity, high degree of professionalism and having distinguished themselves in environmental and resource management. The members of the Commission shall serve and continue to hold office until their successors shall have been appointed and qualified. Should a member of the Commission fail to complete his/her term, the successor shall be appointed by the President of the Philippines but only for the unexpired portion of the term. Finally, the members shall be entitled to reasonable traveling expenses and honoraria.

The Department, through the Environmental Management Bureau, shall provide secretariat support to the Commission. The Secretariat shall be headed by an executive director who shall be nominated by the members of the Commission and appointed by the chairman.

Section 5. Powers and Functions of the Commission. -- The Commission shall oversee the implementation of solid waste management plans and prescribe policies to achieve the objectives of this Act. The Commission shall undertake the following activities:

- (a) Prepare the National Solid Waste Management Framework;
- (b) Approve local solid waste management plans in accordance with its rules and regulations;
- (c) Review and monitor the implementation of local solid waste management plans;
- (d) Coordinate the operation of local solid waste management boards in the provincial and city/municipal levels;
- (e) To the maximum extent feasible, utilizing existing resources, assist provincial, city and municipal solid waste management boards in the preparation, modification, and implementation of waste management plans;
- (f) Develop a model provincial, city and municipal solid waste management plan that will establish prototypes of the content and format which provinces, cities and municipalities may use in meeting the requirements of the National Solid Waste Management Framework;
- (g) Adopt a program to provide technical and other capability building assistance and support to local government units in the development and implementation of source reduction programs;
- (h) Develop and implement a program to assist local government units in the identification of markets for materials that are diverted from disposal facilities through re-use, recycling, and composting, and other environment-friendly methods;
- (i) Develop a mechanism for the imposition of sanctions for the violation of environmental rules and regulations;

- (j) Manage the Solid Waste Management Fund;
- (k) Develop and prescribe procedures for the issuance of appropriate permits and clearances;
- (l) Review the incentives scheme for effective solid waste management, for purposes of ensuring relevance and efficiency in achieving the objectives of this Act;
- (m) Formulate the necessary education promotion and information campaign strategies;
- (n) Establish, after notice and hearing of the parties concerned, standards, criteria, guidelines and formula that are fair, equitable and reasonable in establishing tipping charges and rates that the proponent will charge in the operation and management of solid waste management facilities and technologies;
- (o) Develop safety nets and alternative livelihood programs for small recyclers and other sectors that will be affected as a result of the construction and/or operation of a solid waste management recycling plant or facility;
- (p) Formulate and update a list of non-environmentally acceptable materials in accordance with the provisions of this Act. For this purpose, it shall be necessary that proper consultation be conducted by the Commission with all concerned industries to ensure a list that is based on technological and economic viability;
- (q) Encourage private sector initiatives, community participation and investments resource recovery-based livelihood programs for local communities;
- (r) Encourage all local government agencies and all local government units to patronize products manufactured using recycled and recyclable materials;
- (s) Propose and adopt regulations requiring the source separation and post separation collection, segregated collection, processing, marketing and sale of organic and designated recyclable material generated in each local government unit; and
- (t) Study and review the following:

- (i) Standards, criteria and guidelines for the promulgation and implementation of an integrated national solid waste management framework; and
- (ii) Criteria and guidelines for siting, design, operation and maintenance of solid waste management facilities.

Section 6. Meetings. -- The Commission shall meet at least once a month. The presence of at least a majority of the members shall constitute a quorum. The chairman, or in his absence the vice-chairman, shall be presiding officer. In the absence of the heads of the agencies mentioned in Section 4 of this Act, they may designate permanent representatives to attend the meetings.

Section 7. The National Ecology Center. -- There shall be established a National Ecology Center under the Commission which shall provide consulting, information, training, and networking services for the implementation of the provisions of this Act.

In this regard, its shall perform the following functions:

- (a) Facilitate training and education in integrated ecological solid waste management;
- (b) Establish and manage a solid waste management information data base, in coordination with the DTI and other concerned agencies:
 - (1) on solid waste generation and management techniques as well as the management, technical and operational approaches to resource recovery; and
 - (2) of processors/recyclers, the list of materials being recycled or bought by them and their respective prices;

- (c) Promote the development of a recycling market through the establishment of a national recycling network that will enhance the opportunity to recycle;
- (d) Provide or facilitate expert assistance in pilot modeling of solid waste management facilities; and
- (e) Develop, test, and disseminate model waste minimization and reduction auditing procedures for evaluating options.

The National Ecology Center shall be headed by the director of the Bureau in his *ex officio* capacity. It shall maintain a multi-sectoral, multi-disciplinary pool of experts including those from the academe, inventors, practicing professionals, business and industry, youth, women and other concerned sectors, who shall be screened according to qualifications set by the Commission.

Section 8. Role of the Department. -- For the furtherance of the objectives of this Act, the Department shall have the following functions:

- (a) Chair the Commission created pursuant to this Act;
- (b) Prepare an annual National Solid Waste Management Status Report;
- (c) Prepare and distribute information, education and communication materials on solid waste management;
- (d) Establish methods and other parameters for the measurement of waste reduction, collection and disposal;
- (e) Provide technical and other capability building assistance and support to the LGUs in the development and implementation of local solid waste management plans and programs;
- (f) Recommend policies to eliminate barriers to waste reduction programs;
- (g) Exercise visitorial and enforcement powers to ensure strict compliance with this Act;
- (h) Perform such other powers and functions necessary to achieve the objectives to this Act; and

- (i) Issue rules and regulations to effectively implement the provisions of this Act.

Section 9. Visitorial Powers of the Department. --

The Department or its duly authorized representative shall have access to, and the right to copy therefrom, the records required to be maintained pursuant to the provisions of this Act. The Secretary or the duly authorized representative shall likewise have the right to enter the premises of any generator, recycler or manufacturer, or other facilities any time to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation, or which may aid in the effective enforcement of this Act and its implementing rules and regulations. This Section shall not apply to private dwelling places unless the visitorial power is otherwise judicially authorized.

Section 10. Role of LGUs in Solid Waste Management. -- Pursuant to the relevant provisions of R.A. No. 7160, otherwise known as the Local Government Code, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of this Act within their respective jurisdictions.

Segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable and reusable wastes: *Provided*, That the collection of non-recyclable materials and special wastes shall be the responsibility of the municipality or city.

Section 11. Provincial Solid Waste Management Board. -- A Provincial Solid Waste Management Board shall be established in every province, to be chaired by the governor. Its members shall include:

- (a) All the mayors of its component cities and municipalities;
- (b) One (1) representative from the Sangguniang Panlalawigan to be represented by the chairperson of

- either the Committees on Environment or Health or their equivalent committees, to be nominated by the presiding officer;
- (c) The provincial health and/or general services officers, whichever may be recommended by the governor;
 - (d) The provincial environment and natural resources officer;
 - (e) The provincial engineer;
 - (f) Congressional representative/s from each congressional district within the province;
 - (g) A representative from the NGO sector whose principal purpose is to promote recycling and the protection of air and water quality;
 - (h) A representative from the recycling industry;
 - (i) A representative from the manufacturing or packaging industry; and
 - (j) A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

The Provincial Solid Waste Management Board may, from time to time, call on any other concerned agencies or sectors as it may deem necessary.

Provided, That representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board: *Provided, further*, That in the Province of Palawan, the Board shall be chaired by the chairman of the Palawan Council for Sustainable Development, pursuant to Republic Act No. 7611.

In the case of Metro Manila, the Board shall be chaired by the chairperson of the MMDA and its members shall include:

- (i) all mayors of its component cities and municipalities;

- (ii) A representative from the NGO sector whose principal purpose is to promote recycling and the protection of air and water quality;
- (iii) A representative from the recycling industry; and
- (iv) A representative from the manufacturing or packaging industry.

The Board may, from time to time, call on any other concerned agencies or sectors as it may deem necessary.

Provided, That representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.

The Provincial Solid Waste Management Board shall have the following functions and responsibilities:

- (1) Develop a provincial solid waste management plan from the submitted solid waste management plans of the respective city and municipal solid waste management boards herein created. It shall review and integrate the submitted plans of all its component cities and municipalities and ensure that the various plans complement each other, and have the requisite components. The Provincial Solid Waste Management Plan shall be submitted to the Commission for approval.

The Provincial Plan shall reflect the general program of action and initiatives of the provincial government in implementing a solid waste management program that would support the various initiatives of its component cities and municipalities.

- (2) Provide the necessary logistical and operational support to its component cities and municipalities in consonance

- with subsection (f) of Section 17 of the Local Government Code;
- (3) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem;
 - (4) Recommend measures to generate resources, funding and implementation of projects and activities as specified in the duly approved solid waste management plans;
 - (5) Identify areas within its jurisdiction which have common solid waste management problems and are appropriate units for planning local solid waste management services in accordance with Section 41 hereof;
 - (6) Coordinate the efforts of the component cities and municipalities in the implementation of the Provincial Solid Waste Management Plan;
 - (7) Develop an appropriate incentive scheme as an integral component of the Provincial Solid Waste Management Plan;

 - (8) Convene joint meetings of the provincial, city and municipal solid waste management boards at least every quarter for purposes of integrating, synchronizing, monitoring and evaluating the development and implementation of its provincial solid waste management plan;
 - (9) Represent any of its component city or municipality in coordinating its resource and operational requirements with agencies of the national government;
 - (10) Oversee the implementation of the Provincial Solid Waste Management Plan;
 - (11) Review every two (2) years or as the need arises the Provincial Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management; and
 - (12) Allow for the clustering of LGUs for the solution of common solid waste management problems.

Section 12. City and Municipal Solid Waste Management Board. -- Each city or municipality shall form a City or Municipal Waste Management Board that shall prepare, submit and implement a plan for the safe and sanitary management of solid waste generated in areas under its geographic and political coverage.

The City or Municipal Solid Waste Management Board shall be composed of the city or municipal mayor as head with the following as members:

- (a) One (1) representative of the Sangguniang Panlungsod or the Sangguniang Bayan, preferably chairpersons of either the Committees on Environment or Health, who will be designated by the presiding officer;
- (b) President of the Association of Barangay Councils in the municipality or city;
- (c) Chairperson of the Sangguniang Kabataan Federation;
- (d) A representative from NGOs whose principal purpose is to promote recycling and the protection of air and water quality;
- (e) A representative from the recycling industry;
- (f) A representative from the manufacturing or packaging industry; and
- (g) A representative of each concerned government agency possessing relevant technical and marketing expertise as may be determined by the Board.

The City or Municipal Solid Waste Management Board may, from time to time, call on any concerned agencies or sectors as it may deem necessary.

Provided, That representatives from the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the government agency representatives of the Board.

The City and Municipal Solid Waste Boards shall have the following duties and responsibilities:

- (1) Develop the City or Municipal Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the barangays in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community;
- (2) Adopt measures to promote and ensure the viability and effective implementation of solid waste management programs in its component barangays;
- (3) Monitor the implementation of the City or Municipal Solid Waste Management Plan through its various political subdivisions and in cooperation with the private sector and the NGOs;
- (4) Adopt specific revenue-generating measures to promote the viability of its Solid Waste Management Plan;
- (5) Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays;
- (6) Oversee the implementation of the City or Municipal Solid Waste Management Plan;
- (7) Review every two (2) years or as the need arises the City or Municipal Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
- (8) Develop the specific mechanics and guidelines for the implementation of the City or Municipal Solid Waste Management Plan;

- (9) Recommend to appropriate local government authorities specific measures or proposals for franchise or build-operate-transfer agreements with duly recognized institutions, pursuant to R.A. 6957, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchises and build-operate-transfer agreements;
- (10) Provide the necessary logistical and operational support to its component cities and municipalities in consonance with subsection (f) of Section 17 of the Local Government Code;
- (11) Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and
- (12) Coordinate the efforts of its component barangays in the implementation of the city or municipal Solid Waste Management Plan.

Section 13. Establishment of Multi-Purpose Environment Cooperatives or Associations in Every LGU. -- Multi-purpose cooperatives and associations that shall undertake activities to promote the implementation and/or directly undertake projects in compliance with the provisions of this Act shall be encouraged and promoted in every LGU.

CHAPTER III COMPREHENSIVE SOLID WASTE MANAGEMENT

Article 1 General Provisions

Section 14. National Solid Waste Management Status Report. -- The Department, in coordination with the DOH and other concerned agencies, shall within six (6)

months after the effectivity of this Act, prepare a National Solid Waste Management Status Report which shall be used as a basis in formulating the National Solid Waste Management Framework provided in Section 15 of this Act. The concerned agencies shall submit to the Department relevant data necessary for the completion of the said report within three (3) months following the effectivity of this Act. The said report shall include, but shall not be limited to, the following:

- (a) Inventory of existing solid waste facilities;
- (b) General waste characterization, taking into account the type, quantity of waste generated and estimation of volume and type of waste for reduction and recycling;
- (c) Projection of waste generation;
- (d) The varying regional geologic, hydrologic, climatic, and other factors vital in the implementation of solid waste practices to ensure the reasonable protection of:
 - (1) the quality of surface and groundwater from leachate contamination;
 - (2) the quality of surface waters from surface run-off contamination; and
 - (3) ambient air quality.
- (e) Population density, distribution and projected growth;
- (f) The political, economic, organizational, financial and management problems affecting comprehensive solid waste management;
- (g) Systems and techniques of waste reduction, re-use and recycling;
- (h) Available markets for recyclable materials;
- (i) Estimated cost of collecting, storing, transporting, marketing and disposal of wastes and recyclable materials; and
- (j) Pertinent qualitative and quantitative information concerning the extent of solid waste management problems and solid waste management activities

undertaken by local government units and waste operators.

Provided, That the Department, in consultation with concerned agencies, shall review, update and publish a National Solid Waste Management Status Report every two (2) years or as the need arises.

Section 15. National Solid Waste Management Framework. -- Within six (6) months from the completion of the National Solid Waste Management Status Report under Section 14 of this Act, the Commission created under Section 4 of this Act shall, with public participation, formulate and implement a National Solid Waste Management Framework. Such framework shall consider and include:

- (a) Analysis and evaluation of the current state, trends projections of solid waste management on the national, provincial and municipal levels;
- (b) Identification of critical solid waste facilities and local government units which will need closer monitoring and/or regulation;
- (c) Characteristics and conditions of collection, storage, processing, disposal, operating methods, techniques and practices, location of facilities where such operating methods, techniques and practices are conducted, taking into account the nature of the waste;
- (d) Waste diversion goal pursuant to Section 20 of this Act;
- (e) Schedule for the closure and/or upgrading of open and controlled dumps pursuant to Section 37 of this Act;
- (f) Methods of closing or upgrading open dumps for purposes of eliminating potential health hazards;
- (g) The profile of sources, including industrial, commercial, domestic and other sources;
- (h) Practical applications of environmentally sound techniques of waste minimization such as, but not limited to, resource conservation, segregation at source,

- recycling, resource recovery, including waste-to-energy generation, re-use and composting;
- (i) A technical and economic description of the level of performance that can be attained by various available solid waste management practices which provide for the protection of public health and the environment;
 - (j) Appropriate solid waste facilities and conservation systems;
 - (k) Recycling programs for the recyclable materials, such as but not limited to glass, paper, plastic and metal;
 - (l) Venues for public participation from all sectors at all phases/stages of the waste management program/project;
 - (m) Information and education campaign strategies;
 - (n) A description of levels of performance and appropriate methods and degrees of control that provide, at the minimum, for protection of public health and welfare through:
 - (1) Protection of the quality of groundwater and surface waters from leachate and run-off contamination;
 - (2) Disease and epidemic prevention and control;
 - (3) Prevention and control of offensive odor; and
 - (4) Safety and aesthetics.
 - (o) Minimum criteria to be used by the local government units to define ecological solid waste management practices. As much as practicable, such guidelines shall also include minimum information for use in deciding the adequate location, design, and construction of facilities associated with solid waste management practices, including the consideration of regional, geographic, demographic, and climatic factors; and
 - (p) The method and procedure for the phaseout and the eventual closure within eighteen (18) months from effectivity of this Act in case of existing open dumps and/or sanitary landfills located within an aquifer, groundwater reservoir or watershed area.

Section 16. Local Government Solid Waste Management Plans. -- The province, city or municipality, through its local solid waste management boards, shall prepare its respective 10-year solid waste management plans consistent with the National Solid Waste Management Framework: *Provided*, That the waste management plan shall be for the re-use, recycling and composting of wastes generated in their respective jurisdictions: *Provided, further*, That the solid waste management plan of the LGU shall ensure the efficient management of solid waste generated within its jurisdiction. The plan shall place primary emphasis on implementation of all feasible re-use, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be re-used, recycled, or composted. The plan shall contain all the components provided in Section 17 of this Act and a timetable for the implementation of the solid waste management program in accordance with the National Framework and pursuant to the provisions of this Act: *Provided, finally*, That it shall be reviewed and updated every year by the provincial, city or municipal solid waste management board.

For LGUs which have considered solid waste management alternatives to comply with Section 37 of this Act, but are unable to utilize such alternatives, a timetable or schedule of compliance specifying the remedial measures and eventual compliance shall be included in the plan.

All local government solid waste management plans shall be subjected to the approval of the Commission. The plan shall be consistent with the national framework and in accordance with the provisions of this Act and of the policies set by the Commission: *Provided*, That in the Province of Palawan, the local government solid waste management plan shall be approved by the Palawan Council for Sustainable Development, pursuant to R.A. No. 7611.

Section 17. The Components of the Local Government Solid Waste Management Plan. – The solid waste management plan shall include, but not limited to, the following components:

- (a) City or Municipal Profile – The plan shall indicate the following background information on the city or municipality and following background information on the city or municipality and its component barangays, covering important highlights of the distinct geographic and other conditions:
 - (1) Estimated population of each barangay within the city or municipality and population projection for a 10-year period;
 - (2) Illustration or map of the city/municipality, indicating locations of residential, commercial, and industrial centers, and agricultural area, as well as dump sites, landfills and other solid waste facilities. The illustration shall indicate as well, the proposed sites for disposal and other solid waste facilities;
 - (3) Estimated solid waste generation and projection by source, such as residential, market, commercial, industrial, construction/demolition, street waste, agricultural, agro-industrial, institutional, other wastes; and
 - (4) Inventory of existing waste disposal and other solid waste facilities and capacities.

- (b) Waste characterization – For the initial source reduction and recycling element of a local waste management plan, the LGU waste characterization component shall identify the constituent materials which comprise the solid waste generated within the jurisdiction of the LGU. The information shall be representative of the solid waste generated and disposed of within that area. The constituent materials shall be identified by volume, percentage in weight or its volumetric equivalent, material

type, and source of generation which includes residential, commercial, industrial governmental, or other sources. Future revisions of waste characterization studies shall identify the constituent materials which comprise the solid waste disposed of at permitted disposal facilities.

- (c) Collection and Transfer – The plan shall take into account the geographic subdivisions to define the coverage of the solid waste collection area in every barangay. The barangay shall be responsible for ensuring that a 100% collection efficiency from residential, commercial, industrial and agricultural sources, where necessary within its area of coverage, is achieved. Toward this end, the plan shall define and identify the specific strategies and activities to be undertaken by its component barangays, taking into account the following concerns:

- (1) Availability and provision of properly designed containers or receptacles in selected collection points for the temporary storage of solid waste while awaiting collection and transfer to processing sites or to final disposal sites;
- (2) Segregation of different types of solid waste for re-use, recycling and composting;
- (3) Hauling and transfer of solid waste from source or collection points to processing sites or final disposal sites;
- (4) Issuance and enforcement of ordinances to effectively implement a collection system in the barangay; and
- (5) Provision of properly trained officers and workers to handle solid waste disposal.

The plan shall define and specify the methods and systems for the transfer of solid waste from specific collection points to solid waste management facilities.

- (d) Processing – The plan shall define the methods and the facilities required to process the solid waste, including the

use of intermediate treatment facilities for composting, recycling, conversion and other waste processing systems. Other appropriate waste processing technologies may also be considered provided that such technologies conform with internationally acceptable and other standards set in other laws and regulations.

- (e) Source reduction – The source reduction component shall include a program and implementation schedule which shows the methods by which the LGU will, in combination with the recycling and composting components, reduce a sufficient amount of solid waste disposed of in accordance with the diversion requirements of Section 20.

The source reduction component shall describe the following:

- (1) strategies in reducing the volume of solid waste generated at source;
- (2) measures for implementing such strategies and the resources necessary to carry out such activities;
- (3) other appropriate waste reduction technologies that may also be considered, provided that such technologies conform with the standards set pursuant to this Act;
- (4) the types of wastes to be reduced pursuant to Section 15 of this Act;
- (5) the methods that the LGU will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through re-use, recycling and composting; and
- (6) new facilities and of expansion of existing facilities which will be needed to implement re-use, recycling and composting.

The LGU source reduction component shall include the evaluation and identification of rate structures and fees for the purpose of reducing the

amount of waste generated, and other source reduction strategies, including but not limited to, programs and economic incentives provided under Section 45 of this Act to reduce and use of non-recyclable materials, replace disposable materials and products with reusable materials and products, reduce packaging, and increase the efficiency of the use of paper, cardboard, glass, metal, and other materials. The waste reduction activities of the community shall also take into account, among others, local capability, economic viability, technical requirements, social concerns, disposition of residual waste and environmental impact: *Provided, That,* projection of future facilities needed and estimated cost shall be incorporated in the plan.

- (f) Recycling – The recycling component shall include a program and implementation schedule which shows the methods by which the LGU shall, in combination with the source reduction and composting components, reduce a sufficient amount of solid waste disposed of in accordance with the diversion requirements set in Section 20.

The LGU recycling component shall describe the following:

- (1) The types of materials to be recycled under the programs;
 - (2) The methods for determining the categories of solid wastes to be diverted from disposal at a disposal facility through recycling; and
 - (3) New facilities and expansion of existing facilities needed to implement the recycling component.
- (g) Composting -- The composting component shall include a program and implementation schedule which shows the methods by which the LGU shall, in combination with the

source reduction and recycling components, reduce a sufficient amount of solid waste disposed of within its jurisdiction to comply with the diversion requirements of Section 20 hereof.

The LGU composting components shall describe the following:

- (1) The types of materials which will be composted under the programs;
- (2) The methods for determining the categories of solid wastes to be diverted from disposal at a disposal facility through composting; and
- (3) New facilities, and expansion of existing facilities needed to implement the composting component.

The LGU composting component shall describe methods for developing the markets for composted materials, including, but not limited to, an evaluation of the feasibility of procurement preferences for purchase of composted products. Each LGU may determine and grant a price preference to encourage the purchase of composted products.

(h) Solid waste facility capacity and final disposal -- The solid waste facility component shall include, but shall not be limited to, a projection of the amount of disposal capacity needed to accommodate the solid waste generated, reduced by the following:

- (1) Implementation of source reduction, recycling, and composting programs required in this Section or through implementation of other waste diversion activities pursuant to Section 20 of this Act;
- (2) Any permitted disposal facility which will be available during the 10-year planning period; and

- (3) All disposal capacity which has been secured through an agreement with another LGU, or through an agreement with a solid waste enterprise.

The plan shall identify existing and proposed disposal sites and waste management facilities in the city or municipality or in other areas. The plan shall specify the strategies for the efficient disposal of waste through existing disposal facilities and the identification of prospective sites for future use. The selection and development of disposal sites shall be made on the basis of internationally accepted standards and on the guidelines set in Sections 41 and 42 of this Act.

Strategies shall be included to improve said existing sites to reduce adverse impact on health and the environment, and to extend life span and capacity. The plan shall clearly define projections for future disposal site requirements and the estimated cost for these efforts.

Open dump sites shall not be allowed as final disposal sites. If an open dump site is existing within the city or municipality, the plan shall make provisions for its closure or eventual phase out within the period specified under the framework and pursuant to the provisions under Section 37 of this Act. As an alternative, sanitary landfill sites shall be developed and operated as a final disposal site for solid and, eventually, residual wastes of a municipality or city or a cluster of municipalities and/or cities. Sanitary landfills shall be designed and operated in accordance with the guidelines set under Sections 40 and 41 of this Act.

- (i) Education and public information -- The education and public information component shall describe how the LGU will educate and inform its citizens about the source reduction, recycling, and composting programs.

The plan shall make provisions to ensure that information on waste collection services, solid waste management and related health and environmental concerns are widely disseminated among the public. This shall undertaken through the print and broadcast media and other government agencies in the municipality. The DECS and the Commission on Higher Education shall ensure that waste management shall be incorporated in the curriculum of primary, secondary and college students.

- (j) Special waste -- The special waste component shall include existing waste handling and disposal practices for special waste or household hazardous wastes, and the identification of current and proposed programs to ensure the proper handling, re-use, and long-term disposal of special wastes.
- (k) Resource requirement and funding -- The funding component includes identification and description of project costs, revenues, and revenue sources the LGU will use to implement all components of the LGU solid waste management plan.

The plan shall likewise indicate specific projects, activities, equipment and technological requirements for which outside sourcing of funds or materials may be necessary to carry out the specific components of the plan. It shall define the specific uses for its resource requirements and indicate its costs. The plan shall likewise indicate how the province, city or municipality intends to generate the funds for the acquisition of its resource requirements. It shall also indicate if certain resource requirements are being or will be sourced from fees, grants, donations, local funding and other means. This will serve as basis for the determination and assessment of incentives which may be extended to the

province, city or municipality as provided for in Section 45 of this Act.

- (l) Privatization of solid waste management projects -- The plan shall likewise indicate specific measures to promote the participation of the private sector in the management of solid wastes, particularly in the generation and development of the essential technologies for solid waste management. Specific projects or component activities of the plan which may be offered as private sector investment activity shall be identified and promoted as such. Appropriate incentives for private sector involvement in solid waste management shall likewise be established and provided for in the plan, in consonance with Section 45 hereof and other existing laws, policies and regulations; and
- (m) Incentive programs -- A program providing for incentives, cash or other wise, which shall encourage the participation of concerned sectors shall likewise be included in the plan.

Section 18. Owner and Operator. -- Responsibility for compliance with the standards in this Act shall rest with the owner and/or operator. If specifically designated, the operator is considered to have primary responsibility for compliance; however, this does not relieve the owner of the duty to take all reasonable steps to assure compliance with these standards and any assigned conditions. When the title to a disposal is transferred to another person, the new owner shall be notified by the previous owner of the existence of these standards and of the conditions assigned to assure compliance.

Section 19. Waste Characterization. -- The Department, in coordination with the LGUs, shall be responsible for the establishment of the guidelines for the accurate characterization of wastes including determination of whether or not wastes will be compatible with containment

features and other wastes, and whether or not wastes are required to be managed as hazardous wastes under R.A. 6969, otherwise known as the Toxic Substances and Hazardous and Nuclear Waste Control Act.

Section 20. Establishing Mandatory Solid Waste Diversion. -- Each LGU plan shall include an implementation schedule which shows that within five (5) years after the effectivity of this Act; the LGU shall divert at least 25% of all solid waste from waste disposal facilities through re-use, recycling, and composting activities and other resource recovery activities: *Provided*, That the waste diversion goals shall be increased every three (3) years thereafter: *Provided, further*, That nothing in this Section prohibits a local government unit from implementing re-use, recycling, and composting activities designed to exceed the goal.

Article 2 Segregation of Wastes

Section 21. Mandatory Segregation of Solid Wastes. -- The LGUs shall evaluate alternative roles for the public and private sectors in providing collection services, type of collection system, or combination of systems, that best meet their needs: *Provided*, That segregation of wastes shall primarily be conducted at the source, to include household, institutional, industrial, commercial and agricultural sources: *Provided, further*, That wastes shall be segregated into the categories provided in Section 22 of this Act.

For premises containing six (6) or more residential units, the local government unit shall promulgate regulations requiring the owner or person in charge of such premises to:

- (a) provide for the residents a designated area and containers in which to accumulate source separated

- recyclable materials to be collected by the municipality or private center; and
- (b) notify the occupants of such buildings of the requirements of this Act and the regulations promulgated pursuant thereto.

Section 22. Requirements for the Segregation and Storage of Solid Waste. -- The following shall be the minimum standards and requirements for segregation and storage of solid waste pending collection:

- (a) There shall be a separate container for each type of waste from all sources: *Provided*, That in the case of bulky waste, it will suffice that the same be collected and placed in a separate and designated area; and
- (b) The solid waste container depending on its use shall be properly marked or identified for on-site collection as "compostable", "non-recyclable", "recyclable" or "special waste", or any other classification as may be determined by the Commission.

Article 3

Collection and Transport of Solid Waste

Section 23. Requirements for Collection of Solid Waste. -- The following shall be the minimum standards and requirements for the collection of solid waste:

- (a) All collectors and other personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment to protect them from the hazards of handling solid wastes;
- (b) Necessary training shall be given to the collectors and personnel to ensure that the solid wastes are handled properly and in accordance with the guidelines pursuant to this Act; and

(c) Collection of solid waste shall be done in a manner which prevents damage to the container, and spillage or scattering of solid waste within the collection vicinity.

Section 24. Requirements for the Transport of Solid Waste. -- The use of separate collection schedules and/or separate trucks or haulers shall be required for specific types of wastes. Otherwise, vehicles used for the collection and transport of solid wastes shall have the appropriate compartments to facilitate efficient storing of sorted wastes while in transit.

Vehicles shall be designed to consider road size, condition and capacity to ensure the safe and efficient collection and transport of solid wastes.

The waste compartment shall have a cover to ensure the containment of solid wastes while in transit.

For the purpose of identification, vehicles shall bear the body number, the name, and telephone number of the contractor/agency collecting solid waste.

Section 25. Guidelines for Transfer Stations. - Transfer stations shall be designed and operated for efficient waste handling capacity and in compliance with environmental standards and guidelines set pursuant to this Act and other regulations: Provided, That no waste shall be stored in such station beyond twenty-four (24) hours.

The siting of the transfer station shall consider the land use plan, proximity to collection area, and accessibility of haul routes to disposal facility. The design shall give primary consideration to size and space sufficiency in order to accommodate the waste for storage and vehicles for loading and unloading of wastes.

Article 4 Recycling Program

Section 26. Inventory of Existing Markets for Recyclable Materials. - The DTI shall, within six (6) months from the effectivity of this Act and in cooperation with the Department, the DILG and other concerned agencies and sectors, publish a study of existing markets for processing and purchasing recyclable materials and the potential steps necessary to expand these markets. Such study shall include, but not be limited to, an inventory of existing markets for recyclable materials, product standards for recyclable and recycled materials, and a proposal, developed in conjunction with the appropriate agencies, to stimulate the demand for the production of products containing post-consumer and recovered materials.

Section 27. Requirement for Eco-Labeling. - The DTI shall formulate and implement a coding system for packaging materials and products to facilitate waste recycling and re-use.

Section 28. Reclamation Programs and Buy-back Centers for Recyclables and Toxics. - The National Ecology Center shall assist LGUs in establishing and implementing deposit or reclamation programs in coordination with manufacturers, recyclers and generators to provide separate collection systems or convenient drop-off locations for recyclable materials and particularly for separated toxic components of the waste stream like dry cell batteries and tires to ensure that they are not incinerated or disposed of in landfill. Upon effectivity of this Act, toxic materials present in the waste stream should be separated at source, collected separately, and further screened and sent to appropriate hazardous waste treatment and disposal plants, consistent with the provisions of R.A. No. 6969.

Section 29. Non-Environmentally Acceptable Products. -- Within one (1) year from the effectivity of this Act, the Commission shall, after public notice and hearing, prepare a list of non-environmentally acceptable products as defined in this Act that shall be prohibited according to a schedule that shall be prepared by the Commission: Provided, however, That non-environmentally acceptable products shall not be prohibited unless the Commission first finds that there are alternatives available which are available to consumers at no more than ten percent (10%) greater cost than the disposable product.

Notwithstanding any other provision to the contrary, this section shall not apply to:

- (a) Packaging used at hospitals, nursing homes or other medical facilities; and
- (b) Any packaging which is not environmentally acceptable, but for which there is no commercially available alternative as determined by the Commission.

The Commission shall annually review and update the list of prohibited non-environmentally acceptable products.

Section 30. Prohibition on the Use of Non-Environmentally Acceptable Packaging. - No person owning, operating or conducting a commercial establishment in the country shall sell or convey at retail or possess with the intent to sell or convey at retail any products that are placed, wrapped or packaged in on packaging which is not environmentally acceptable packaging: *Provided*, That the Commission shall determine a phaseout period after proper consultation and hearing with the stakeholders or with the sectors concerned. The presence in the commercial establishment of non-environmentally acceptable packing shall constitute a rebuttable presumption of intent to sell or convey the same at retail to customers.

Any person who is a manufacturer, broker or warehouse operator engaging in the distribution or transportation of commercial products within the country shall file a report with the concerned local government unit within one (1) year from the effectivity of this Act, and annually thereafter, a listing of any products in packaging which is not environmentally acceptable. The Commission shall prescribe the form of such report in its regulations.

A violation of this Section shall be sufficient grounds for the revocation, suspension, denial or non-renewal of any license for the establishment in which the violation occurs.

Section 31. Recycling Market Development. - The Commission together with the National Ecology Center, the DTI and the Department of Finance shall establish procedures, standards and strategies to market recyclable materials and develop the local market for recycled goods, including but not limited to:

- (a) measures providing economic incentives and assistance including loans and grants for the establishment of privately-owned facilities to manufacture finished products from post-consumer materials;
- (b) guarantees by the national and local governments to purchase a percentage of the output of the facility; and
- (c) maintaining a list of prospective buyers, establishing contact with prospective buyers and reviewing and making any necessary changes in collecting or processing the materials to improve their marketability.

In order to encourage establishment of new facilities to produce goods from post-consumer and recovered materials generated within local government units, and to conserve energy by reducing materials transportation, whenever appropriate, each local government unit may arrange for long-term contracts to purchase a substantial share of the product output of a proposed facility which will

be based in the jurisdiction of the local government unit if such facility will manufacture such finished products from post-consumer and recovered materials.

Section 32. Establishment of LGU Materials Recovery Facility. - There shall be established a Materials Recovery Facility (MRF) in every barangay or cluster of barangays. The facility shall be established in a barangay-owned or leased land or any suitable open space to be determined by the barangay through its Sanggunian. For this purpose, the barangay or cluster of barangays shall allocate a certain parcel of land for the MRF. The determination of site and actual establishment of the facility shall likewise be subject to the guidelines and criteria set pursuant to this Act. The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual wastes shall be transferred to a long-term storage or disposal facility or sanitary landfill.

Section 33. Guidelines for Establishment of Materials Recovery Facility. - Materials recovery facilities shall be designed to receive, sort, process, and store compostable and recyclable material efficiently and in an environmentally sound manner. The facility shall address the following considerations:

- (a) The building and/or land layout and equipment must be designed to accommodate efficient and safe materials processing, movement, and storage; and
- (b) The building must be designed to allow efficient and safe external access and to accommodate internal flow.

Article 5 Composting

Section 34. Inventory of Markets for Composts. - Within six (6) months after the effectivity of this Act, the DA shall publish an inventory of existing markets and demands

for composts. Said inventory shall thereafter be updated and published annually: *Provided*, that the composting of agricultural wastes, and other compostable materials, including but not limited to garden wastes, shall be encouraged.

Section 35. Guidelines for Compost Quality. -

Compost products intended to be distributed commercially shall conform with the standards for organic fertilizers set by the DA. The DA shall assist the compost producers to ensure that the compost products conform to such standards.

**Article 6
Waste Management Facilities**

Section 36. Inventory of Waste Disposal Facilities. -- Within six (6) months from the effectivity of this Act, the Department, in cooperation with the DOH, DILG and other concerned agencies, shall publish an inventory of all solid waste disposal facilities or sites in the country.

Section 37. Prohibition Against the Use of Open Dumps for Solid Waste. -- No open dumps shall be established and operated, nor any practice or disposal of solid waste by any person, including LGUs, which constitutes the use of open dumps for solid waste, be allowed after the effectivity of this Act: *Provided*, That within three (3) years after the effectivity of this Act, every LGU shall convert its open dumps into controlled dumps, in accordance with the guidelines set in Section 41 of this Act: *Provided, further*, That no controlled dumps shall be allowed five (5) years following effectivity of this Act.

Section 38. Permit for Solid Waste Management Facility Construction and Expansion. -- No person shall commence operation, including site preparation and construction of a new solid waste management facility or the

expansion of an existing facility until said person obtains an Environmental Compliance Certificate (ECC) from the Department pursuant to P.D. 1586 and other permits and clearances from concerned agencies.

Section 39. Guidelines for Controlled Dumps. --

The following shall be the minimum considerations for the establishment of controlled dumps:

- (a) Regular inert cover;
- (b) Surface water and peripheral site drainage control;
- (c) Provision for aerobic and anaerobic decomposition;
- (d) Restriction of waste deposition to small working areas;

- (e) Fence, including provision for litter control;
- (f) Basic record-keeping;
- (g) Provision of maintained access road;
- (h) Controlled waste picking and trading;
- (i) Post-closure site cover and vegetation; and
- (j) Hydrogeological siting.

Section 40. Criteria for Siting a Sanitary Landfill.

-- The following shall be the minimum criteria for the siting of sanitary landfills:

- (a) The site selected must be consistent with the overall land use plan of the LGU;
- (b) The site must be accessible from major roadways or thoroughfares;
- (c) The site should have an adequate quantity of earth cover material that is easily handled and compacted;
- (d) The site must be chosen with regard for the sensitivities of the community's residents;
- (e) The site must be located in an area where the landfill's operation will not detrimentally affect environmentally sensitive resources such as aquifer, groundwater reservoir or watershed area;

- (f) The site should be large enough to accommodate the community's wastes for a period of five (5) years during which people must internalize the value of environmentally sound and sustainable solid waste disposal;
- (g) The site chosen should facilitate developing a landfill that will satisfy budgetary constraints, including site development, operation for many years, closure, post-closure care and possible remediation costs;
- (h) Operating plans must include provisions for coordinating with recycling and resource recovery projects; and
- (i) Designation of a separate containment area for household hazardous wastes.

Section 41. Criteria for Establishment of Sanitary Landfill. – The following shall be the minimum criteria for the establishment of sanitary landfills:

- (a) Liners – a system of clay layers and/or geosynthetic membranes used to contain leachate and reduce or prevent contaminant flow to groundwater;
- (b) Leachate collection and treatment system – Installation of pipes at the low areas of the liner to collect leachate for storage and eventual treatment and discharge;
- (c) Gas control recovery system – a series of vertical wells or horizontal trenches containing permeable materials and perforated piping placed in the landfill to collect gas for treatment or productive use as an energy source;
- (d) Ground water monitoring well system – wells placed at an appropriate location and depth for taking water samples that are representative of groundwater quality;
- (e) Cover – two (2) forms of cover consisting of soil and geosynthetic materials to protect the waste from long-term contact with the environment:
 - (i) a daily cover place over the waste at the close of each day's operations, and;

- (ii) a final cover, or cap, which is the material placed over the completed landfill to control infiltration of water, gas emission to the atmosphere, and erosion.
- (f) Closure procedure – with the objectives of establishing low maintenance cover systems and final cover that minimizes the infiltration of precipitation into the waste. Installation of the final cover must be completed within six (6) months of the least receipt of wastes; and
- (g) Post-closure care procedure – During this period, the landfill owner shall be responsible for providing for the general upkeep of the landfill, maintaining all of the landfill’s environmental protection features, operating monitoring equipment, remediating groundwater should it become contaminated and controlling landfill gas migration or emission.

Section 42. Operating Criteria for Sanitary Landfills. – In the operation of a sanitary landfill, each site operator shall maintain the following minimum operating requirements:

- (a) Disposal site records of, but not limited to:
 - (1) Records of weights or volumes accepted in a form and manner approved by the Department. Such records shall be submitted to the Department upon request, accurate to within ten percent (10 %) and adequate for overall planning purposes and forecasting the rate of site filling;
 - (2) Records of excavations which may affect the safe and proper operation of the site or cause damage to adjoining properties;
 - (3) Daily log book or file of the following information: fires, landslides, earthquake damage, unusual and sudden settlement, injury and property damage, accidents, explosions, receipt or rejection of unpermitted wastes, flooding, and other unusual occurrences;

- (4) Record of personnel training; and
 - (5) copy of written notification to the Department, local health agency, and fire authority of names, addresses and telephone numbers of the operator or responsible party of the site:
- (b) Water quality monitoring of surface and ground waters and effluent, and gas emissions;
 - (c) Documentation of approvals, determinations and other requirements by the Department;
 - (d) Signs –
 - (1) Each point of access from a public road shall be posted with an easily visible sign indicating the facility name and other pertinent information as required by the Department;
 - (2) If the site is open to the public, there shall be an easily visible sign at the primary entrance of the site indicating the name of the site operator, the operator's telephone number, and hours of operation; an easily visible sign at an appropriate point shall indicate the schedule of charges and the general types of materials which will be accepted or not;
 - (3) If the site is open to the public, there shall be an easily visible road sign and/or traffic control measures which direct traffic to the active face and other areas where wastes or recyclable materials will be deposited; and
 - (4) Additional signs and/or measures may be required at a disposal site by the Department to protect personnel and public health and safety;
 - (e) Monitoring of quality of surface, ground and effluent waters, and gas emissions;
 - (f) The site shall be designed to discourage unauthorized access by persons and vehicles by using a perimeter barrier or topographic constraints. Areas within the site

- where open storage or ponding of hazardous materials occurs shall be separately fenced or otherwise secured as determined by the Department. The Department may also require that other areas of the site be fenced to create an appropriate level of security;
- (g) Roads within the permitted facility boundary shall be designed to minimize the generation of dust and the tracking of materials onto adjacent public roads. Such roads shall be kept in safe condition and maintained such that vehicle access and unloading can be conducted during inclement weather;
 - (h) Sanitary facilities consisting of adequate number of toilets and handwashing facilities, shall be available to personnel at or in the immediate vicinity of the site;
 - (i) Safe and adequate drinking water supply for the site personnel shall be available;
 - (j) The site shall have communication facilities available to site personnel to allow quick response to emergencies;
 - (k) Where operations are conducted during hours of darkness, the site and/or equipment shall be equipped with adequate lighting as approved by the Department to ensure safety and to monitor the effectiveness of operations;
 - (l) Operating and maintenance personnel shall wear and use appropriate safety equipment as required by the Department;
 - (m) Personnel assigned to operate the site shall be adequately trained in subject pertinent to the site operation and maintenance, hazardous materials recognition and screening and heavy equipment operations, with emphasis on safety, health, environmental controls and emergency procedures. A record of such training shall be placed in the operating record;
 - (n) The site operator shall provide adequate supervision of a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other

- requirements. The operator shall notify the Department and local health agency in writing of the names, addresses, and telephone number of the operator or responsible party. A copy of the written notification shall be placed in the operating record;
- (o) Any disposal site open to the public shall have an attendant present during public operating hours or the site shall be inspected by the operator on a regularly scheduled basis, as determined by the Department;
 - (p) Unloading of solid wastes shall be confined to a small area as possible to accommodate the number of vehicles using the area without resulting in traffic, personnel, or public safety hazards. Waste materials shall normally be deposited at the toe of the fill, or as otherwise approved by the Department;
 - (q) Solid waste shall be spread and compacted in layers with repeated passages of the landfill equipment to minimize voids within the cell and maximize compaction. The loose layer shall not exceed a depth approximately two feet before compaction. Spreading and compacting shall be accomplished as rapidly as practicable, unless otherwise approved by the Department;
 - (r) Covered surfaces of the disposal area shall be graded to promote lateral runoff of precipitation and to prevent ponding. Grades shall be established of sufficient slopes to account for future settlement of the fill surface. Other effective maintenance methods may be allowed by the Department; and
 - (s) Cover material or native material unsuitable for cover, stockpiled on the site for use or removal, shall be placed so as not to cause problems or interfere with unloading, spreading, compacting, access, safety, drainage, or other operations.

Article 7

Local Government Solid Waste Management

Section 43. Guidelines for Identification of Common Solid Waste Management Problems. – For purposes of encouraging and facilitating the development of local government plans for solid waste management, the Commission shall, as soon as practicable but no later than six (6) months from the effectivity of this Act, publish guidelines for the identification of those areas which have common solid waste management problems and are appropriate units for clustered solid waste management services. The guidelines shall be based on the following:

- (a) the size and location of areas which should be included;
- (b) the volume of solid waste which would be generated;
- (c) the available means of coordinating local government planning between and among the LGUs and for the integration of such with the national plan; and
- (d) possible lifespan of the disposal facilities.

Section 44. Establishment of Common Waste Treatment and Disposal Facilities. – Pursuant to Sec. 33 of R.A. 7160, otherwise known as the Local Government Code, all provinces cities, municipalities and barangays, through appropriate ordinances, are hereby mandated to consolidate, or coordinate their efforts, services, and resources for purposes of jointly addressing common solid waste management problems and/or establishing common waste disposal facilities.

The Department, the Commission and local solid waste management boards shall provide technical and marketing assistance to the LGUs.

CHAPTER IV Incentives

Section 45. Incentives. – (a) Rewards, monetary or otherwise, shall be provided to individuals, private organizations and entities, including non-government organizations, that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in re-use, recycling and reduction. Said reward shall be sourced from the Fund herein created.

(b) An incentive scheme is hereby provided for the purpose of encouraging LGUs, enterprises, or private entities, including NGOs, to develop or undertake an effective solid waste management, or actively participate in any program geared towards the promotion thereof as provided for in this Act.

(1) Fiscal Incentives – Consistent with the provisions of E.O. 226 otherwise known as the Omnibus Investments Code, the following tax incentives shall be granted:

(a) Tax and Duty Exemption on Imported Capital Equipment and Vehicles – Within ten (10) years upon effectivity of this Act, LGUs, enterprises or private entities shall enjoy tax and duty-free importation of machinery, equipment, vehicles and spare parts used for collection of solid wastes; *Provided*, that the importation of such machinery, equipment, vehicle and spare parts shall comply with the following conditions:

(i) They are not manufactured domestically in sufficient quantity, of comparable quality and at reasonable prices;

- (ii) They are reasonably needed and will be used actually, directly and exclusively for the above mentioned activities;
- (iii) The approval of the Board of Investment (BOI) of the DTI for the importation of such machinery, equipment, vehicle and spare parts:

Provided, further, That the sale, transfer or disposition of such machinery, equipment, vehicle and spare parts, without prior approval of the BOI, within five (5) years from the date of acquisition shall be prohibited, otherwise, the LGU concerned, enterprises or private entities and the vendee, transferee or assignee shall be solidarily liable to pay twice the amount of tax and duty exemption given it.

- (b) Tax Credit on Domestic Capital Equipment – Within ten (10) years from the effectivity of this Act, a tax credit equivalent to 50% of the value of the national internal revenue taxes and customs duties that would have been waived on the machinery, equipment, vehicle and spare parts, had these items been imported shall be given to enterprises, private entities, including NGOs, subject to the same conditions and prohibition cited in the preceding paragraph.
- (c) Tax and Duty Exemption of Donations, Legacies and Gift – All legacies, gifts and donations to LGUs, enterprises or private entities, including NGOs, for the support and maintenance of the program for effective solid wastes management shall be exempt from all internal revenue taxes and customs duties, and shall be deductible in full from the gross income of the donor for income tax purposes.

- (2) Non-Fiscal Incentives – LGUS, enterprises or private entities availing of tax incentives under this Act shall also be entitled to applicable non-fiscal incentives provided for under E.O. 226, otherwise known as the Omnibus Investments Code.

The Commission shall provide incentives to businesses and industries that are engaged in the recycling of wastes and which are registered with the Commission and have been issued ECCs in accordance with the guidelines established by the Commission. Such incentives shall include simplified procedures for the importation of equipment, spare parts, new materials, and supplies, and for the export of processed products.

- (3) Financial Assistance Program – Government financial institutions such as the Development Bank of the Philippines (DBP), Landbank of the Philippines (LBP), Government Service Insurance System (GSIS), and such other government institutions providing financial services shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority to extend financial services to individuals, enterprises, or private entities engaged in solid waste management.
- (4) Extension of Grants to LGUs. – Provinces, cities and municipalities whose solid waste management plans have been duly approved by the Commission or who have been commended by the Commission for adopting innovative solid waste management programs may be entitled to received grants for the purpose of developing their technical capacities toward actively participating in the program for effective and sustainable solid waste management.

- (5) Incentives to Host LGUs. – Local government units who host common waste management facilities shall be entitled to incentives.

CHAPTER V

Financing Solid Waste Management

Section 46. Solid Waste Management Fund. –

There is hereby created, as a special account in the National Treasury, a Solid Waste Management Fund to be administered by the Commission. Such fund shall be sourced from the following:

- (a) Fines and penalties imposed, proceeds of permits and licenses issued by the Department under this Act, donations, endowments, grants and contributions from domestic and foreign sources; and
- (b) Amounts specifically appropriated for the Fund under the annual General Appropriations Act.

The Fund shall be used to finance the following:

- (1) products, facilities, technologies and processes to enhance proper solid waste management;
- (2) awards and incentives;
- (3) research programs;
- (4) information, education, communication and monitoring activities;
- (5) technical assistance; and
- (6) capability building activities.

LGUs are entitled to avail of the Fund on the basis of their approved solid waste management plan. Specific criteria for the availment of the Fund shall be prepared by the Commission.

The fines collected under Sec. 49 shall be allocated to the LGU where the fined prohibited acts are committed in

order to finance the solid waste management of said LGU. Such allocation shall be based on a sharing scheme between the Fund and the LGU concerned.

In no case, however, shall the Fund be used for the creation of positions or payment of salaries and wages.

Section 47. Authority to Collect Solid Waste Management Fees. – The local government unit shall impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing a solid waste management plan prepared pursuant to this Act. The fees shall be based on the following minimum factors:

- (a) types of solid waste;
- (b) amount/volume of waste; and
- (c) distance of the transfer station to the waste management facility.

The fees shall be used to pay the actual costs incurred by the LGU in collecting the local fees. In determining the amounts of the fees, an LGU shall include only those costs directly related to the adoption and implementation of the plan and the setting and collection of the local fees.

CHAPTER VI Penal Provisions

Section 48. Prohibited Acts. – The following acts are prohibited:

- (1) Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, esteros or parks, and establishment, or causing or permitting the same;
- (2) Undertaking activities or operating, collecting or transporting equipment in violation of sanitation operation

- and other requirements or permits set forth in or established pursuant to this Act;
- (3) The open burning of solid waste;
 - (4) Causing or permitting the collection of non-segregated or unsorted waste;
 - (5) Squatting in open dumps and landfills;
 - (6) Open dumping, burying of biodegradable or non-biodegradable materials in flood-prone areas;
 - (7) Unauthorized removal of recyclable material intended for collection by authorized persons;
 - (8) The mixing of source-separated recyclable material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;
 - (9) Establishment or operation of open dumps as enjoined in this Act, or closure of said dumps in violation of Sec. 37;
 - (10) The manufacture, distribution or use of non-environmentally acceptable packaging materials;
 - (11) Importation of consumer products packaged in non-environmentally acceptable materials;
 - (12) Importation of toxic wastes misrepresented as “recyclable” or “with recyclable content”;
 - (13) Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers of facilities prescribed under this Act;
 - (14) Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and this Act and not conforming with the land use plan of the LGU;
 - (15) The construction of any establishment within two hundred (200) meters from open dumps or controlled dumps or sanitary landfills; and
 - (16) The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area and or any portions thereof;

Section 49. Fines and Penalties – (a) Any person who violates Sec. 48, paragraph (1) shall, upon conviction,

be punished with a fine of not less than Three hundred pesos (P300.00) but not more than One thousand pesos (P1,000.00) or render community service for not less than one (1) day to not more than fifteen (15) days to an LGU where such prohibited acts are committed, or both;

- (b) Any person who violates Sec. 48, pars. (2) and (3), shall, upon conviction, be punished with a fine of not less than Three hundred pesos (P300.00) but not more than One thousand pesos (P1,000.00) or imprisonment of not less than one (1) day to not more than fifteen (15) days, or both;
- (b) Any person who violates Sec. 48 pars. (4), (5), (6), and (7) shall, upon conviction, be punished with a fine of not less than One thousand pesos (P1,000.00) but not more than Three thousand pesos (P3,000.00) or imprisonment of not less than fifteen (15) days but not more than six (6) months, or both;
- (c) Any person who violates Sec. 48 pars. (8), (9), (10) and (11) for the first time shall, upon conviction, pay a fine of Five hundred thousand pesos (P500,000.00) plus an amount not less than five percent (5%) but not more than ten percent (10%) of his net annual income during the previous year.
- (d) The additional penalty of imprisonment of a minimum period of one (1) year, but not to exceed three (3) years at the discretion of the court, shall be imposed for second or subsequent violations of Sec. 48, paragraphs (9) and (10).
- (e) Any person who violates Sec. 48, pars. (12) and (13), shall, upon conviction, be punished with a fine of not less than Ten thousand pesos (P10,000.00) but not more than Two hundred thousand pesos (P200,000.00) or imprisonment of not less than thirty (30) days but not more than three(3) years, or both;
- (f) Any person who violates Sec. 48, pars. (14), (15) and (16) shall, upon conviction, be punished with a fine not less than One hundred thousand pesos (P100,000.00)

but not more than One million pesos (P1,000,000.00), or imprisonment not less than one (1) year but not more than six (6) years, or both.

If the offense is committed by a corporation, partnership, or other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable for the commission of the offense penalized under this Act.

If the offender is an alien, he shall, after service of the sentence prescribed above, be deported without further administrative proceedings.

The fines herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines.

Section 50. Administrative Sanctions. – Local government officials and officials of government agencies concerned who fail to comply with and enforce rules and regulations promulgated relative to this Act shall be charged administratively in accordance with R.A. 7160 and other existing laws, rules and regulations.

CHAPTER VII

Miscellaneous Provisions

Section 51. Mandatory Public Hearings. – Mandatory public hearings for the national framework and local government solid waste management plans shall be undertaken by the Commission and the respective Boards in accordance with the process to be formulated in the implementing rules and regulations.

Section 52. Citizen Suits. – For purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:

- (a) Any person who violates or fails to comply with the provisions of this Act or its implementing rules and regulations; or
- (b) The Department or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and/or
- (c) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuse his authority in the performance of his duty; or, in any manner, improperly performs his duties under this Act or its implementing rules and regulations: *Provided, however,* That no suit can be filed until after thirty-day (30) notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

The Court shall exempt such action from the payment of filing fees and shall, likewise, upon *prima facie* showing of the non-enforcement or violation complained of, exempt the plaintiff from the filing of an injunction bond for the issuance of a preliminary injunction.

In the event that the citizen should prevail, the Court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

Section 53. Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of this Act. – Where a suit is brought against a person who filed an action as provided in Sec. 52 of this Act, or against any person, institution or government agency

that implements this Act, it shall be the duty of the investigating prosecutor or the Court, as the case may be, to immediately make a determination not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the person complaining of or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the Court shall dismiss the case and award attorney's fees and double damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.

Section 54. Research on Solid Waste Management. – The Department, after consultations with the cooperating agencies, shall encourage, cooperate with and render financial and other assistance to appropriate government agencies and private agencies, institutions and individuals in the conduct and promotion of researches, experiments, and other studies on solid waste management; particularly those relating to:

- (a) adverse health effects of the release into the environment of materials present in solid wastes, and methods to eliminate said effects;
- (b) the operation and financing of solid waste disposal programs;
- (c) the planning, implementation and operation of resource recovery and resource conservation systems;
- (d) the production of usable forms of recovered resources, including fuel from solid waste;
- (e) the development and application of new and improved methods of collecting and disposing of solid waste and processing and recovering materials and energy from solid waste;

- (f) improvements in land disposal practices for solid waste (including sludge); and
- (g) development of new uses of recovered resources and identification of existing or potential markets of recovered resources.

In carrying out solid waste researches and studies, the Secretary of the Department or the authorized representative may make grants or enter into contracts with government agencies, non-government organizations and private persons.

Section 55. Public Education and Information -

The Commission shall, in coordination with DECS, TESDA, CHED, DILG and PIA, conduct a continuing education and information campaign on solid waste management. Such education and information program shall:

- (a) Aim to develop public awareness of the ill-effects of and the community-based solutions to the solid waste problem;
- (b) Concentrate on activities which are feasible and which will have the greatest impact on the solid waste problem of the country, like resource conservation and recovery, recycling, segregation at source, re-use, reduction and composting of solid waste; and
- (c) Encourage the general public, accredited NGOs and people's organizations to publicly endorse and patronize environmentally acceptable products and packaging materials.

Section 56. Environmental Education in the Formal and Non-formal Sectors. - The national government, through the DECS and in coordination with concerned government agencies, NGOs and private institutions, shall strengthen the integration of environmental concerns in school curricula at all levels, with particular emphasis on the theory and practice of waste management

principles like waste minimization, specifically resource conservation and recovery, segregation at source, reduction, recycling, re-use and composting, in order to promote environmental awareness and action among the citizenry.

Section 57. Business and Industry Role. - The Commission shall encourage commercial and industrial establishments, through appropriate incentives other than tax incentives, to initiate, participate and invest in integrated ecological solid waste management projects, to manufacture environment-friendly products, to introduce, develop and adopt innovative processes that shall recycle and re-use materials, conserve raw materials and energy, reduce waste, and prevent pollution, and to undertake community activities to promote and propagate effective solid waste management practices.

Section 58. Appropriations. - For the initial operating expenses of the Commission and the National Ecology Center as well as the expenses of the local government units to carry out the mandate of this Act, the amount of Twenty million pesos (P20,000,000.00) is hereby appropriated from the Organizational Adjustment Fund on the year this Act is approved. Thereafter, it shall submit to the Department of Budget and Management its proposed budget for inclusion in the General Appropriations Act.

Section 59. Implementing Rules and Regulations (IRR). - The Department, in coordination with the Committees on Environment and Ecology of the Senate and House of Representatives, respectively, the representatives of the Leagues of Provinces, Cities, Municipalities and Barangay Councils, the MMDA and other concerned agencies, shall promulgate the implementing rules and regulations of this Act, within one (1) year after its enactment: *Provided*, That rules and regulations issued by other government agencies and instrumentalities for the prevention and/or abatement of the solid waste management

problem not inconsistent with this Act shall supplement the rules and regulations issued by the Department, pursuant to the provisions of this Act.

The draft of the IRR shall be published and be the subject of public consultations with affected sectors. It shall be submitted to the Committees on Environment and Ecology of the Senate and House of Representatives, respectively, for review before approval by the Secretary.

Section 60. Joint Congressional Oversight Committee. - There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of the Act and to oversee the function of the Commission. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by a Senator and a Representative designated by the Senate President and the Speaker of the House of Representatives, respectively.

Section 61. Abolition of the Presidential Task Force on Waste Management and the Project Management Office on Solid Waste Management. - The Presidential Task Force on Waste Management which was created by virtue of Memorandum Circular No. 39 dated November 2, 1987, as amended by Memorandum Circular No. 39A and 88 is hereby abolished. Further, pursuant to Administrative Order No. 90 dated October 19, 1992, the Project Management Office on Solid Waste Management is likewise hereby abolished. Consequently, their powers and functions shall be absorbed by the Commission pursuant to the provisions of this Act.

Section 62. Transitory Provision. - Pending the establishment of the framework under Sec. 15 hereof, plans under Sec. 16 and promulgation of the IRR under Sec. 59 of

this Act, existing laws, regulations, programs and projects on solid waste management shall be enforced: *Provided*, That for specific undertaking, the same may be revised in the interim in accordance with the intentions of this Act.

Section 63. Report to Congress. - The Commission shall report to Congress, not later than March 30 of every year following the approval of this Act, giving a detailed account of its accomplishment and progress on solid waste management during the year and make the necessary recommendations in areas where there is need for legislative action.

Section 64. Separability Clause. - If any provision of this Act or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

Section 65. Repealing Clause. - All laws, decrees, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 66. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

(Sgd)
AQUILINO Q. PIMENTEL, JR.
President of the Senate

(Sgd)
ARNULFO P. ENTEBELLA
*Speaker of the House
of Representatives*

This Act which is a consolidation of House Bill No. 10651 and Senate Bill No. 1595 was finally passed by the House of Representatives and the Senate on December 20, 2000 and December 12, 2000, respectively.

(Sgd)
LUTGARDO B. BARBO
Secretary of the Senate

(Sgd)
ROBERTO P. NAZARENO
Secretary General
House of Representatives

Approved: January 26, 2001

(Sgd)
GLORIA MACAPAGAL-ARROYO
President of the Philippines

REPUBLIC ACT NO. 9072

AN ACT TO MANAGE AND PROTECT CAVES AND CAVE RESOURCES AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Title. This Act shall be known as the “National Caves and Cave Resources Management and Protection Act.”

Sec. 2 Declaration of Policy. It is hereby declared the policy of the State to conserve, protect and manage caves and cave resources as part of the country’s natural wealth. Towards this end, the State shall strengthen cooperation and exchange of information between governmental authorities and people who utilize caves and cave resources for scientific, educational, recreational, tourism and other purposes.

Sec. 3 Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows:

- (a) “Cave” means any naturally occurring void, cavity, recess or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit an individual to enter, whether or not the entrance, located either in private or public land, is naturally formed or man-made. It shall include any natural pit, sinkhole or other feature which is an extension of the entrance. The term also includes cave resources therein, but not any vug, mine tunnel, aqueduct or other man-made excavation.
- (b) “Cave resources” includes any material or substance occurring naturally in caves, such as animal life, plant life, including paleontological and archeological deposits, cultural artifacts or products of human activities, sediments, minerals, speleogems and speleothems.

- (c) “Secretary” means the Secretary of the Department of Environment and Natural Resources (DENR).
- (d) “Speleogem” means relief features on the walls, ceilings and floor of any cave or lava tube which are part of the surrounding bed rock, including but not limited to anastomoses, scallops, meander niches, petromorphs and rock pendants in solution caves and similar features unique to volcanic caves.
- (e) “Speleothem” means any natural mineral formation or deposit occurring in a cave or lava tube, including but not limited to any stalactite, stalagmite, helictite, cave flower, flowstone, concretion, drapery, rimstone or formation of clay or mud.
- (f) “Significant cave” refers to a cave which contains materials or possesses features that have archeological, cultural, ecological, historical or scientific value as determined by the DENR in coordination with the scientific community and the academe.

Sec. 4 *Implementing Agency.* – The DENR shall be the lead agency tasked to implement the provisions of this Act in coordination with the Department of Tourism (DOT), the National Museum, the National Historical Institute and concerned local government units (LGUs) for specific caves, except that in the Province of Palawan, the Palawan Council for Sustainable Development shall be the lead implementing agency pursuant to Republic Act No. 7611 or the Strategic Environmental Plan for Palawan Act.

Sec. 5 *Powers and Functions of the Department of Environment and Natural Resources (DENR).* - In the implementation of this Act, the DENR shall exercise the following powers and functions:

- (a) Formulate, develop and implement a national program for the management, protection and conservation of caves and cave resources;

- (b) Disseminate information and conduct educational campaign on the need to conserve, protect and manage our caves and cave resources;
- (c) Issue permits for the collection and removal of guano and other cave resources which shall be determined in coordination with the DOT, the National Museum, concerned LGUs, the scientific community and the academe, with regard to specific caves taking into consideration bio-diversity as well as the aesthetic and archeological value of the cave: *Provided*, That the permittee shall be required to post a bond to ensure compliance with the provisions of any permit: *Provided, further*, That any permit issued under this Section shall be revoked by the Secretary when the permittee violates any provision of this Act or fails to comply with any other condition upon which the permit was issued: *Provided, furthermore*, That the Secretary cannot issue permits for the removal of stalactites and stalagmites, and when it is established that the removal of the resources will adversely affect the value of a significant cave: *Provided, finally*, That caves located within a protected area shall be subject to the provisions of Republic Act No. 7586 or the National Integrated Protected Areas System Act of 1992;
- (d) Call on any local government unit, bureau, agency, state university or college and other instrumentalities of the government for assistance as the need arises in the discharge of its functions;
- (e) Enter into a memorandum of agreement with any local government unit (LGU) for the preservation, development and management of cave or caves located in their respective territorial jurisdiction;
- (f) Tap the cooperation of people's and non-governmental organizations as active partners in the conservation and protection of our caves and cave resources; and
- (g) Exercise other powers and perform other functions as may be necessary to implement the provisions of this Act.

Sec. 6 *Information Concerning the Nature and Location of Significant Caves.* - Information concerning the

nature and specific location of a potentially significant cave shall not be made available to the public within one (1) year after its discovery by the DENR, during which time the DENR, in coordination with the DOT, the National Museum, the National Historical Institute, concerned LGUs, the scientific community and the academe, shall assess its archaeological, cultural, ecological, historical and scientific value, unless a written request is made and the Secretary determines that disclosure of such information will further the purpose of this Act and will not create a substantial risk of harm, theft or destruction on such cave.

The written request shall contain, among others, the following:

- (a) a description of the geographic site for which the information is sought;
- (b) an explanation of the purpose for which the information is sought; and
- (c) an assurance or undertaking satisfactory to the Secretary that adequate measures are to be taken to protect the confidentiality of such information and to ensure the protection of the cave from destruction by vandalism and unauthorized use.

Sec. 7 *Prohibited Acts.* – The following shall be considered prohibited acts:

- (a) Knowingly destroying, disturbing, defacing, marring, altering, removing or harming the apeleogem or speleothem of any cave or altering the free movement of any animal or plant life into or out of any cave;
- (b) Gathering, collecting, possessing, consuming, selling, bartering or exchanging or offering for sale without authority, any, cave resource; and
- (c) Counselling, procuring, soliciting or employing any other person to violate any provision of this Section.

Sec. 8 *Penalties* - Any person found guilty of any of the offense enumerated under Section 7 hereof shall be punished

by imprisonment from two (2) years to six (6) years or a fine ranging from Twenty thousand pesos (P20,000.00) to Five hundred thousand pesos (P500,000.00) or both, at the discretion of the Court: *Provided*, That the person furnishing the capital to accomplish the acts punishable herein shall be punished by imprisonment from six (6) years and one (1) day to eight (8) years or by a fine ranging from Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00) or both, at the discretion of the Court: *Provided, further*, That if the area requires rehabilitation or restoration as determined by the Court, the offender shall also be required to restore the same, whenever practicable, or compensate for the damage: *Provided, finally*, That if the offender is a government employee, he or she shall likewise be removed from office.

Sec. 9 *Administrative Confiscation and Conveyance.* - The Secretary shall order the confiscation, in favor of the government of the cave resources gathered, collected, removed, possessed or sold including the conveyances and equipment used in violation of Section 7 hereof.

Sec. 10 *Fees.* - Any money collected by the DENR as permit fees for collection and removal of cave resources, as a result of the forfeiture of a bond or other security by a permittee who does not comply with the requirements of such permit issued under this Act or by way of fines for violations of this Act shall be remitted to the National Treasury.

Sec. 11 *Implementing Rules and Regulations.* - The DENR shall, within six (6) months from the effectivity of this Act, issue rules and regulations necessary to implement the provisions hereof.

Sec. 12 *Appropriations.* The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

Sec. 13 *Separability Clause.* – If any provision of this Act is subsequently declared unconstitutional, the remaining provisions shall remain in full force and effect.

Sec. 14 *Repealing Clause.* - Presidential Decree No. 1726-A is hereby modified. Treasure hunting in caves shall be governed by the provisions of this Act.

Except Presidential Decree No. 412 and Republic Act No. 4846, all other laws, decrees, orders and regulations or parts thereof, which are inconsistent with any of the provisions of this Act are hereby repealed or amended accordingly.

Sec. 15 *Effectivity* - This Act shall take effect fifteen (15) days following its publication in two (2) national newspapers of general circulation.

Approved,

(Sgd)AQUILINO Q. PIMENTEL JR.	(Sgd)FELICIANO BELMONTE JR.
President of the Senate	Speaker of the House of Representatives

This Act which is a consolidation of House Bill No. 7275 and Senate Bill No. 1956 was finally passed by the House of Representatives and the Senate on February 8, 2001 and February 5, 2001, respectively.

(Sgd.)LUTGARDO B. BARBO	(Sgd.) ROBERTO P. NAZARENO
Secretary of the Senate	Secretary General House of Representatives

Approved: April 09, 2001

(Sgd.) GLORIA MACAPAGAL-AROYO
President of the Philippines

Date Published:
May 03, 2001 at Manila Standard/Malaya

REPUBLIC ACT NO. 9147

AN ACT PROVIDING FOR THE CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES AND THEIR HABITATS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Title.* - This Act shall be known as the “Wildlife Resources Conservation and Protection Act.”

SEC. 2 *Declaration of Policy.* - It shall be the policy of the State to conserve the country’s wildlife resources and their habitats for sustainability. In the pursuit of this policy, this Act shall have the following objectives:

- (a) to conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity;
- (b) to regulate the collection and trade of wildlife;
- (c) to pursue, with due regard to the national interest, the Philippine commitment to international conventions, protection of wildlife and their habitats; and
- (d) to initiate or support scientific studies on the conservation of biological diversity.

SEC. 3 *Scope of Application.* - The provisions of this Act shall be enforceable for all wildlife species found in all areas of the country, including protected areas under Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act, and critical habitats. This Act shall also apply to exotic species which are subject to trade, are cultured, maintained and/or bred in captivity or propagated in the country.

SEC. 4 *Jurisdiction of the Department of Environment and Natural Resources and the Department of Agriculture.* - The Department of Environment and Natural Resources (DENR) shall have jurisdiction over all terrestrial plant and animal species, all turtles and tortoises and wetland species, including but not limited to crocodiles, waterbirds and all amphibians and dugong. The Department of Agriculture (DA) shall have jurisdiction over all declared aquatic critical habitats, all aquatic resources, including but not limited to all fishes, aquatic plants, invertebrates and all marine mammals, except dugong. The secretaries of the DENR and the DA shall review, and, by joint administrative order, revise and regularly update the list of species under their respective jurisdiction. In the Province of Palawan, jurisdiction herein conferred is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.

CHAPTER II

DEFINITION OF TERMS

SEC. 5 *Definition of Terms.* - As used in this Act, the term:

- (a) “Bioprospecting” means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;
- (b) “By-product or derivatives” means any part taken or substance extracted from wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens;
- (c) “Captive-breeding/culture or propagation” means the process of producing individuals under controlled conditions or with human interventions;
- (d) “Collection or collecting” means the act of gathering or harvesting wildlife, its by-products or derivatives;
- (e) “Conservation” means preservation and sustainable utilization of wildlife, and/or maintenance, restoration and enhancement of the habitat;

- (f) “Critically endangered species” refers to a species or subspecies that is facing extremely high risk of extinction in the wild in the immediate future;
- (g) “Economically important species” means species which have actual or potential value in trade or utilization for commercial purpose;
- (h) “Endangered species” refers to species or subspecies that is not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating;
- (i) “Endemic species” means species or subspecies which is naturally occurring and found only within specific areas in the country;
- (j) “Exotic species” means species or subspecies which do not naturally occur in the country;
- (k) “Export permit” refers to a permit authorizing an individual to bring out wildlife from the Philippines to any other country;
- (l) “Gratuitous permit” means permit issued to any individual or entity engaged in noncommercial scientific or educational undertaking to collect wildlife;
- (m) “Habitat” means a place or environment where a species or subspecies naturally occur or has naturally established its populations;
- (n) “Import permit” refers to a permit authorizing an individual to bring in wildlife from another country;
- (o) “Indigenous wildlife” means species or subspecies of wildlife naturally occurring or has naturally established population in the country;
- (p) “Introduction” means bringing species into the wild that is outside its natural habitat;
- (q) “Reexport permit” refers to a permit authorizing an individual to bring out of the country a previously imported wildlife;
- (r) “Secretary” means either or both the Secretary of the Department of Environment and Natural Resources and the Secretary of the Department of Agriculture;
- (s) “Threatened species” a general term to denote species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction;

- (t) “Trade” means the act of engaging in the exchange, exportation or importation, purchase or sale of wildlife, their derivatives or by-products, locally or internationally;
- (u) “Traditional use” means utilization of wildlife by indigenous people in accordance with written or unwritten rules, usage, customs and practices traditionally observed, accepted and recognized by them;
- (v) “Transport permit” means a permit issued authorizing an individual to bring wildlife from one place to another within the territorial jurisdiction of the Philippines;
- (w) “Vulnerable species” refers to species or subspecies that is not critically endangered nor endangered but is under threat from adverse factors throughout their range and is likely to move to the endangered category in the near future;
- (x) “Wildlife” means wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated;
- (y) “Wildlife collector’s permit” means a permit to take or collect from the wild certain species and quantities of wildlife for commercial purpose; and
- (z) “Wildlife farm/culture permit” means a permit to develop, operate and maintain a wildlife breeding farm for conservation, trade and/or scientific purposes.

CHAPTER III

CONSERVATION AND PROTECTION OF WILDLIFE RESOURCES

ARTICLE ONE

General Provision

SEC. 6 *Wildlife Information.* – All activities, as subsequently manifested under this Chapter, shall be authorized by the Secretary upon proper evaluation of best available information or scientific data showing that the activity is, or for a purpose, not detrimental to the survival of the species or subspecies involved

and/or their habitat. For this purpose, the Secretary shall regularly update wildlife information through research.

SEC. 7 *Collection of Wildlife.* - Collection of wildlife may be allowed in accordance with Section 6 of this Act: *Provided*, That in the collection of wildlife, appropriate and acceptable wildlife collection techniques with least or no detrimental effects to the existing wildlife populations and their habitats shall, likewise, be required: *Provided, further*, That collection of wildlife by indigenous people may be allowed for traditional use and not primarily for trade: *Provided, furthermore*, That collection and utilization for said purpose shall not cover threatened species: *Provided, finally*, That Section 23 of this Act shall govern the collection of threatened species.

SEC. 8. *Possession of Wildlife.* - No person or entity shall be allowed possession of wildlife unless such person or entity can prove financial and technical capability and facility to maintain said wildlife: *Provided*, That the source was not obtained in violation of this Act.

SEC. 9. *Collection and/or Possession of By-Products and Derivatives.* - By-products and derivatives may be collected and/or possessed: *Provided*, That the source was not obtained in violation of this Act.

SEC. 10. *Local Transport of Wildlife, By-Products and Derivatives.* - Local transport of wildlife, by-products and derivatives collected or possessed through any other means shall be authorized unless the same is prejudicial to the wildlife and public health.

SEC. 11 *Exploration and/or Importation of Wildlife.* - Wildlife species may be exported to or imported from another country as may be authorized by the Secretary or the designated representative, subject to strict compliance with the provisions of this Act and rules and regulations promulgated pursuant thereto:

Provided, That the recipient of the wildlife is technically and financially capable to maintain it.

SEC. 12 *Introduction, Reintroduction or Restocking of endemic or Indigenous Wildlife.* - The introduction, reintroduction or restocking of endemic and indigenous wildlife shall be allowed only for population enhancement or recovery purposes subject to prior clearance from the Secretary or the authorized representative pursuant to Section 6 of this Act.

Any proposed introduction shall be subject to a scientific study which shall focus on the bioecology. The proponent shall also conduct public consultations with concerned individuals or entities.

SEC. 13 *Introduction of Exotic Wildlife* - No exotic species shall be introduced into the country, unless a clearance from the Secretary or the authorized representative is first obtained. In no case shall exotic species be introduced into protected areas covered by Republic Act NO. 7586 and to critical habitats under Section 25 hereof.

In cases where introduction is allowed, it shall be subject to environmental impact study which shall focus on the bioecology, socioeconomic and related aspects of the area where the species will be introduced. The proponent shall also be required to secure the prior informed consent from the local stakeholders.

SEC. 14 *Bioprospecting.* - Bioprospecting shall be allowed upon execution of an undertaking by any proponent, stipulating therein its compliance with and commitment(s) to reasonable terms and conditions that may be imposed by the Secretary which are necessary to protect biological diversity.

The Secretary or the authorized representative, in consultation with the concerned agencies, before granting necessary permit, shall require that prior informed consent be obtained by the applicant from the concerned indigenous cultural

communities, local communities, management board under Republic Act NO. 7586 or private individual or entity. The applicant shall disclose fully the intent and scope of the bioprospecting activity in a language and process understandable to the community. The prior informed consent from the indigenous peoples shall be obtained in accordance with exiting laws. The action on the bioprospecting proposal by concerned bodies shall be made within a reasonable period.

Upon submission of the complete requirements, the Secretary shall act on the research proposal within a reasonable period.

If the applicant is a foreign entity or individual, a local institution should be actively involved in the research, collection and, whenever applicable and appropriate, in the technological development of the products derived from the biological and genetic resources.

SEC. 15 *Scientific Researches on Wildlife.* - Collection and utilization of biological resources for scientific research and not for commercial purposes shall be allowed upon execution of an undertaking/agreement with and issuance of a gratuitous permit by the Secretary or the authorized representative: *Provided,* That prior clearance from concerned bodies shall be secured before the issuance of the gratuitous permit: *Provided, further,* That the last paragraph of Section 14 shall likewise apply.

SEC. 16 *Biosafety.* – All activities dealing on genetic engineering and pathogenic organisms in the Philippines, as well as activities requiring the importation, introduction, field release and breeding of organisms that are potentially harmful to man and the environment shall be reviewed in accordance with the biosafety guidelines ensuring public welfare and the protection and conservation of wildlife and their habitats.

SEC. 17 *Commercial Breeding or Propagation of Wildlife Resources.* - Breeding or propagation of wildlife for

commercial purposes shall be allowed by the Secretary or the authorized representative pursuant to Section 6 through the issuance of wildlife farm/culture permit: *Provided*, That only progenies of wildlife raised, as well as unproductive parent stock shall be utilized for trade: *Provided, further*, That commercial breeding operations for wildlife, whenever appropriate, shall be subject to an environmental impact study.

SEC. 18 *Economically Important Species* - The Secretary, within one (1) year after the effectivity of this Act, shall establish a list of economically-important species. A population assessment of such species shall be conducted within a reasonable period and shall be regularly reviewed and updated by the Secretary.

The collection of certain species shall only be allowed when the results of the assessment show that, despite certain extent of collection, the population of such species can still remain viable and capable of recovering its numbers. For this purpose, the Secretary shall establish a schedule and volume of allowable harvests.

Whenever an economically important species become threatened, any form of collection shall be prohibited except for scientific, educational or breeding/propagation purposes, pursuant to the provisions of this Act.

SEC. 19. *Designation of Management and Scientific Authorities for International Trade in Endangered Species of Wild Fauna and Flora.* - For the implementation of international agreement on international trade in endangered species of wild fauna and flora, the management authorities for terrestrial and aquatic resources shall be the Protected Areas and Wildlife Bureau (PAWB) of the DENR and the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA, respectively and that in the Province of Palawan the implementation hereof is vested to the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611.

To provide advice to the management authorities, there shall be designated scientific authorities for terrestrial and aquatic/marine species. For the terrestrial species, the scientific authorities shall be the Ecosystems Research and Development Bureau (ERDB) of the DENR, the U.P. Institute of Biological Sciences and the National Museum and other agencies as may be designated by the Secretary. For the marine and aquatic species, the scientific authorities shall be the BFAR, the U.P. Marine Science Institute, U.P. Visayas, Siliman University and the National Museum and other agencies as may be designated by the Secretary. *Provided, That*, in the case of terrestrial species, the ERDB shall chair the scientific authorities, and in the case of marine and aquatic species, the U.P. Marine Science Institute shall chair the scientific authorities.

SEC. 20. Authority of the Secretary to Issue Permits. - The Secretary or the duly authorized representative, in order to effectively implement this Act, shall issue permits/certifications/clearances with corresponding period of validity, whenever appropriate, which shall include but not limited to the following:

- (1) Wildlife farm or culture permit 3 to 5 years;
- (2) Wildlife collector's permit 1 to 3 years;
- (3) Gratuitous permit 1 year;
- (4) Local transport permit 1 to 3 months; and
- (5) Export/Import/Reexport permit 1 to 6 months.

These permits may be renewed subject to the guidelines issued by the appropriate agency and upon consultation with concerned groups.

SEC. 21 Fees and Charges. - Reasonable fees and charges as may be determined upon consultation with the concerned groups, and in the amount fixed by the Secretary shall

be imposed for the issuance of permits enumerated in the preceding section.

For the export of wildlife species, an export permit fee of not greater than three percentum (3%) of the export value, excluding transport costs, shall be charged: *Provided, however,* That in the determination of aforesaid fee, the production costs shall be given due consideration. Cutflowers, leaves and the like, produced from farms shall be exempted from the said export fee: *Provided, further,* That fees and charges shall be reviewed by the Secretary every two (2) years or as the need arises and revise the same accordingly, subject to consultation with concerned sectors.

ARTICLE TWO

Protection and Threatened Species

SEC. 22 *Determination of Threatened Species.* - The Secretary shall determine whether any wildlife species or subspecies is threatened, and classify the same as critically endangered, endangered, vulnerable or other accepted categories based on the best scientific data and with due regard to internationally accepted criteria, including but not limited to the following:

- (a) present or threatened destruction, modification or curtailment of its habitat or range;
- (b) over-utilization for commercial, recreational, scientific or educational purposes;
- (c) inadequacy of existing regulatory mechanisms; and
- (d) other natural or man-made factors affecting the existence of wildlife.

The Secretary shall review, revise and publish the list of categorized threatened wildlife within one (1) year after effectivity of this Act. Thereafter, the list shall be updated regularly or as the need arises: *Provided,* That a species listed as threatened shall not

be removed therefrom within three (3) years following its initial listing.

Upon filing of a petition based on substantial scientific information of any person seeking for the addition or deletion of a species from the list, the Secretary shall evaluate in accordance with the relevant factors stated in the first paragraph of this section, the status of the species concerned and act on said petition within a reasonable period.

The Secretary shall also prepare and publish a list of wildlife which resembles so closely in appearance with listed threatened wildlife, which species shall likewise be categorized as threatened.

SEC. 23. *Collection of Threatened Wildlife, By-Products and Derivatives.* - The collection of threatened wildlife, as determined and listed pursuant to this Act, including its by-products and derivatives, shall be allowed only for scientific, or breeding or propagation purposes in accordance with Section 6 of this Act: *Provided*, That only the accredited individuals, business, research, educational or scientific entities shall be allowed to collect for conservation breeding or propagation purposes.

SEC. 24. *Conservation Breeding or Propagation of Threatened Species.* - Conservation breeding or propagation of threatened species shall be encouraged in order to enhance its population in its natural habitat. It shall be done simultaneously with the rehabilitation and/or protection of the habitat where the captive-bred or propagated species shall be released, reintroduced or restocked.

Commercial breeding or propagation of threatened species may be allowed provided that the following minimum requirements are met by the applicant, to wit:

- (a) Proven effective breeding and captive management techniques of the species; and

- (b) Commitment to undertake commercial breeding in accordance with Section 17 of this Act, simultaneous with conservation breeding.

The Secretary shall prepare a list of threatened species for commercial breeding and shall regularly revise or update such list or as the need arises.

SEC. 25. *Establishment of Critical Habitats.* - Within two (2) years following the effectivity of this Act, the Secretary designate critical habitats outside protected areas under Republic Act No. 7586, where threatened species are found. Such designation shall be made on the basis of the best scientific data taking into consideration species endemicity and/or richness, presence of man-made pressures/threats to the survival of wildlife living in the area, among others.

All designated critical habitats shall be protected, in coordination with the local government units and other concerned groups, from any form of exploitation or destruction which may be detrimental to the survival threatened species dependent therein. For such purpose, the Secretary may acquire, by purchase, donation or expropriation, lands, or interests therein, including the acquisition of usufruct, establishment of easements or other undertakings appropriate in protecting the critical habitat.

ARTICLE THREE

Registration of Threatened and Exotic Species

SEC. 26. *Registration of Threatened and Exotic Wildlife in the Possession of Private Persons.* - No person or entity shall be allowed possession of wildlife unless such person or entity can prove financial and technical capability and facility to maintain said wildlife. Twelve (12) months after the effectivity of this Act, the Secretary shall set a period, within which persons/entities shall register all threatened species collected and exotic species imported prior to the effectivity of this Act.

However, when the threatened species is needed for breeding/propagation or research purposes, the State may acquire the wildlife through a mutually acceptable arrangement.

After the period set has elapsed, threatened wildlife possessed without certificate of registration shall be confiscated in favor of the government, subject to the penalties herein provided.

All Philippine wildlife which are not listed as threatened prior to the effectivity of this Act but which may later become so, shall likewise be registered during the period set after the publication of the updated lists of threatened species.

CHAPTER IV

ILLEGAL ACTS

SEC. 27. *Illegal Acts.* – Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully and knowingly exploit wildlife resources and their habitats, or undertake the following acts:

- (a) killing and destroying wildlife species, except in the following instances;
 - (i) when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities;
 - (ii) when the wildlife is afflicted with an incurable communicable disease;
 - (iii) when it is deemed necessary to put an end to the misery suffered by the wildlife;
 - (iv) when it is done to prevent an imminent danger to the life or limb of a human being; and
 - (v) when the wildlife is killed or destroyed after it has been used in authorized research or experiments.

- (b) inflicting injury which cripples and/or impairs the reproductive system of wildlife species;
- (c) effecting any of the following acts in critical habitat(s):
 - (i) dumping of waste products detrimental to wildlife;
 - (ii) squatting or otherwise occupying any portion of the critical habitat;
 - (iii) mineral exploration and/or extraction;
 - (iv) burning;
 - (v) logging; and
 - (vi) quarrying
- (d) introduction, reintroduction or restocking of wildlife resources;
- (e) trading of wildlife;
- (f) collecting, hunting or possessing wildlife, their by-products and derivatives;
- (g) gathering or destroying of active nests, nest trees, host plants and the like;
- (h) maltreating and/or inflicting other injuries not covered by the preceding paragraph; and
- (i) transporting of wildlife.

CHAPTER V

FINES AND PENALTIES

SEC. 28. *Penalties for Violation of this Act.* - For any person who undertakes illegal acts under paragraph (a) of the immediately preceding section to any species as may be categorized pursuant to this Act, the following penalties and/or fines shall be imposed:

- (a) imprisonment of a minimum of six (6) years and one (1) day to twelve (12) years and/or a fine of One hundred thousand pesos (P100,000.00) to One million pesos (P1,000,000.00), if inflicted or undertaken against species listed as critical;
- (b) imprisonment of four (4) years and one (1) day to six (6) years and/or a fine of Fifty thousand pesos (P50,000.00) to Five

- hundred thousand pesos (P500,000.00), if inflicted or undertaken against endangered species;
- (c) imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Thirty thousand pesos (P30,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against vulnerable species;
 - (d) imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against other threatened species; and
 - (e) imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under paragraph (b) of the immediately preceding section, the following penalties and/or fines shall be imposed:

- (a) imprisonment of a minimum of four (4) years and one (1) day to six (6) years and/or a fine of Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00), if inflicted or undertaken against species listed as critical;
- (b) imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Thirty thousand pesos (P30,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;
- (c) imprisonment of one (1) year and one (1) to two (2) years and/or a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against vulnerable species;
- (d) imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against other threatened species; and
- (e) imprisonment of one (1) month to six (6) months and/or a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos

(P20,000.00), if inflicted or undertaken against other wildlife species.

For illegal acts under paragraphs (c) and (d) of the immediately preceding section, an imprisonment of one (1) month to eight (8) years and/or a fine of Five thousand pesos (P5,000.00) to Five million pesos (5,000,000.00) shall be imposed.

For illegal acts under paragraph(e), the following penalties and/or fines shall be imposed:

- (a) imprisonment of two (2) years and one (1) day to four (4) years and/or a fine of Five thousand pesos (P5,000.00) to Three hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical;
- (b) imprisonment of one (1) year and one (1) day to two (2) years and/or a fine of Two thousand pesos (P2,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;
- (c) imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of Five thousand pesos (P1,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against vulnerable species;
- (d) imprisonment of one (1) month and one (1) day to six (6) months and/or a fine of Five hundred pesos (P500.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against species listed as other threatened species; and;
- (e) imprisonment of ten (10) days to one (1) month and/or a fine of Two hundred pesos (P200.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against other wildlife species;

For illegal acts under paragraphs (f) and (g) of the immediately preceding section, the following penalties and/or fines shall be imposed:

- (a) imprisonment of two (2) years and one (1) day to four (4) years and a fine of Thirty thousand pesos (P30,000.00) to Three

- hundred thousand pesos (P300,000.00), if inflicted or undertaken against species listed as critical;
- (b) imprisonment of one (1) year and one (1) day to two (2) years and a fine of Twenty thousand pesos (P20,000.00) to Two hundred thousand pesos (P200,000.00), if inflicted or undertaken against endangered species;
 - (c) imprisonment of six (6) months and one (1) day to one (1) year and/or a fine of Ten thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against vulnerable species;
 - (d) imprisonment of one (1) month and one (1) day to six (6) months and a fine of Five thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against species listed as other threatened species; and
 - (e) imprisonment of ten (10) days to one (1) month and a fine of One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if inflicted or undertaken against other wildlife species: *Provided*, That in case of paragraph (f), where the acts were perpetuated through the means of inappropriate techniques and devices, the maximum penalty herein provided shall be imposed.

For illegal acts under paragraphs (h) and (i) of the immediately preceding section, the following penalties and/or fines shall be imposed:

- (a) imprisonment of six (6) months and one (1) day to one (1) year and a fine of Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00), if inflicted or undertaken against species listed as critical species;
- (b) imprisonment of three (3) months and one (1) day to six (6) months and a fine of Twenty thousand pesos (P20,000.00) to Fifty thousand pesos (P50,000.00), if inflicted or undertaken against endangered species;
- (c) imprisonment of one (1) month and one (1) day to one (1) day to three (3) months and a fine of Five thousand pesos (P5,000.00) to Twenty thousand pesos (P20,000.00), if inflicted or undertaken against vulnerable species;

- (d) imprisonment of ten (10) days and one (1) month and a fine of One thousand pesos (P1,000.00) to Five thousand pesos (P5,000.00), if inflicted or undertaken against species listed as other threatened species;
- (e) imprisonment of five (5) days to ten (10) days and a fine of Two hundred pesos (P200.00) to One thousand pesos (P1,000.00), if inflicted or undertaken against other wildlife species;

All wildlife, its derivatives or by products, and all paraphernalia, tools and conveyances used in connection with violations of this Act, shall be *ipso facto* forfeited in favor of the government: *Provided*, That where the ownership of the aforesaid conveyances belong to third persons who has no participation in or knowledge of the illegal acts, the same may be released to said owner. The apprehending agency shall immediately caused the transfer of all wildlife that have been seized or recovered to the nearest Wildlife Rescue Center of the Department in the area.

If the offender is an alien, he shall be deported after service of sentence and payment of fines, without any further proceedings.

The fines herein prescribed shall be increased by at least ten percent (10%) every three (3) years to compensate for inflation and to maintain the deterrent function of such fines.

CHAPTER VI

MISCELLANEOUS PROVISIONS

SEC. 29 *Wildlife Management Fund.* - There is hereby established a Wildlife Management Fund to be administered by the Department as a special account in the National Treasury. It shall finance rehabilitation or restoration of habitats affected by acts committed in violation of this Act and support scientific research, enforcement and monitoring activities, as well as enhancement of capabilities of relevant agencies.

The Fund shall derive from fines imposed and damages awarded, fees, charges, donations, endowments, administrative fees or grants in the form of contributions. Contributions to the Fund shall be exempted from donor taxes and all other taxes, charges or fees imposed by the government.

SEC. 30. *Deputation of Wildlife Enforcement Officers.*

- The Secretary shall deputize wildlife enforcement officers from nongovernment organizations, citizens groups, community organizations and other volunteers who have undergone the necessary training for this purpose. The Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI) and other law enforcement agencies shall designate wildlife enforcement officers. As such, the wildlife enforcement officers shall have the full authority to seize illegally traded wildlife and to arrest violators of this Act subject to existing laws, rules and regulations on arrest and detention.

SEC. 31 *Establishment of National Wildlife Research Centers.* - The Secretary shall establish national wildlife research centers for terrestrial and aquatic species to lead in the conduct of scientific researches on the proper strategies for the conservation and protection of wildlife, including captive breeding or propagation. In this regard, the Secretary shall encourage the participation of experts from academic/research institutions and wildlife industry.

SEC. 32. *Wildlife Rescue Center.* - The Secretary shall establish or designate wildlife rescue centers to take temporary custody and care of all confiscated, abandoned and/or donated wildlife to ensure their welfare and well-being. The Secretary shall formulate guidelines for the disposition of wildlife from the rescue centers.

SEC. 33. *Creation of Wildlife Traffic Monitoring Units.* - The Secretary shall create wildlife traffic monitoring units in strategic air and seaports all over the country to ensure the strict compliance and effective implementation of all existing wildlife

laws, rules and regulations, including pertinent international agreements.

Customs officers and/or other authorized government representatives assigned at air or seaports who may have intercepted wildlife commodities in the discharge of their official functions shall, prior to further disposition thereof, secure a clearance form the wildlife traffic monitoring unit assigned in the area.

SEC. 34. *Exemption from Taxes.* - Any donation, contribution, bequests, subsidy or financial aid which may be made to the Department of Environment and Natural Resources or to the Department of Agriculture and to NGOs engaged in wildlife conservation duly registered with the Securities and Exchange Commission as certified by the local government unit, the Department of Environment and Natural Resources or the Department of Agriculture, for the conservation and protection of wildlife resources and their habitats shall constitute as an allowable deduction from the taxable income of the donor and shall be exempt from donor's tax.

SEC. 35. *Flagship Species.* - Local government units shall initiate conservation measures for endemic species in their areas. For this purpose, they may adopt flagship species such as the Cebu black shama (*copsychus cebuensis*), tamaraw (*bubalus mindorensis*), Philippine tarsier (*tarsius syrichta*), Philippine teak (*tectona philippinensis*), which shall serve as emblems of conservation for the local government concerned.

SEC. 36. *Botanical Gardens, Zoological Parks and Other Similar Establishments.* - The Secretary shall regulate the establishment, operation and maintenance of botanical gardens, zoological parks and other similar establishments for recreation, education and conservation.

SEC. 37. *Implementing Rules and Regulations.* - Within twelve (12) months following the effectivity of this Act, the secretaries of the Department of Environment and Natural

Resources and the Department of Agriculture, in coordination with the Committees on Environment and Ecology of the Senate and the House of Representatives, respectively shall promulgate respective rules and regulations for the effective implementation of this Act. Whenever appropriate, coordination in the preparation and implementation of rules and regulations on joint and inseparable issues shall be done by both Departments. The commitments of the State to international agreements and protocols shall likewise be a consideration in the implementation of this Act.

SEC. 38. *Appropriations.* The amount necessary to initially implement the provisions of this Act shall be charged against the appropriations of the Department of Environment and Natural Resources in the current General Appropriations Act. Thereafter, such sums as may be necessary to fully implement the provisions of this Act shall be included in the annual General Appropriation Act.

SEC. 39. *Separability Clause.* - Should any provision of this Act be subsequently declared as unconstitutional, the same shall not affect the validity or the legality of the other provisions.

SEC. 40. *Repealing Clause.* - Act Nos. 2590 and 3983, Commonwealth Act No. 63, as amended, Presidential Decree No. 1219, as amended, Republic Act No. 6147, and other laws, orders and regulations inconsistent herewith are hereby repealed or amended accordingly.

SEC. 41. *Effectivity.* - This Act shall take effect fifteen (15) days after publication in the *Official Gazette* or two (2) newspapers of general circulation.

Approved,

(Sgd.) AQUILINO Q. PIMENTEL JR.

President of the Senate

FELICIANO BELMONTE JR.

*Speaker of the House of
Representatives*

This Act which is a consolidation of House Bill No. 10622 and Senate Bill No. 2128 was finally passed by the House of Representatives and the Senate on February 8, 2001 and March 20, 2001, respectively.

(Sgd.) LUTGARDO B. BARDO

Secretary of the Senate

ROBERTO P. NAZARENO

*Secretary General
House of Representatives*

Approved: July 30, 2001

(Sgd.) GLORIA MACAPAGAL-ARROYO

President of the Philippines