



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City, 1100
Tel Nos. (832) 929-66-26 to 29 • (632) 929-65-52
929-66-20 • 929-66-63 to 35
929-70-41 to 43

ADMINISTRATIVE ORDER
NO. 2002 - 01

JAN 03 2002

SUBJECT: AMENDING SECTION 4 (PROGRAM MANAGEMENT) OF DENR ADMINISTRATIVE ORDER (DAO) NO. 2000 - 102 ENTITLED "ESTABLISHING THE NATIONAL SUPPORT PROGRAM ON LOCAL ENVIRONMENTAL AND NATURAL RESOURCES PLANNING AND MANAGEMENT (ENRPM)".

In the interest of the service and pursuant to Executive Order 192 dated July 10, 1987 mandating the DENR to be the primary agency responsible for the conservation, management and development and proper use of the country's environment and natural resources, the following are issued for the guidance of all concerned:

Section 1. Section 4 (Program Management) of DAO 2000 - 102 is hereby amended to read as:

"The overall direction and management of the NSP shall be lodged with the Undersecretary for Environment and Natural Resources Legal, Lands and International Affairs who shall chair and get advice from a multi-partite body to be known as the Multi-partite Advisory Committee for the NSP (MAC-NSP) on local ENRPM. The MAC-NSP shall also assist in formulating policies to enhance a policy environment for strengthening the ENRPM process and its future institutionalization into the mainstream of local government units (LGUs).

The members of the MAC-NSP shall include the DENR Undersecretary for Policy and Planning, Department of Interior and Local Government Assistant Secretary for Local Government, Directors of the Environmental Management Bureau, Mines and Geo-sciences Bureau, Lands Management Bureau, and Forest Management Bureau, Presidents of the Leagues of Provinces, Cities, and Municipalities of the Philippines. The MAC-NSP shall be instituted as soon as possible, and for this purpose, an interagency memorandum agreement shall be executed by and between DENR, and the participating agencies defining therein the extent of each parties participation and responsibilities.

A National Support Program Management Office (NSPMO) shall be created under the Office of the Undersecretary for Environment and Natural Resources Legal, Lands and International Affairs to be directly supervised by a program director and assisted by a deputy program director designated by the DENR Secretary as

recommended by Undersecretary for Environment and Natural Resources Legal, Lands and International Affairs. The main functions of the NSPMO shall be to manage the implementation of the program and to serve as the secretariat of the MAC-NSP. The expertise of the present staff of the Local EPM Project shall be tapped to initially operationalize the NSPMO. Additional staff from different units of the DENR Central Office shall be identified and detailed on a full-time basis to the NSPMO.

At the regional level, the Chiefs of the Regional Planning and Management Division shall be designated as the focal persons for purposes of coordinating the program.

A pool of technical experts shall be created to respond to the required technical assistance and training needs of LGU expansion areas. The experts shall be drawn from the DENR's Foreign-Assisted and Special Projects Office, Planning and Policy Studies Office, regional offices and sectoral bureaus both at the central office and regional levels, and its attached agencies. If deemed necessary, the technical expertise of other government agencies, academe, NGOs, and private entities shall be sought, and for this purpose, an agreement shall be entered into by and between the Department and the participating agencies".

Section 2. Repealing Clause.

Section 4 of DAO 2000 - 102 is hereby repealed and modified accordingly. The remaining provisions of DAO 2000 -102 shall remain enforced unless revoked.

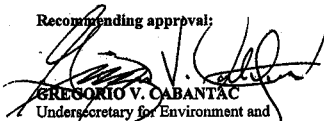
Section 3. Effectivity.

This order shall take effect immediately.



HEHERSON T. ALVAREZ
Secretary

Recommending approval:



GREGORIO V. CABANTAC
Undersecretary for Environment and
Natural Resources Legal, Lands and
International Affairs



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-28 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

DENR Administrative Order
No. 2002- 02

JAN 03 2002

SUBJECT : Establishment and Management of Community-Based Program in Protected Areas

Pursuant to Republic Act No. 7586, otherwise known as the National Integrated Protected Areas Act (NIPAS Act) as implemented by DAO No. 25 series 1992, requiring a management planning strategy of protected areas and providing protection to qualified tenured migrant communities and interested indigenous people; and, EO 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", this Administrative Order is hereby promulgated:

Section 1. Basic Policy. It is the basic policy of the Department to promote the conservation of biodiversity and sustainable development in protected areas and buffer zones in order to maintain essential ecological processes and life support systems which will enhance peoples' capacity to sustain human life and development, as well as plant and animal life.

Towards this end, it is the policy of the Department to provide qualified tenured migrant communities and interested indigenous people within protected areas, tenure over established Community-Based Program areas, provided that the activities to be undertaken are consistent with the Protected Area Management Plan.

Section 2. Definition of Terms. As used in this Order, the following shall mean:

- a) **Integrated Protected Area Fund** – a trust fund established for purposes of financing projects of the National Integrated Protected Areas System in relation to Section 12 hereof.
- b) **People's Organization** – a group of qualified tenured migrant communities and/or interested indigenous peoples which may be an association, cooperative, federation, or other entity, consciously established to undertake collective action to address community concerns and needs and mutually share the benefits of the Community Based Program.
- c) **Protected Area Management Board (PAMB)** – a multi-sectoral body created in each protected area vested with powers to decide the allocations for budget, approve proposals for funding and decide matters relating to planning, peripheral protection and general administration of the protected area in accordance with the general management strategy, among others.
- d) **Protected Area Management Plan** – refers either to the Initial Protected Area Plan or the General Management Planning Strategy, prepared for each protected area which contains management issues, strategies, land and resource use prescriptions and activities.

- e) **Qualified Tenured Migrant Communities** – group of persons who after the survey of the protected area occupants verified to have been actually and continuously occupying a portion of the protected area for a period of at least five (5) years before the establishment of the same as such in accordance with the NIPAS Act and are solely dependent therein for subsistence. For initial components of the National Integrated Protected Areas System (NIPAS) the reckoning period of 5 years shall be June 1, 1992 and for additional sites for inclusion in the NIPAS, the reckoning period shall be from the issuance of the Presidential Proclamation establishing the site as a protected area.
- f) **Prior vested rights** – acknowledged and valid claims, prerogatives, or ownership over land or natural resources existing before the passage of the NIPAS Act for the initial components of the NIPAS and before the Presidential Proclamation for the additional sites for inclusion in the NIPAS to which one is entitled to by reason of a previously existing law, contract, permit or tradition.

Section 3. Scope and Coverage. This Order establishes the Community Based Program (CBP) which shall provide the opportunity to organized tenured migrant communities and interested indigenous peoples to manage, develop, utilize, conserve and protect the resources in designated CBP area, subject to prior vested rights, with activities consistent with the Protected Area Management Plan. The CBP areas, including its management zones, resource and land uses, shall be consistent with the Protected Area Management Plan.

Section 4. Procedure on the CBP implementation. The CBP shall have the following stages:

- 4.1 **Preparatory stage.** This shall include information, education campaign, institutional linkage with Local Government Units and other stakeholders and, identification of CBP areas.
- 4.2 **People's organization formation and diagnostic stage.** This shall include the application of qualified tenured migrant communities and/or interested indigenous people to participate in the CBP, community appraisal and formation and issuance of the tenurial instrument. The tenured migrant communities shall be registered with the Security and Exchange Commission or Cooperative Development Authority or other recognized agency which registers an organization. Only the organized tenured migrant communities and indigenous people are qualified to participate in the CBP.
- 4.3 **Planning stage.** This shall include the preparation of the Community Resource Management Plan (CRMP) by qualified organized tenured migrant communities and/or interested indigenous people.
- 4.4 **Implementation stage.** This shall include the implementation and management of planned activities specified in the CRMP.

The CBP shall be implemented by the PAMB through the Protected Area Superintendent (PASu) and in coordination with the concerned Community Environment Natural Resources Officers (CENROs).

Section 5. Tenurial Instrument. The tenurial instrument, which shall be called Protected Area Community-Based Resource Management Agreement (PACBRMA), shall be issued to the People's Organization after completion of all the requirements enumerated below. The Agreement shall have a duration of twenty-five (25) years and renewable for another 25 years. Annex 1 is the prescribed format of the PACBRMA which shall be strictly followed.

The requirements for the application, processing, approval and amendments on the prescribed format of the Agreement shall be done as follows:

5.1 Requirements for Application. The following requirements shall be submitted to the PASu:

5.1.1 Qualified Tenured Migrant Communities

1. Accomplished application form
2. Certificate of Registration
3. List of officers
4. List of members, including address and complete name of spouse, if any, and certified by PAMB as qualified tenured migrants; and,
5. Resolution from the members of the People's Organization allowing its president or head to file the application for PACBRMA

5.1.2 Interested Indigenous People

1. Accomplished application form;
2. Certification from the National Commission of Indigenous People (NCIP) as recognized Indigenous people staying in the protected area;
3. List of council of elders or other similar Indigenous governing body in the area;
4. List of names of the indigenous people; and,
5. Proof of consent from the council of elders or other similar Indigenous governing body of their interest to apply for the PACBRMA.

5.2 Processing of application. The PASu, within thirty (30) working days upon receipt of the application form and other requirements, shall evaluate the application of the People's Organization/Indigenous people, reflect its CBP area on the CBP map and endorse it to the PAMB. The PAMB-CBP Committee, within thirty (30) working days upon receipt of the documents, shall convene and discuss with the concerned People's Organization/ Indigenous people the terms and conditions of the Agreement.

5.3 Approving authority. The PAMB shall endorse the tenurial instrument, through a resolution, to the Regional Executive Director (RED). PACBRMAs with areas not exceeding 15,000 ha. shall be approved by the RED. PACBRMAs with areas more than 15,000 ha. shall be approved by the Secretary.

5.4 Amendments to the PACBRMA. Any amendment, deletion or addition to the herein prescribed format shall be sent to the Director of the Protected Areas and Wildlife Bureau (PAWB), thru the DENR-Regional Executive Director. The Director of PAWB shall review the proposed amendment/s and shall make the necessary recommendation to the Secretary.

Section 6. Preparation of the Community Resource Management Plan. The Community Resource Management Plan (CRMP) describes the communities' long term vision, aspirations, commitment and strategies for protection, rehabilitation, development and sustainable utilization of the resources within protected area.

After the approval of the PACBRMA, the People's Organization/Indigenous people shall prepare the CRMP with the assistance of the PASu, or in his absence, the concerned CENRO. The CRMP shall be consistent with the existing Protected Area Management Plan and other relevant policies, rules and regulations. The procedure on the preparation of the CRMP is specified in the Manual on the Establishment and Management of Community Based Program in Protected Areas. The CRMP shall be affirmed by the PAMB and cleared by the Secretary prior to its implementation.

Section 7. Technical Assistance. The DENR, LGU and other concerned organizations shall extend to the People's Organizations/indigenous peoples technical assistance which shall, among others, include necessary inputs and trainings.

Section 8. Monitoring and Evaluation. The PAWB and the Regional Office, shall undertake periodic monitoring and evaluation on the implementation of the CBP. The PAMB, through the PASu and in coordination with the concerned CENRO, shall monitor the compliance with the terms and conditions of the PACBRMA Holder.

Section 9. Termination or Cancellation of the PACBRMA. The grounds for termination or cancellation of the Agreement shall be as follows:

- a) Failure of the PACBRMA Holder to comply with the terms and conditions of the Agreement within a period of six months, after being notified in writing by the PAMB or authorized representative of the DENR about the neglect or violation;
- b) Serious and continued violation of natural resources laws, rules and regulations;
- c) Reclassification of the land allowing settlers' privileges greater than what is offered under the program, such as when the land becomes alienable and disposable;
- d) Conversion of the CBP area or portions thereof, to other uses not authorized in the Protected Area Management Plan;
- e) When the national interest so requires as determined by the DENR Secretary.

During the investigation of any of the aforementioned grounds or in the interest of the protected area, the Secretary may suspend the agreement pending his review and the proponents compliance with the NIPAS Act.

After complying with the minimum requirements of procedural due process, the PAMB, upon recommendation of its CBP committee or any investigation committee created for the purpose, may in turn recommend to the Regional Executive Director or the Secretary, as the case may be, cancellation/amendment of any PACBRMA. In such case, all improvements and development in the area shall revert to the jurisdiction of the protected area.

Section 10. Creation of the PAMB-CBP Committee. A PAMB-CBP Committee shall be created to handle all matters relating to the Community Based Program. The members of the Committee shall be appointed by the concerned Regional Executive Director.

Section 11. Manual on the Establishment and Management of Community Based Program in Protected Areas. The Manual on the Establishment and Management of Community Based Program in Protected Areas shall be prepared by the Protected Areas and Wildlife Bureau. Any change/s in the Manual by the Director of PAWB may be subject to the approval of the Secretary.

Section 12. Fund Allocation. The Regional Offices shall allocate the necessary fund for the implementation of this Order. All fees to be collected by the DENR from the CBP implementation shall accrue to the Integrated Protected Area Fund and a portion of which may be utilized in CBP activities, such as but not limited to rehabilitation, protection and other activities, in accordance with RA 7586.

Section 13. Transitory Provisions. Upon the effectivity of this Order, all existing Community-Based Forest Management Agreements (CBFMAs) issued inside NIPAS declared protected areas and their buffer zones with existing PAMBs, shall be placed under the management of the aforementioned concerned PAMB. The concerned DENR officer shall coordinate with the PAMB and the PASu for the effective implementation and monitoring of all existing CBFMAs.

Section 14. Separability Clause. If any part or section of this Order is held invalid, all other provisions, parts or sections not affected thereby shall remain valid.

Section 15. Repealing Clause. This Administrative Order modifies DAO No. 96-29 or the Rules and Regulations for the Implementation of Executive Order No. 283, otherwise known as the Community-Based Forest Management Strategy in so far as protected areas are concerned, and repeals DAO No. 2000-44 and amend certain provisions of DAO 96-29. All other orders, memoranda and circulars which are inconsistent herewith are likewise revoked or amended accordingly.

Section 16. Effectivity. This Order shall take effect 15 days after publication in a newspaper of national circulation.



REHERSON T. ALVAREZ
Secretary

PUBLICATION :

TODAY - APRIL 03, 2002

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR
REGIONAL OFFICE NO. ____

Name of Protected Area

PROTECTED AREA COMMUNITY-BASED RESOURCE MANAGEMENT AGREEMENT
PACBRMA NO. _____

Name of PACBRMA Holder (People's Organization)

Location of CBP Area/s: (Purok/Sitio, Bgy, Municipality, Province)

This AGREEMENT made and entered into by and between:

The Department of Environment and Natural Resources, for and in behalf of the Republic of the Philippines, herein represented by its _____ with Office address at _____ and hereinafter referred to as the DENR;

- and -

The Name of People's Organization herein represented by its Chairman/President, _____ with address at _____ and hereinafter referred to as the PACBRMA Holder.

WITNESSETH

WHEREAS, the DENR has the authority and jurisdiction over all protected areas in the country;

WHEREAS, the DENR promotes the conservation and sustainable development of biodiversity in protected areas and its buffer zones through sustainable development;

WHEREAS, the Protected Area Community Based Resource Management Agreement (PACBRMA), in accordance with the provisions of Republic Act No. 7586, Executive Order No. 263 and DAO No. 2002-02, is the tenurial instrument being awarded to (a) people's organizations whose members are qualified tenured migrants, and, (b) interested indigenous people who opt to participate in the community based projects within protected areas;

WHEREAS, the Community Based Program (CBP) shall be implemented in the sustainable-use zones, multiple-use zones and/or buffer zones as defined under DENR Administrative Order No. 25, Series of 1992, which are within the boundaries and/or periphery of the (Name of Protected Area) proclaimed under Presidential Proclamation No. _____/Republic Act. _____ and included in the National Integrated Protected Area System;

WHEREAS, the PACBRMA shall include the following components: (a) rehabilitation/restoration; (b) habitat protection; (c) conservation of resources; (d) development of alternative livelihood opportunities not necessarily dependent on forest resources; (e) sustainability of renewable resources being developed and utilized; and, (f) other activities that may be identified in the future and consistent with the Community Resource Management Plan (CRMP) of the area; and in conformity with the Initial Protected Area Plan, subject to revision upon approval of the General Management Plan of the concerned protected area;

WHEREAS, the Protected Area Management Board of (Name of Protected Area) endorses the PACBRMA of (Name of People's Organization) with attached specifications of the designated CBP area, through PAMB Resolution No. _____ dated _____.

NOW THEREFORE, for and in consideration of the foregoing premises, the DENR shall allow the development and management of (size of land in hectares in words and figures) in (Name of Protected Area) situated in Sitio _____, Barangay _____, Municipality of _____, Province of _____ with technical description and approved map which form an integral part of this PACBRMA No. _____, herein referred to as CBP area which is within the (zone) , subject to valid and existing vested rights, existing laws, policies, rules and regulations and Protected Area Management Plan of the protected area, under the following terms and conditions:

1. PRIVILEGES OF THE CBRMA-PA HOLDER

The CBRMA-PA Holder shall have the following privileges under this Agreement:

- 1.1 Use of the areas over the period covered under this Agreement subject also to the terms and conditions stipulated in this Agreement and RA 7586;

- 1.2 Participate in the decision making process involving the development of the area and the allocation of resources;
- 1.3 Allocate the entire or portion of the area to members without creating any vested right therein and subject to revocation by the PAMB to regulate the use and sustainably manage the resource therein;
- 1.4 Develop the area allocated, subject to RA 7586 and other existing laws, rules and regulations;
- 1.5 Have preferential access to all available assistance provided by DENR in the preparation and implementation of the CRMP;
- 1.7 Receive all or portion of income and proceeds from the sustainable utilization of resources within the area; and,
- 1.8 Be informed of and consulted on projects to be implemented in the area,

2. OBLIGATIONS OF PARTIES

2.1 The DENR shall:

- 2.1.1 Grant exclusive rights to occupy and use the designated CBP area covered by this PACBRMA, subject to prior rights and existing laws, rules and regulations, whether local or national, and those by the concerned Protected Area Management Board (PAMB). Provided that the use of the products therein by the community shall have the prior concurrence of the PAMB and the PAWB Director.
- 2.1.2 Provide technical assistance to the PACBRMA Holder as part of the DENR regular operations, more particularly in the conduct of resource assessment, inventory, preparation, updating and sourcing of funding assistance, among others for the effective implementation of the CRMP;
- 2.1.3 Deputize PACBRMA members as Deputy Environment and Natural Resources Officers upon the request of the concerned People's Organization and/or PACBRMA Holder pursuant to existing laws, rules and regulations;
- 2.1.4 Inform and consult concerned PACBRMA Holder on projects to be implemented in its designated area; and,
- 2.1.5 In collaboration with the PAMB, monitor and evaluate on a periodic basis the implementation of the CBP and its compliance with the terms and conditions set thereof in this Agreement.

2.2 The CBRMA-Holder shall

- 2.2.1 Immediately assume responsibility for the protection of the entire CBP area against illegal activities under Republic Act No. 7586 and other related environmental laws;
- 2.2.2 Observe all duly promulgated laws, rules and regulations pertaining to protected areas management and other related environmental laws;
- 2.2.3 Prepare and implement the CRMP with the assistance of the DENR through the Protected Area Superintendent Office, CENRO, PAMB and concerned offices/agencies, consistent with the Protected Area Management Plan and other relevant policies;
- 2.2.4 Formulate and implement an agreed equitable benefit-sharing scheme/s among its members;
- 2.2.5 Pay the required charges and other imposed resource use fees which shall accrue to the Integrated Protected Area Fund;

- 2.2.6 With the concurrence of the Secretary, enter into an agreement with government entities and civil society for developmental activities endorsed by the PAMB and consistent with the Protected Area Management Plan and the CRMP, and;
- 2.2.7 May execute an assignment, designation or allocation only among its individual members, families or groups, thereof, who are likewise qualified tenured migrants under the Republic Act No. 7586. All such assignments, designation or allocation shall, however, be subject to this PACBRMA and must comply with all pertinent environmental laws, rules and regulations.

3. OTHER CONDITIONS

- 3.1 The DENR shall give exclusive rights to the PACBRMA Holder in obtaining the permit to extract, utilize and dispose any allowed non-timber forest products such as but not limited to rattan, bamboo, vine, fruit, and tannin and timber from trees planted by the Holders themselves that are found within CBP area, other than those covered by the CRMP, subject to prior rights and existing laws, rules and regulations. Provided that no cutting of naturally-grown trees shall be allowed.
- 3.2 All rights, interests and activities of the PACBRMA Holder within the CBP areas shall be governed by the principles of biodiversity conservation and sustainable development. Members and agents of the PACBRMA Holder shall avoid unnecessary loitering in areas outside the CBP area.
- 3.3 All plans, policies and guidelines affecting the CBP areas subsequent to the signing of this Agreement shall be mutually developed by the contracting parties with the endorsement of PAMB;
- 3.4 In the event that the terms and conditions of the PACBRMA should be modified or this Agreement be rescinded in part or in whole, in the interest of the public, general welfare, biodiversity protection and sustainable development, the PACBRMA Holder shall be entitled to just compensation equivalent to the value of all improvements introduced therein such as plants, soil and water conservation measures provided, however, that there should be no fault and/or negligence on the part of either both parties. The affected participants shall then be entitled to harvest and/or remove such improvements consistent with existing policies.

4. DURATION OF THE AGREEMENT

This Agreement shall have a term of twenty-five (25) years counted from the date this instrument is executed and notarized and be eligible for renewal thereafter for an additional twenty-five (25) years subject to the endorsement of the PAMB and upon compliance by the PACBRMA Holder with the terms and conditions of this Agreement, and pertinent laws, rules and regulations.

5. RESOLUTION OF DISPUTES

Any dispute among the parties, arising from or related to the provisions of this Agreement shall be settled by arbitration, through an investigation or by such other mode as may be directed by the Secretary or the PAMB.

6. TERMINATION AND AMENDMENT OF PACBRMA

This Agreement may be terminated or cancelled based on any of the following grounds:

- a) Failure of the PACBRMA Holder to comply with the terms and conditions of the Agreement within a period of six months, after being notified in writing by the PAMB or authorized representative of the DENR about the neglect or violation;
- b) Serious and continued violation of natural resources laws, rules and regulations;

- c) Reclassification of the land allowing settlers' privileges greater than what is offered under the program, such as when the land becomes alienable and disposable;
- d) Conversion of the CBP area or portions thereof, to other uses not authorized in the Protected Area Management Plan;
- e) When the national interest so requires as determined by the DENR Secretary

During the investigation of any of the aforementioned grounds, or in the interest of the protected area, the Secretary may suspend the agreement pending his review and the proponents compliance with the NIPAS Act.

After complying with the minimum requirements of procedural due process, the PAMB, upon recommendation of its CBP committee or any investigation committee created for the purpose, may in turn recommend to the Regional Executive Director or the Secretary, as the case may be, cancellation/amendment of any PACBRMA. In such case, all improvements and development in the area shall revert to the jurisdiction of the protected area.

7. FORCE MAJEURE

In cases of force majeure affecting the performance of the PACBRMA Holder, the latter shall give notice to the DENR within thirty (30) days from the occurrence of such event, including a statement describing the force majeure and its effect upon the PACBRMA Holder's ability to perform the conditions of this Agreement. The parties shall then meet discussing the actions to be taken within ten (10) days after such notice, as provided under existing laws, rules and regulations.

8. PENALTY CLAUSE

In the event of default in any of the above undertaking by the PACBRMA Holder, nothing herein shall preclude the DENR from resorting to such judicial remedies, civil or criminal, to which it is entitled under existing laws.

NOW THEREFORE, the Parties hereby signify their agreement to the foregoing provisions by affixing their signature hereunder on this _____ day of _____ in _____, Republic of the Philippines.

FOR THE DENR:

FOR THE PACBRMA HOLDER:

WITNESSES:

PAMB Representative

PENRO/CENRO



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City, 1100
Tel Nos. (632) 929-66-26 to 29 • (632) 929-65-52
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Department Administrative Order
No. 2002- 03

JAN 22 2002

**SUBJECT : CREATION OF THE ORGANIZATIONAL AND
MANAGEMENT STRUCTURE FOR THE
IMPLEMENTATION OF THE USAID-ASSISTED
ECOGOVERNANCE PROGRAM**

- 1.0 In the interest of the service and pursuant to the Grant Agreement between the Republic of the Philippines and the United States of America for the Protection of Productive and Life Sustaining Natural Resources through Improved Environmental Management and Enforcement, otherwise known as EcoGovernance Program, the following organizational arrangement shall be adopted.
 - 1.1 A Consultative Panel (CP) shall be established to provide policy level advice and guidance, and facilitate cooperation among concerned parties. The Panel will be composed of high level representatives from NEDA, USAID, DENR, DOE and other concerned GOP agencies including but not limited to DA and DILG, LGUs and NGO partners, the private sector and relevant civil society organizations. They shall meet semi-annually, or more frequently as needed, to review program strategies, plans and progress with the objectives of determining whether programs under the SOAG continue to reflect priority development needs and opportunities, identifying relevant parties/interests, and ensuring strong collaboration, coordination, and synergy among the parties and program elements.
 - 1.2 An inter-agency Executive Committee (EC) for Eco-Governance to be composed of Directors/ or its equivalent from DENR, NEDA, DOE, DA, DILG, DOTC, USAID, civil society organizations, government financing institutions, local government organizations, and donor agencies shall likewise be created. The EC shall provide the forum and venue for obtaining a coordinated and consolidated approach, at the operational level, to design, implement, monitor and evaluate the program. They will contribute to the formulation of and review of annual work plans and terms of reference for implementing the partners. It shall likewise ensure that all approved activities under the SOAG

Let's Go Green!

complement GOP and other partners' programs. They shall review annual and semestral performance reports, and assess contractor/grantee performance.

- 1.3 The EC will be co-chaired by DENR and USAID. At the central office, a Program Management Office (PMO) to be headed by a Program Director and assisted by three (3) Project Managers shall be designated on a full-time basis to coordinate and monitor the implementation progress of the program. A Program Support Staff is likewise created under the Office of the Program Director to assist in the day to day operation of the PMO. To effectively carry out its responsibilities, the PMO shall be composed of the following components:

- a. Program Support Staff
- b. Upland Ecosystems Management Component
- c. Coastal Ecosystems Management Component
- d. Solid Waste Management Component

The PMO shall perform the following functions:

- a. Serves as Secretariat to the Eco-Governance Executive Committee;
- b. Consolidate/package inputs and reports coming from pertinent implementing units;
- c. Coordinate the preparation of necessary reports and other documents as required by GOP oversight and donor institutions;
- d. Serve as direct liaison or contact point of DENR with USAID and other implementing partners;
- e. Coordinate the preparation and implementation of Technical Assistance work plan and other activities that maybe contracted or prepared/implemented in-house regarding the program;
- f. Monitor compliance of TA and other implementing units/partners with agreed upon work plans;
- g. Facilitate processing and releasing of GOP budget counterparts and monitoring and evaluation of GOP and grants financial disbursement and performances;
- h. Coordinate and do liaison works with pertinent DENR units and implementing partners in support of program implementation.

- i. Perform other functions as maybe assigned to it by the Secretary and/ or Chair of the Consultative Panel and Executive Committee.

The PMO shall be under the direct supervision of the Undersecretary for Policy Studies and Planning Office.

- 1.4 At the Regional offices, an Eco-governance Focal Group (EFG) shall be created and shall be under the direct supervision of the Regional Executive Director. The EFG shall be composed of permanent personnel/s who will be designated as counterparts of the Regional Technical Assistance Team (RTAT).

The EFG shall perform the following functions:

- a. Provide the over-all supervision in the field implementation of the program;
- b. Consolidate/package inputs and reports coming from pertinent implementing units;
- c. Prepare reports and other documents as required by DENR Central Office for submission to GOP oversight and donor institutions;
- d. Monitor compliance of regional TA and other implementing units/partners with agreed upon work plans;
- e. Perform other functions as maybe assigned to it by the Regional Executive Director.

- 2.0 The following DENR offices/units both at the central and regional offices shall be responsible for the implementation of the program in close coordination with the PMO and the EFG. They shall ensure that the sustainability concerns are addressed in the implementation of the program. These offices shall designate permanent personnel/s who shall be the counterpart/s for the Eco-governance Program's Technical Assistance Team:

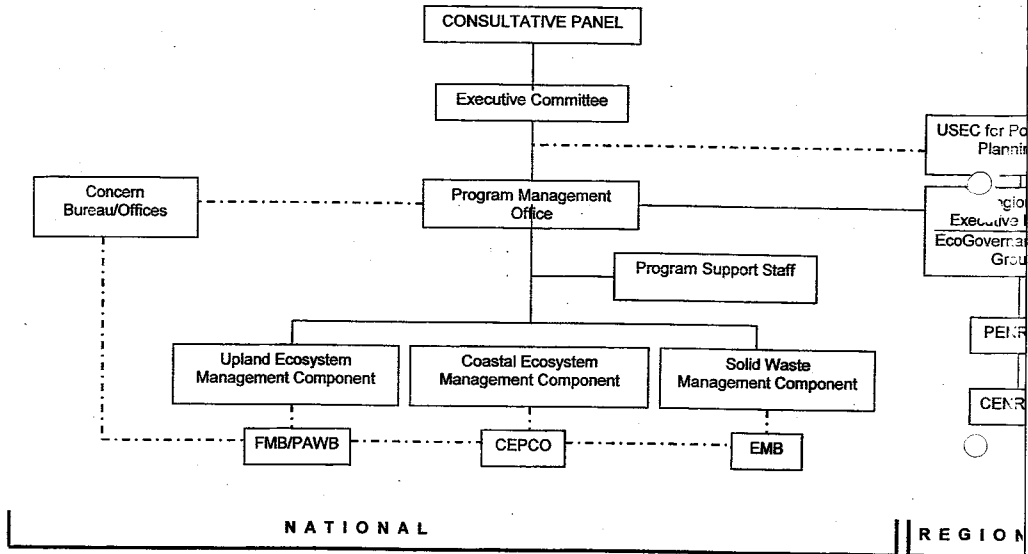
- a. Forest Management Bureau- Upland Ecosystem Management Component (CBFM and Watershed)
- b. Environmental Management Bureau- Solid Waste Management Component (Municipal Solid Waste, Industrial Solid Waste and Special Waste)

- c. Protected Areas and Wildlife Bureau – Upland Ecosystem Management Component (Biodiversity)
 - d. Coastal Environment Program – Coastal Ecosystem Management Component (Mangrove, Beach, and Coastal Municipal Waters)
 - e. DENR Regional Offices
 - f. Provincial ENR Offices
 - g. Community ENR Offices
- 3.0 The Foreign-Assisted and Special Projects Office (FASPO) and the National Flagship Projects Office (NFPO) shall provide its oversight function on the Program.
- 4.0 Other DENR concerned offices shall be tapped in the implementation of the Program.
- 5.0 The corresponding organizational structures (appendices A&B) are appended.
- 6.0 This Order takes effect immediately.



HEHERON T. ALVAREZ
Secretary

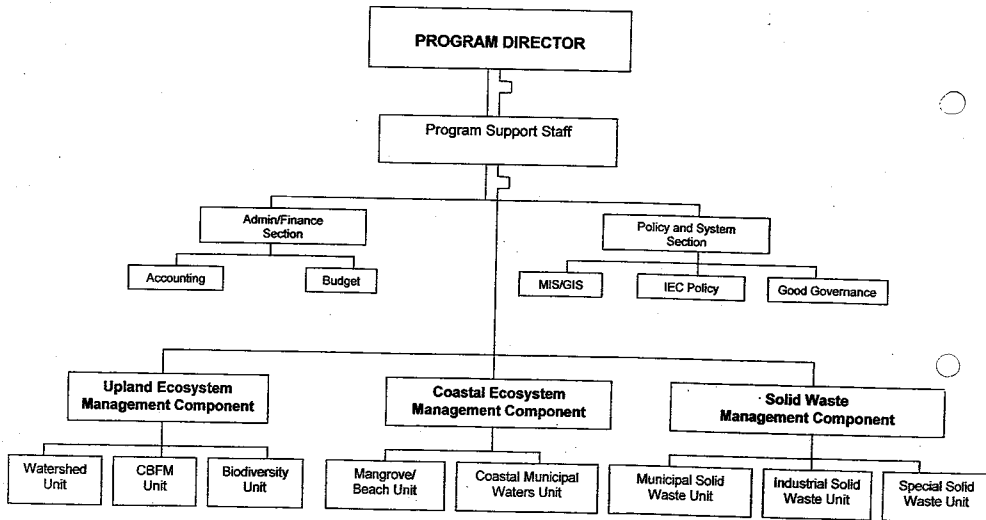
PROPOSED ORGANIZATIONAL STRUCTURE ECOGOVERNANCE PROGRAM



CP-Consultative Panel
 CENRO-Community Environment and Natural Resources
 CEPCO-Coastal Environment Program Coordinating Office
 EMB-Environmental Management Bureau

FMB-Forest Management Bureau
 PAWB-Protected Areas and Wildlife Bureau
 PENRO-Provincial Environmental and Natural Resources

PROPOSED ORGANIZATIONAL STRUCTURE
PROGRAM MANAGEMENT OFFICE
ECOGOVERNANCE PROGRAM





Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City, 1100
Tel Nos. (832) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

ADMINISTRATIVE ORDER

JAN 22 2002

No. 2002- 04

SUBJECT: RULES AND REGULATIONS GOVERNING THE ISSUANCE OF PERMITS FOR TREASURE HUNTING, SHIPWRECK/SUNKEN VESSEL RECOVERY AND DISPOSITION OF RECOVERED TREASURES/VALUABLE CARGOES, INCLUDING HOARDED HIDDEN TREASURES

Pursuant to Section 4(8), Chapter 1, Title XIV, Book IV of the Administrative Code of 1987 and Executive Order No. 35 dated 17 September 2001 entitled, "Transferring the Function of Issuing Licenses or Permits for Treasure Hunting and Shipwreck Recovery from the Office of the President to the Department of Environment and Natural Resources", the following rules and regulations are hereby promulgated for the guidance of all concerned:

Section 1. Declaration of Policy

It is hereby declared to be the policy of the State that the discovery/recovery of hidden treasures, shipwrecks/sunken vessels and/or the valuable cargoes found therein and their disposition shall be undertaken under the full control and supervision of the State in order to ensure the protection of interest of the Government, rehabilitation of disturbed areas and the preservation of important cultural properties and national cultural treasures.

Section 2. Scope and Coverage

This Administrative Order shall govern the issuance of Permits for the following:

- a. Treasure hunting activities in Government land or private land;
- b. Shipwreck/sunken vessel recovery activities; and
- c. Disposition of recovered hidden treasures or things of value hoarded in secret / undisclosed places prior to the effectivity of these rules and regulations. This includes the transport and /or sale of hoarded gold bars, gold coins, platinum, silver, nickel babbits, jewelries, gemstones, etc., or the so-called "Yamashita Treasures."

This Administrative Order, however, does not cover the issuance of Permits for the discovery/recovery of hidden treasures, shipwrecks/sunken vessels recovery exclusively for materials of cultural and historical values, such as objects of arts, archeological artifacts, ecofacts, relics and other materials embodying the cultural and natural heritage of the Filipino nation, as well as those of foreign origin, which shall be governed by Republic Act No. 8492, otherwise known as the National Museum Act of 1998.

Section 3. Objectives

The objectives of this Administrative Order are:

- a. To rationalize the system of evaluation of applications for Treasure Hunting and Shipwreck /Sunken Vessel Recovery Permits; and

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- b. To provide the appropriate guidelines for hunting hidden treasures and disposition thereof, including recovery of shipwrecks/sunken vessels and valuable cargoes therein, to protect the interest of the Government and to preserve the cultural heritage of the Filipino people through the preservation and protection of national cultural treasures.

Section 4. Definition of Terms

As used in and for purposes of these rules and regulations, the following terms shall mean:

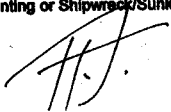
- a. **Area Clearance** - refers to a clearance issued by the concerned agency/ies allowing an applicant to conduct treasure hunting or shipwreck/sunken vessel recovery activities as shown in the submitted technical and environmental work programs.
- b. **Artifacts** - refers to articles that are products of human skills or workmanship, especially in the simple product of primitive arts or industry representing past eras or periods.
- c. **Bureau** - refers to the Mines and Geosciences Bureau.
- d. **Department** - refers to the Department of Environment and Natural Resources of the Republic of the Philippines
- e. **Digging** - refers to the process or activities of excavating hidden treasures buried underground for years or centuries.
- f. **Director** - means the Director of the Mines and Geosciences Bureau.
- g. **Environmental Compliance Certificate** - refers to a document issued by the Secretary or the concerned Regional Executive Director of the Department of Environment and Natural Resources certifying that based on the representation of the proponent and the preparer, the proposed project or undertaking will not cause significant negative environmental impact and that the proponent is committed to undertake all the mitigation measures stated in the Initial Environmental Examination.
- h. **Environmental Impact Assessment** - refers to a process of predicting the likely environmental consequences of implementing a project or undertaking and designing appropriate preventive, mitigating and enhancement measures.
- i. **Environmental Work Program** - refers to a comprehensive and strategic management plan to achieve the environmental objectives, criteria and commitments including protection and rehabilitation of the disturbed environment during and after the treasure hunting or shipwreck/sunken vessel recovery.
- j. **Hidden Treasure** - refers to any hidden and unknown deposit of mineral products, money, jewelry, or other precious objects, the lawful ownership of which does not appear.
- k. **Initial Environmental Impact Examination (IEE)** - refers to the document required of proponents describing the environmental impact of and mitigation and enhancement measures for projects or undertakings located in an Environmentally Critical Area.

- i. **Permit** - refers to the Permit issued for Treasure Hunting or Shipwreck/Sunken Vessel Recovery.
- m. **Permit Holder** - refers to a holder of a Permit for Treasure Hunting or Shipwreck Recovery.
- n. **Private Land** - refers to titled land belonging to any private person or entity which includes alienable and disposable land being claimed by a holder, claimant or occupant who has already acquired a vested right thereto under the law, although the corresponding certificate or evidence of title or patent has not been actually issued.
- o. **Relics** - refers to objects possessing cultural properties which, either as a whole or in fragments, are left behind after the destruction or decay of the rest of its parts and which are intimately associated with important beliefs, practices, customs and traditions, periods and personages.
- p. **Secretary** - refers to the Secretary of the Department of Environment and Natural Resources.
- q. **Shipwreck** - refers to a sunken vessel due to acts of war or of rough sea conditions or maritime accident which possesses treasures and valuable cargoes.
- r. **Shipwreck Recovery** - involves any and all underwater activities such as but not limited to surveying, locating and exploring, salvaging and recovery of sunken vessels and all cargoes and other valuable items therein, including the process of securing, preservation, documentation and disposition of the salvaged or recovered valuables.
- s. **Technical Work Program** - refers to a detailed outline of activities and financial plan to be followed in the treasure hunting or shipwreck/sunken vessel recovery.
- t. **Treasure Hunting** - refers to any and all inland activities such as but not limited to locating, digging or excavating, securing, transporting and disposition of recovered treasures.
- u. **Site** - refers to the actual ground location of diggings, excavations or shipwreck /sunken vessel recovery activities.

Section 5. Qualification of Applicants

The following persons may apply for a Treasure Hunting or Shipwreck/Sunken Vessel Recovery Permit :

- a. In case of an individual - must be a Filipino citizen, of legal age, with capacity to enter into contract and capable of conducting Treasure Hunting or Shipwreck/Sunken Vessel Recovery activities.
- b. In case of partnership, association or corporation - must be organized or authorized for the purpose of engaging in Treasure Hunting or Shipwreck/Sunken Vessel Recovery, duly registered in accordance with law, and with technical and financial capability to undertake Treasure Hunting or Shipwreck/Sunken Vessel Recovery activities.



Section 6. Filing of Application

All applications for Treasure Hunting or Shipwreck/Sunken Vessel Recovery Permit shall be made under oath and shall be filed with the Bureau where all legal, technical, financial and operational requirements shall be evaluated. An application fee in the amount of Ten Thousand Pesos (PhP 10,000.00) shall be paid to the Bureau.

Section 7. Requirements

All applications shall be accompanied by the following:

a. Legal and Administrative

1. Prescribed Personal and/or Corporate Information Sheet ;
2. For partnerships, associations or corporations:
 - 2.1 Certified true copy of Certificate of Registration issued by the Securities and Exchange Commission (SEC) or concerned authorized Government agency;
 - 2.2 Certified true copy of Articles of Incorporation/ Partnership/Association and By-laws; and
 - 2.3 Organizational and Operational Structure.
3. Consent of landowner(s) concerned, when the activities are bound to affect private lands or consent of the concerned Government agency, when the activities affect Government buildings, dams, watersheds and other areas or sites reserved or used for purposes affecting vital national interest, military or naval camps, bases and reservations, shrines and other hallowed places; or consent of concessionaires when the permit area affects aquaculture or fishery projects or beach/marine recreational areas, if applicable;
4. Area Clearance from concerned Government agency, when the activities affect public land or if the area applied for is located near submarine cables, pipelines, ports and harbors, or within protected seascape/areas or marine parks, if applicable;
5. Certified true copy of Joint Venture Agreement(s), if any; and
6. Free and prior Informed consent of indigenous cultural community in areas covered by ancestral land/domain.

b. Technical

1. Technical description of the site expressed in terms of latitude and longitude, which shall not be more than one (1) hectare for land or twenty (20) hectares for bodies of water accompanied by a vicinity and location map duly prepared and certified by a licensed Geodetic Engineer : *Provided, That* a larger area may be allowed on a case to case basis subject to prior approval by the Secretary;

2. Technical Work Program, including appropriate technology, manpower, equipment and cost estimates;
3. Environmental Work Program, including the nature and extent of predicted damages to the environment, if any, and the proposed restoration/rehabilitation program and budgetary requirements. This shall be the basis for the assessment of the required surety bond for the restoration/rehabilitation works;
4. ECC, if applicable; and
5. Curriculum vitae of technical person/s who shall undertake the Technical and Environmental Work Programs.

c. Financial

1. Latest income/corporate tax return, if applicable;
2. Certified true copies of latest audited financial statements, if applicable; and
3. Bank guarantees/references, credit lines, cash deposits, and other proofs or evidence of the sources of funding.

Section 8. Evaluation and Approval

Within thirty (30) working days upon payment of a non-refundable application fee and submission of the complete requirements to the Bureau, the application shall be processed and evaluated by the Technical Review Committee, the members of which shall be constituted by the Director.

The Technical Review Committee shall assist the Director on the following:

- a. Plotting of area applied for in control map(s);
- b. Evaluation and review of applications;
- c. Determination of the amount of surety bond to be posted;
- d. Monitoring of compliance with the permitting terms and conditions;
- e. Recommendation of any measure in connection with authorized activities; and
- f. Preparation of progress report on the said activities.

If necessary, the evaluation shall include a field assessment/verification of the location, public or private structures that may be affected based on the submitted Technical and Environmental Work Programs. The corresponding field verification fee of Two Thousand Pesos (PhP 2,000.00) per man per day shall be paid by the applicant.

The Director shall endorse the results of the technical evaluation of the application to the Secretary for consideration and approval, including the recommendation for the amount of surety bond to be posted by the Applicant.

After approval, the Permit shall be forwarded to the Bureau for numbering and releasing.



Section 9. Posting of Bond and Releasing of Permit

A surety bond shall be posted by the Applicant upon approval but before the release of the Permit, to answer for and guarantee payment to whatever actual damages that may be incurred during locating, digging and excavating activities. The Applicant shall post the bond in the Government Service Insurance System (GSIS) or any reputable bonding company in case of the former's failure to provide the same. The proof of posting of the surety bond shall then be submitted to the Bureau, prior to numbering and release of the Permit to the Applicant.

Section 10. Term of the Permit

The Permit shall have a term of one (1) year renewable once for a period of one (1) year.

In case exploration is required for Shipwreck/Sunken Vessel Recovery with an applied area of more than twenty (20) hectares, the Permit shall have a term of two (2) years. The first year thereof shall be allotted for exploration while the second year shall be allotted for Shipwreck/Sunken Vessel Recovery activities: *Provided*, That the area for Shipwreck/Sunken Vessel Recovery activities shall be reduced to not more than twenty (20) hectares after the first year of exploration.

Section 11. Terms and Conditions of the Permit

The Permit shall contain the following terms and conditions:

- a. The Permit for Treasure Hunting and/or Shipwreck/Sunken Vessel Recovery shall be for the exclusive use and benefit of the Permit Holder and shall not be transferred or assigned.
- b. The Permit Area may be inspected and examined at any time by the Secretary or his authorized representative(s). Other concerned agencies may also undertake inspection in the Permit Area in coordination with the Department/Bureau.
- c. The boundaries of the Permit Area for Shipwreck/Sunken Vessel Recovery shall be properly marked with buoys or beacons visible at reasonable distance to prevent maritime accident.
- d. The Permit Holder shall commence its activities within three (3) months from the issuance of the Permit.
- e. The Permit Holder shall not destroy any building or structure erected on the Permit Area without the consent of the owner.
- f. The Permit Holder shall submit a quarterly activity report detailing thereon the accomplishment/progress of work as per submitted and approved Technical Work and Environmental Work Programs not later than ten (10) days after the end of each quarter.
- g. The Permit Holder shall immediately notify the Department/Bureau within twenty-four (24) hours upon discovery of valuable items in the area applied for.
- h. The Permit Holder shall assume full responsibility and be liable for damages that may be occasioned by its operation under the Permit.

- i. Upon the recommendation of the Director, the Secretary may at any time suspend or revoke the Permit when in his opinion, public interest so requires or upon failure of the Permit Holder to comply with the terms and conditions thereof or of relevant laws, rules and regulations and local ordinances without any responsibility on the part of the Government as to the expenditures that might have been incurred or as to other damages that might have been suffered by the Permit Holder.
- j. The Permit Holder shall conform to applicable laws, rules and regulations.
- k. Withdrawal by the Permit Holder from the Permit Area shall not release it from any and all financial, environmental, legal and/or other obligations.
- l. The Permit Holder shall comply with any additional terms and conditions which the Secretary or Director may impose, or requirements that the Department or Bureau may thereafter prescribe.

Section 12. Valuation and Disposition of Recovered Treasures/Valuable Cargoes

Upon discovery of valuable items such as monies, things and article of value, resulting from Treasure Hunting and Shipwreck/Sunken Vessel Recovery activities, the National Museum shall be called upon to determine whether or not they are considered to have cultural and/or historical value. In the event that the items are considered to have historical and cultural value, it shall be turned over to the National Museum for appropriate action. Otherwise, the same shall be turned over to the Oversight Committee for valuation and disposition.

All treasures found shall be allowed for export only upon the approval of the National Heritage Commission and other concerned Government agencies.

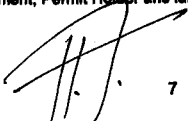
Section 13. Oversight Committee

An Oversight Committee shall be created within thirty (30) days from the date of effectivity of these rules and regulations to oversee all the diggings, excavations and/or shipwreck recoveries; and to take possession for valuation and eventual disposition of all monies, things and articles of value without historical and cultural value. The Committee shall be composed of the Secretary or his duly authorized representative as the Chairperson; technical personnel from the MGB, National Museum, Central Bank and the Permit Holder or his representative as members. A representative from the Philippine Coast Guard will be added as a member of the Oversight Committee if the activity involves Shipwreck/Sunken Vessel Recovery.

Section 14. Sharing

After an audited report of expenses has been evaluated and approved by the Oversight Committee, the sharing of the net proceeds shall be as follows:

- a. For Treasure Hunting within Public Lands - Seventy-five percent (75%) to the Government and twenty-five (25%) to the Permit Holder;
- b. For Treasure Hunting in Private Lands - to be agreed upon among the Government, Permit Holder and landowner(s); and



- c. For Shipwreck/Sunken Vessel Recovery – Fifty percent (50%) to the Government and Fifty percent (50%) to the Permit Holder.

Section 15. Government Rights

All intellectual property rights arising from the documentation or recording of the discovery, recovery and other such activities pertaining to Treasure Hunting and/or Shipwreck Recovery by means of still photography, film, video or other forms of electronic media, publication of the images generated thereby and other forms of reproduction or dissemination of the same, belong to the Government and shall be governed by appropriate laws.

Section 16. Confidentiality of Information

All information submitted by the applicants in support of their applications and other data supplied by the Permit Holder shall be treated as confidential by the Government from the time they are submitted/supplied to the Bureau, Department and/or Oversight Committee up to a period of two (2) years from the expiration of the Permit.

Section 17. Penal Provision

Any violation on the provisions of these rules and regulations shall be penalized in accordance with existing applicable laws, rules and regulations.

Section 18. Transitory and Miscellaneous Provisions

All existing Treasure Hunting and Shipwreck/Sunken Vessel Recovery Permits previously issued by the Office of the President and the Secretary shall remain valid, shall not be impaired and shall be recognized by the Government. *Provided*, That all pending new and renewal applications shall be endorsed to the Bureau for processing, evaluation and approval by the Secretary.

Section 19. Separability Clause

If any of the provisions of these rules and regulations is held or declared to be unconstitutional or invalid by a competent court, the other provisions hereof shall continue to be in force as if the provision so annulled or voided had never been incorporated in these rules and regulations.

Section 20. Repealing and Amending Clause

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

Section 21. Effectivity

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

PUBLICATION:

MANILA BULLETIN - JANUARY 25, 2002


HEHERSON T. ALVAREZ
Secretary



Republic of the Philippines
Department of Environment and Natural Resources

Viaayas Avenue, Diliman, Quezon City, 1100
Tel Nos. (832) 929-66-26 to 29 • (832) 929-62-52
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ADMINISTRATIVE ORDER

No. 2002- 04

JAN 22 2002

SUBJECT: RULES AND REGULATIONS GOVERNING THE ISSUANCE OF PERMITS FOR TREASURE HUNTING, SHIPWRECK/SUNKEN VESSEL RECOVERY AND DISPOSITION OF RECOVERED TREASURES/VALUABLE CARGOES, INCLUDING HOARDED HIDDEN TREASURES

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This Administrative Order shall govern the issuance of Permits for the following :

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Section 3. Objectives

The objectives of this Administrative Order are:

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Let's Go Green!

- b. To provide the appropriate guidelines for hunting hidden treasures and disposition thereof, including recovery of shipwrecks/sunken vessels and valuable cargoes therein, to protect the interest of the Government and to preserve the cultural heritage of the Filipino people through the preservation and protection of national cultural treasures.

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As used in and for purposes of these rules and regulations, the following terms shall mean:

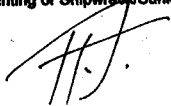
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- d. **Department** - refers to the Department of Environment and Natural Resources of the Republic of the Philippines
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- l. **Permit** - refers to the Permit issued for Treasure Hunting or Shipwreck/Sunken Vessel Recovery.
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- q. **Shipwreck** - refers to a sunken vessel due to acts of war or of rough sea conditions or maritime accident which possesses treasures and valuable cargoes.
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- s. **Technical Work Program** - refers to a detailed outline of activities and financial plan to be followed in the treasure hunting or shipwreck/sunken vessel recovery.
- t. **Treasure Hunting** - refers to any and all inland activities such as but not limited to locating, digging or excavating, securing, transporting and disposition of recovered treasures.
- u. **Site** - refers to the actual ground location of diggings, excavations or shipwreck /sunken vessel recovery activities.

Section 5. Qualification of Applicants

The following persons may apply for a Treasure Hunting or Shipwreck/Sunken Vessel Recovery Permit :

- a. In case of an individual - must be a Filipino citizen, of legal age, with capacity to enter into contract and capable of conducting Treasure Hunting or Shipwreck/Sunken Vessel Recovery activities.
- b. In case of partnership, association or corporation - must be organized or authorized for the purpose of engaging in Treasure Hunting or Shipwreck/Sunken Vessel Recovery, duly registered in accordance with law, and with technical and financial capability to undertake Treasure Hunting or Shipwreck/Sunken Vessel Recovery activities.



Section 6. Filing of Application

All applications for Treasure Hunting or Shipwreck/Sunken Vessel Recovery Permit shall be made under oath and shall be filed with the Bureau where all legal, technical, financial and operational requirements shall be evaluated. An application fee in the amount of Ten Thousand Pesos (PhP 10,000.00) shall be paid to the Bureau.

Section 7. Requirements

All applications shall be accompanied by the following:

a. Legal and Administrative

1. Prescribed Personal and/or Corporate Information Sheet ;
2. For partnerships, associations or corporations:
 - 2.1 Certified true copy of Certificate of Registration issued by the Securities and Exchange Commission (SEC) or concerned authorized Government agency;
 - 2.2 Certified true copy of Articles of Incorporation/ Partnership/Association and By-laws; and
 - 2.3 Organizational and Operational Structure.
3. Consent of landowner(s) concerned, when the activities are bound to affect private lands or consent of the concerned Government agency, when the activities affect Government buildings, dams, watersheds and other areas or sites reserved or used for purposes affecting vital national interest, military or naval camps, bases and reservations, shrines and other hallowed places; or consent of concessionaires when the permit area affects aquaculture or fishery projects or beach/marine recreational areas, if applicable;
4. Area Clearance from concerned Government agency, when the activities affect public land or if the area applied for is located near submarine cables, pipelines, ports and harbors, or within protected seascape/areas or marine parks, if applicable;
5. Certified true copy of Joint Venture Agreement(s), if any; and
6. Free and prior informed consent of indigenous cultural community in areas covered by ancestral land/domain.

b. Technical

1. Technical description of the site expressed in terms of latitude and longitude, which shall not be more than one (1) hectare for land or twenty (20) hectares for bodies of water accompanied by a vicinity and location map duly prepared and certified by a licensed Geodetic Engineer: *Provided*, That a larger area may be allowed on a case to case basis subject to prior approval by the Secretary;

2. Technical Work Program, including appropriate technology, manpower, equipment and cost estimates;
3. Environmental Work Program, including the nature and extent of predicted damages to the environment, if any, and the proposed restoration/rehabilitation program and budgetary requirements. This shall be the basis for the assessment of the required surety bond for the restoration/rehabilitation works;
4. ECC, if applicable; and
5. Curriculum vitae of technical person/s who shall undertake the Technical and Environmental Work Programs.

c. Financial

1. Latest income/corporate tax return, if applicable;
2. Certified true copies of latest audited financial statements, if applicable; and
3. Bank guarantees/references, credit lines, cash deposits, and other proofs or evidence of the sources of funding.

Section 8. Evaluation and Approval

Within thirty (30) working days upon payment of a non-refundable application fee and submission of the complete requirements to the Bureau, the application shall be processed and evaluated by the Technical Review Committee, the members of which shall be constituted by the Director.

The Technical Review Committee shall assist the Director on the following:

- a. Plotting of area applied for in control map(s);
- b. Evaluation and review of applications;
- c. Determination of the amount of surety bond to be posted;
- d. Monitoring of compliance with the permitting terms and conditions;
- e. Recommendation of any measure in connection with authorized activities; and
- f. Preparation of progress report on the said activities.

If necessary, the evaluation shall include a field assessment/verification of the location, public or private structures that may be affected based on the submitted Technical and Environmental Work Programs. The corresponding field verification fee of Two Thousand Pesos (PhP 2,000.00) per man per day shall be paid by the applicant.

The Director shall endorse the results of the technical evaluation of the application to the Secretary for consideration and approval, including the recommendation for the amount of surety bond to be posted by the Applicant.

After approval, the Permit shall be forwarded to the Bureau for numbering and releasing.



Section 9. Posting of Bond and Releasing of Permit

A surety bond shall be posted by the Applicant upon approval but before the release of the Permit, to answer for and guarantee payment to whatever actual damages that may be incurred during locating, digging and excavating activities. The Applicant shall post the bond in the Government Service Insurance System (GSIS) or any reputable bonding company in case of the former's failure to provide the same. The proof of posting of the surety bond shall then be submitted to the Bureau, prior to numbering and release of the Permit to the Applicant.

Section 10. Term of the Permit

The Permit shall have a term of one (1) year renewable once for a period of one (1) year.

In case exploration is required for Shipwreck/Sunken Vessel Recovery with an applied area of more than twenty (20) hectares, the Permit shall have a term of two (2) years. The first year thereof shall be allotted for exploration while the second year shall be allotted for Shipwreck/Sunken Vessel Recovery activities: *Provided*, That the area for Shipwreck/Sunken Vessel Recovery activities shall be reduced to not more than twenty (20) hectares after the first year of exploration.

Section 11. Terms and Conditions of the Permit

The Permit shall contain the following terms and conditions:

- a. The Permit for Treasure Hunting and/or Shipwreck/Sunken Vessel Recovery shall be for the exclusive use and benefit of the Permit Holder and shall not be transferred or assigned.
- b. The Permit Area may be inspected and examined at any time by the Secretary or his authorized representative(s). Other concerned agencies may also undertake inspection in the Permit Area in coordination with the Department/Bureau.
- c. The boundaries of the Permit Area for Shipwreck/Sunken Vessel Recovery shall be properly marked with buoys or beacons visible at reasonable distance to prevent maritime accident.
- d. The Permit Holder shall commence its activities within three (3) months from the issuance of the Permit.
- e. The Permit Holder shall not destroy any building or structure erected on the Permit Area without the consent of the owner.
- f. The Permit Holder shall submit a quarterly activity report detailing thereon the accomplishment/progress of work as per submitted and approved Technical Work and Environmental Work Programs not later than ten (10) days after the end of each quarter.
- g. The Permit Holder shall immediately notify the Department/Bureau within twenty-four (24) hours upon discovery of valuable items in the area applied for.
- h. The Permit Holder shall assume full responsibility and be liable for damages that may be occasioned by its operation under the Permit.

- i. Upon the recommendation of the Director, the Secretary may at any time suspend or revoke the Permit when in his opinion, public interest so requires or upon failure of the Permit Holder to comply with the terms and conditions thereof or of relevant laws, rules and regulations and local ordinances without any responsibility on the part of the Government as to the expenditures that might have been incurred or as to other damages that might have been suffered by the Permit Holder.
- j. The Permit Holder shall conform to applicable laws, rules and regulations.
- k. Withdrawal by the Permit Holder from the Permit Area shall not release it from any and all financial, environmental, legal and/or other obligations.
- l. The Permit Holder shall comply with any additional terms and conditions which the Secretary or Director may impose, or requirements that the Department or Bureau may thereafter prescribe.

Section 12. Valuation and Disposition of Recovered Treasures/Valuable Cargoes

Upon discovery of valuable items such as monies, things and article of value, resulting from Treasure Hunting and Shipwreck/Sunken Vessel Recovery activities, the National Museum shall be called upon to determine whether or not they are considered to have cultural and/or historical value. In the event that the items are considered to have historical and cultural value, it shall be turned over to the National Museum for appropriate action. Otherwise, the same shall be turned over to the Oversight Committee for valuation and disposition.

All treasures found shall be allowed for export only upon the approval of the National Heritage Commission and other concerned Government agencies.

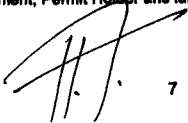
Section 13. Oversight Committee

An Oversight Committee shall be created within thirty (30) days from the date of effectivity of these rules and regulations to oversee all the diggings, excavations and/or shipwreck recoveries; and to take possession for valuation and eventual disposition of all monies, things and articles of value without historical and cultural value. The Committee shall be composed of the Secretary or his duly authorized representative as the Chairperson; technical personnel from the MGB, National Museum, Central Bank and the Permit Holder or his representative as members. A representative from the Philippine Coast Guard will be added as a member of the Oversight Committee if the activity involves Shipwreck/Sunken Vessel Recovery.

Section 14. Sharing

After an audited report of expenses has been evaluated and approved by the Oversight Committee, the sharing of the net proceeds shall be as follows:

- a. For Treasure Hunting within Public Lands - Seventy-five percent (75%) to the Government and twenty-five (25%) to the Permit Holder;
- b. For Treasure Hunting in Private Lands - to be agreed upon among the Government, Permit Holder and landowner(s); and



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- c. For Shipwreck/Sunken Vessel Recovery – Fifty percent (50%) to the Government and Fifty percent (50%) to the Permit Holder.

Section 15. Government Rights

All intellectual property rights arising from the documentation or recording of the discovery, recovery and other such activities pertaining to Treasure Hunting and/or Shipwreck Recovery by means of still photography, film, video or other forms of electronic media, publication of the images generated thereby and other forms of reproduction or dissemination of the same, belong to the Government and shall be governed by appropriate laws.

Section 16. Confidentiality of Information

All information submitted by the applicants in support of their applications and other data supplied by the Permit Holder shall be treated as confidential by the Government from the time they are submitted/supplied to the Bureau, Department and/or Oversight Committee up to a period of two (2) years from the expiration of the Permit.

Section 17. Penal Provision

Any violation on the provisions of these rules and regulations shall be penalized in accordance with existing applicable laws, rules and regulations.

Section 18. Transitory and Miscellaneous Provisions

All existing Treasure Hunting and Shipwreck/Sunken Vessel Recovery Permits previously issued by the Office of the President and the Secretary shall remain valid, shall not be impaired and shall be recognized by the Government: *Provided*, That all pending new and renewal applications shall be endorsed to the Bureau for processing, evaluation and approval by the Secretary.

Section 19. Separability Clause

If any of the provisions of these rules and regulations is held or declared to be unconstitutional or invalid by a competent court, the other provisions hereof shall continue to be in force as if the provision so annulled or voided had never been incorporated in these rules and regulations.

Section 20. Repealing and Amending Clause

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

Section 21. Effectivity

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

PUBLICATION:

MANILA BULLETIN - JANUARY 25, 2002


HEHERSON T. ALVAREZ
Secretary



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City, 1100
Tel. Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

DENR ADMINISTRATIVE ORDER

JAN 23 2002

NO. 2002-05

**SUBJECT: INITIAL DESIGNATION OF THE METRO MANILA
AIRSHED AND THE CREATION OF ITS INTERIM
GOVERNING BOARD**

Pursuant to Section 3, Rule XV of DENR Administrative Order (DAO) 2000-18 and Section 9 of Republic Act 8749, a Metro Manila Airshed is hereby initially designated. For purposes of designating the geographical boundaries, the Metro Manila Airshed shall include parts of Region III with the Provinces of Bataan, Bulacan and Pampanga, Region IV-A with the Provinces of Batangas, Cavite, Laguna and Rizal, part of the Province of Quezon including the seventeen (17) cities and municipalities of the National Capital Region. The designation will be reviewed and revised from time to time as relevant data becomes available.

In connection with the designation of the Metro Manila Airshed, the Interim Governing Board for Metro Manila Airshed is hereby created pursuant to Section 4, Rule XV of DAO 2000-18 and Section 9 of RA 8749. The Interim Board shall be composed of the following:

- Chairman - Secretary of the Department of Environment and Natural Resources (DENR)
- Members - Governors of the Provinces of Bataan, Bulacan, Pampanga, Batangas, Cavite, Laguna and Rizal;
- Chairman, Metropolitan Manila Development Authority (MMDA);
 - President of the League of Municipalities and Cities of Each province;
 - Representative from each concerned Government Agencies namely: Department of Science and Technology (DOST), Department of Energy (DOE), Department of Transportation and Communications (DOTC), Department of Health (DOH), Department of Trade and Industry (DTI), Department of Interior and Local Government (DILG), National Economic Development Authority (NEDA), and Department of Environment and Natural Resources (DENR) Regions III, IV-A and National Capital Region (NCR);
 - Representative of Non-government organizations (NGO's) from Regions III, IV-A and NCR respectively;
 - Representative of industries from Regions III, IV-A and NCR respectively;

Representative of Peoples' organization representative from each regions III, IV-A and NCR respectively;

The Interim Board shall have the following functions:

1. Formulation of policies and standard setting subject to laws of national applications;
2. Preparation of common action plan;
3. Coordination of functions among its members; and
4. Submission and publication of an Annual Air Quality Status Report for the Metro Manila Airshed.

The Environmental Management Bureau (EMB) of the DENR in coordination with the Metro Manila Air Quality Improvement Sector Development Program (MMAQISDP) - Program Coordination and Monitoring Unit (PCMU) shall serve as the Technical Secretariat as provided for in the DAO 2000-81. It shall provide administrative and technical support to the Interim Board.

The selection of the NGO, industry and peoples' organization representatives shall be made in accordance with the guidelines set forth in Section 5, Rule XV of DAO 2000-81.

This Order shall take effect immediately and shall remain enforced until a permanent Board is created, or unless this Order is revoked in writing.



HEHERSON T. ALVAREZ
Secretary



ENR
FILE

Republic of the Philippines
Department of Environment and Natural Resources

Viseyas Avenue, Diliman, Quezon City, 1100
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

ADMINISTRATIVE ORDER
No. 2002 - 06

FEB 07 2002

SUBJECT: RATIONALIZING THE MANAGEMENT AND DESIGNATING AN OVERALL COORDINATOR OF FASPO

Consistent with the Department's ongoing organizational development and in view of the resignation of the DENR Senior Adviser, the management of the Foreign-Assisted and Special projects Office (FASPO) is hereby rationalized toward a more efficient and responsive manner. It shall to address the requirements of the financing institutions and meet the exacting demands of program implementation.

Corollarily, an Overall Coordinator of FASPO is hereby designated **MR. JUAN C. RAÑA** who shall act as Director of Foreign Investment Service (FIS) vice OIC-Dir. Philip B. Obieta, shall also serve as FASPO's Overall Coordinator. As such, he shall sign as follows:

JUAN C. RAÑA
Director, Foreign Investment Service and
Overall Coordinator, FASPO

In view of the above designation, DAO 2001-31 is hereby revoked. Henceforth, FASPO's operation and management shall follow the normal process, consistent with the Manual of Approvals (DAO 2000-11) and M.O. No. 2001-03.

As Director of Foreign Investment Service and Overall Coordinator of FASPO, **Mr. Raña** shall directly supervise the FIS and provide overall supervision and coordination over FASPO, based on existing guidelines, rules and regulations. He shall report to the Secretary, through the DENR Project Implementation Officer (PIO).

This Order shall take effect immediately.



MEHERSON T. ALVAREZ
Secretary

Let's Go Green!



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City, 1100
Tel Nos. (632) 929-88-26 to 29 • (632) 929-85-52
929-86-20 • 929-68-63 to 65
929-70-41 to 43

DENR Administrative Order
No. 2002- OT

FEB 11 2002

**SUBJECT: ESTABLISHMENT OF PENR OFFICE IN IPIL,
ZAMBOANGA SIBUGAY PROVINCE**

Pursuant to Republic Act No. 8973 approved on November 7, 2000, "an act creating the Province of Zamboanga Sibugay from the Province of Zamboanga del Sur and for other purposes" and Executive Order No. 36, dated September 19 2001, from President Gloria Macapagal Arroyo, "Providing for the Reorganization of the Administrative Regions in Mindanao and other purposes," a PENR Office for the said province is hereby created and established at Ipil, the center for Zamboanga Sibugay Province.

OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR

The Regional Executive Director shall be responsible in the direct supervision and management of the PENRO, Zamboanga Sibugay Province, which is under the administrative jurisdiction of DENR IX. He shall likewise, promulgate the guidelines in the smooth and efficient transfer of records, personnel, properties and other accountabilities for the operationalization of PENRO Office at Ipil, Zamboanga Sibugay Province.

PENR OFFICE

The PENR Office shall have direct supervision and management on two (2) CENR Offices, namely Bugug and Ipil, and all municipalities covered by the said CENRO's thereat.

CENR OFFICE ISABELA CITY (Basilan Province)

CENR Office for Isabela City shall remain being excluded in the recent expanded ARMM plebiscite. CENRO Isabela City shall have jurisdiction over all the barangays of the city and shall be directly supervised by the Regional Executive Director of Region IX.

All orders, memorandum, and circular inconsistent herewith are hereby repealed and/or amended accordingly.

This Order shall take effect immediately.


MEHERSON T. ALVAREZ
Secretary

Let's Go Green!



**DEPARTMENT OF
ENVIRONMENT AND
NATURAL RESOURCES**

**DENR Administrative Order
No. 2002- 08**

FEB 20 2002

SUBJECT : STRENGTHENING THE COASTAL ENVIRONMENT PROGRAM (CEP) THROUGH THE ESTABLISHMENT OF THE COASTAL AND MARINE MANAGEMENT OFFICE (CMMO) AS THE NATIONAL COORDINATING OFFICE FOR ALL COASTAL AND MARINE ENVIRONMENT ACTIVITIES.

Pursuant to Executive Order (EO) No. 192, and consistent with the on-going Department of Environment and Natural Resources (DENR) organizational development, the Department, by virtue of its mandate and in fulfillment of the objectives set forth in the Constitution; in accordance with the objectives set forth in Chapter 17 of the Agenda 21 of the United Nations Conference for Environment and Development (UNCED) and relevant sections of Philippine Agenda 21 (PA 21), and of such other international protocols and treaties to which the Philippines is a signatory including but not limited to the United Nations Conventions on the Law of the Sea (UNCLOS) and the Marine Pollution Convention (MARPOL); and in order to provide policy guidance and technical assistance and support the information needs for coastal resource management (CRM), a Coastal and Marine Management Office (CMMO) is hereby established as an interim administrative arrangement to ensure the efficiency and effectiveness of the Department in the delivery of services pending approval of congressional initiatives to strengthen the national government's programs in coastal management.

SECTION 1. RATIONALE. The challenge of sustainable development of the coastal and marine environment parallels that of terrestrial resource management in the critical need to achieve a balance between economic development and the protection of the environment. The expanding use of coastal and marine resources and the conflict between many of these uses have made it difficult to coordinate coastal and marine related activities. This calls for the adoption of coastal and marine environment strategies, which are integrated, cross-sectoral and holistic in nature. The creation of the CMMO is an action of the Department to strengthen and consolidate its role in coastal resource management both internally and externally. The Department has implemented coastal programs and projects over a decade in the form of grants, investments and regular programs ranging from watershed management systems, pollution prevention and abatement, biodiversity conservation, private sector investment, and community-based approaches. This broad arena of concerns in the coastal sector will become more complex in the long

run thus making it imperative for the Department to strengthen its organizational capacity to maintain sustainable development in the coastal areas. This will necessitate not only collaborative efforts between and among government agencies but also strengthening and building coordinative mechanisms that will support and advance coastal and marine related policies and programs. Externally, the CMMO shall enable the Department to assume the leadership function in coastal and marine management by setting a national framework for coastal management and providing supportive role to the Local Government Units (LGUs) in the implementation of programs and projects.

SECTION 2. BASIC POLICY. It is the policy of the Department to exert maximum effort to implement the spirit and letter of the Constitution and of laws defining its mandate related to pursuing the objectives of EO No. 192; the Philippine Fisheries Code (RA 8550); Joint DA-DENR Memorandum Order No. 2000-1, which defines areas of collaboration with the Department of Agriculture (DA) in the implementation of the Philippine Fisheries Code; the Agricultural and Fisheries Modernization Act (RA 8435) which mandates the Department, in collaboration with the DA to provide training in coastal resources management and sustainable fishing practices; and the Local Government Code (RA 7160), which provides for general guidelines in maintaining ecological balance for LGUs.

The Department upholds internationally accepted principles on integrated coastal and marine management. First, the precautionary approach shall be used in the management of coastal and marine resources. Second, a broad spectrum of stakeholders shall be involved in all stages of coastal and marine environment management planning. Third, the Department firmly supports the devolution of coastal management functions as provided by law and shall continuously assess which of its activities are best implemented by LGUs. Fourth, the Department shall support multi-sectoral and multi-institutional collaboration and cooperation that is intrinsic to coastal and marine environment management. Fifth, the maintenance of healthy and productive coastal and marine ecosystems shall be regarded as fundamental to the management of these areas. Lastly, coastal and marine resources shall be allocated to uses that provide long-term socio-economic benefits compatible with the maintenance of a sustainable ecosystem.

SECTION 3. SCOPE AND COVERAGE. The CMMO shall coordinate and integrate all activities of the Department on coastal and marine environment. It shall be responsible for the formulation of policies; coordination and integration of the development and implementation of coastal programs and projects; and establishment and maintenance of coastal and marine information management system.

SECTION 4. ORGANIZATIONAL STRUCTURE. The CMMO shall be headed by an Executive Director and Deputy Executive Director, both appointed by the Secretary. The Executive Director shall report directly to the Secretary.

The CMMO shall be composed of three (3) units, namely: 1) Planning and Policy Development (PPD); 2) Information Education and Communication (IEC); and 3) Information Management (IM). (See Annex A for the organizational chart of the CMMO)

There shall be a Coastal and Marine Management Division (CMMD) and Coastal and Marine Management Section (CMMS) at the regional and CENR offices, respectively, where there are coastal areas

SECTION 5. FUNCTIONS AND RESPONSIBILITIES. The CMMO shall be the national coordinating office of the Department for coastal and marine resource environment management and development. It shall enhance local government capacity for coastal and marine resource management.

The following are the functions and responsibilities of the CMMO, the Executive Director, and the three (3) units in the CMMO head office.

The Coastal and Marine Management Office shall:

1. Formulate and oversee the implementation of a national coastal and marine environment management framework;
2. Provide overall policy guidance to the Department on matters pertaining to a) coastal and marine environment management including the review of standards and policies; b) identification and establishment of mechanisms for adoption of best practices for coastal and marine environment management; and c) monitoring of compliance to international commitments and local development plans;
3. Provide technical assistance to other government agencies (OGAs), LGUs, non-government organizations (NGOs) and other parties in the implementation of programs and projects and in the conduct of trainings/workshops/seminars on matters related to coastal and marine environment;
4. Develop and supervise an information management system for coastal and marine environment;
5. Disseminate information materials pertaining to coastal and marine environment and regularly hold social marketing and advocacy events such as, but not limited to "Month of the Ocean" and "International Coastal Clean-up" celebrations;
6. Coordinate all DENR programs and projects related to coastal and marine environment including, but not limited to the following:
 - a. Coastal Resource Management Project (CRMP) of the Natural Resources Management Program (NRMP);

- b. Southern Mindanao Integrated Coastal Zone Management Project (SMICZMP);
 - c. Partnership in Environmental Management for the Seas of East Asia (PEMSEA) and the Manila Bay Environmental Management Project (MBEMP);
 - d. USAID-Assisted Ecogovernance Program (Coastal Component); and
 - e. All other DENR national and site-specific coastal and marine management and development programs and projects.
7. Coordinate with the DA-Bureau of Fisheries and Aquatic Resources (DA-BFAR), other government agencies (OGAs), NGOs, business/private sectors and the academe on matters pertaining to coastal and marine environment;
 8. Assist the Ecosystems Research and Development Bureau (ERDB) in developing a research agenda on coastal and marine environment issues; and
 9. Perform other related functions as deemed appropriate by the Secretary.

The Executive Director shall:

1. Supervise and coordinate all the tasks of the CMMO;
2. Coordinate with the REDs/AREDs through the Undersecretary for Environment and Natural Resources for Operations with respect to programs and activities implemented at the regional level; and
3. Perform other functions as deemed appropriate by the Secretary.

The three (3) units of the CMMO shall:

A. Planning and Policy Development (PPD) Unit

1. Planning and Policy Research
 - a. Formulate development plans for coastal and marine environment;
 - b. Review standards and benchmarks related to coastal and marine environment including small islands, foreshore, marine protected areas and seascapes;
 - c. Conduct policy research related to coastal and marine environment;
 - d. Identify responsibilities and commitments in relation to international conventions, treaties and protocols, and recommend official position on issues concerning coastal and marine environment;
 - e. Review and recommend revision of coastal and marine policies;
 - f. Ensure funding of CMMO national, regional, and local offices; and
 - g. Perform other related planning and policy research activities.
2. Project Development, Monitoring and Evaluation (PDME)
 - a. Design of specific projects for local and foreign funding;
 - b. Monitor and evaluate programs and projects based on formulated guidelines;

- c. Document field experiences/lessons learned and recommend best practices (local and international experiences); and
- d. Perform other related functions/activities.

B. Information, Education and Communication (IEC) Unit

1. Technical, Education and Capability Building
 - a. Identify requirements for capacity building;
 - b. Develop and conduct relevant training programs on coastal and marine environment to CMMO field offices; and
 - c. Facilitate technology transfer on matters related to coastal and marine environment to CMMO field offices; and
 - d. Perform other functions/activities.
2. Public Affairs
 - a. Develop information kits and other communication materials related to coastal and marine environment;
 - b. Issue press statements and handle media relations;
 - c. Develop and disseminate policy documents and guidebooks particularly Philippine Coastal Management Guidebook Series;
 - d. Spearhead activities for socio-civic action such as "Month of the Ocean", "International Coastal Clean-up" celebrations and other related coastal activities;
 - e. Coordinate with the LGUs and other agencies for advocacy and for awards/recognition; and
 - f. Perform other related functions/activities.

C. Information Management Unit

1. Establish and maintain database on coastal and marine environment;
2. Establish linkage with other information networks (local and international); and
3. Perform other related functions/activities.

SECTION 6. COASTAL AND MARINE MANAGEMENT DIVISION. A Coastal and Marine Management Division (CMMD) is hereby created in all Regional Environment and Natural Resource Offices (RENROs) except Cordillera Administrative Region (CAR), under the Office of the Assistant Regional Executive Director (ARED) for Technical Services. It shall be headed by a Division Chief to be appointed by the Secretary. In the interim, the OIC Division Chief shall be designated by the Secretary upon the recommendation of the Regional Executive Director (RED).

The CMMD shall have the following functions and responsibilities:

1. Prepare action programs and implementation strategies on coastal and marine environment;
2. Supervise and monitor the progress of all coastal and marine environment programs and projects;
3. Provide technical assistance to LGUs, NGOs and POs in program and project conceptualization/implementation, including sourcing of funds and other resources;

4. Coordinate with LGUs and other concerned sectors and agencies in the creation of task forces on coastal and marine environment;
5. Provide technical assistance and maintain pool of experts for Coastal and Marine Management Section (CMMS), LGUs, POs and all clientele;
6. Assist the RED/ARED on technical matters, and in linking/networking with other agencies and the private sector including regional representation in inter-agency task forces, councils/committees;
7. Conduct information and education campaign;
8. Compile and consolidate reports from CMMS before submission to the CMMO national office; and
9. Perform other related functions/activities.

SECTION 7. COASTAL AND MARINE MANAGEMENT SECTION. A Coastal and Marine Management Section (CMMS) in all Community Environment and Natural Resources Offices (CENROs) with coastal areas is hereby created. It shall be headed by a Section Head to be designated by the RED upon the recommendation of the Provincial Environment and Natural Resources Officer (PENRO). The Section Head shall supervise the implementation of all programs and projects on coastal and marine environment (See Annex B).

In provinces with coastal areas where the PENRO is the smallest unit, a CMMS shall likewise be created in the said office.

The PENRO shall monitor and coordinate the CMM activities at the provincial level.

In the case of the National Capital Region (NCR), the functions of the CMMS shall be integrated in the CMMD.

The CMMS shall have the following functions and activities:

A. Planning and Project Implementation Unit

1. Assist the LGU in the preparation of coastal and marine environment profile, plans and formulation of local legislation/ordinances;
2. Implement coastal and marine environment projects in the localities;
3. Assist in the formulation of small island physical framework plan;
4. Establishment and monitoring of marine sanctuaries in coordination with LGUs and concerned agencies/NGOs;
5. Coordinate with concerned agencies and other sectors on coastal and marine activities;
6. Maintain coastal and marine database and compile related studies; and
7. Perform other related functions/activities.

B. Policy Compliance Unit

1. Monitor the compliance of coastal and marine laws and regulations (national and local), and recommend appropriate measures (police, prosecution, etc.) on any violation;
2. Recommend abandoned, unutilized, undeveloped fishponds in the public domain for reversion to mangrove forest in collaboration with DA-BFAR and LGUs;

3. Monitor the compliance of community-based forest management agreement (CBFMA) in mangrove areas and foreshore lease agreement;
4. Monitor the deputation of ENR Officers; and
5. Perform other related functions/activities.

C. IEC and Linkaging Unit

1. Conduct/assist LGUs in information, education campaigns on coastal and marine environment programs;
2. Disseminate relevant laws, rules and regulations to LGUs, NGOs and other stakeholders; and
3. Maintain a network of interested NGAs, NGOs, private sector and the academe experts for coastal and marine environment protection and conservation.

SECTION 8. COORDINATING MECHANISM. The existing offices of the Department are required to provide support to the CMMO in the following areas:

1. For the Office of the Undersecretary for Environment and Natural Resources (ENR) for Operations to ensure that the Key Result Areas (KRAs) of the field offices reflect the targets and performance indicators relevant to coastal management as determined in consultation with the CMMO and that the policies and implementation activities of the Environmental Management Bureau (EMB) and the Mines Management Bureau (MGB) are consistent with and supportive of the mandate of the CMMO;
2. For the Office of the Undersecretary for Policy and Planning to ensure that appropriate policy support is provided to the CMMO by way of policy review and promulgation of issuances and directives in the areas of, but not limited to, mangrove management and protected seascapes as exercised by Forest Management Bureau (FMB) and Protected Areas and Wildlife Bureau (PAWB), respectively;
3. For the Office of the Undersecretary for ENR Legal and Legislative Affairs to monitor and liaise with Congress on pending bills related to coastal and marine resource management; and through the Land Management Bureau (LMB), coordinate with CMMO on the formulation of policies on foreshore management;
4. For the Office of the Undersecretary for Special Concerns (Focal Point or National Coordinator for Certain Commissions) to coordinate with the CMMO on matters relevant to coastal management such as, but not limited to, Lingayen Gulf Coastal Area Management Commission (LGCAMC) and the Presidential Commission on Integrated Conservation and Development of the Sulu-Celebes Seas (PCICDSCS);
5. For the Office of the Assistant Secretary for Finance and Management Services to provide the necessary financial and logistical support to the CMMO including but not limited to budgetary allocation, personnel complement, and office space, supplies and equipment; and

6. For the Foreign Assisted and Special Project Office (FASPO) to assist the CMMO in the determination of investment/financing gaps and opportunities for local and international funding.

SECTION 9. TRANSITORY PROVISION. The Coastal Environment Program Coordinating Office (CEPCO) shall serve as the core unit of the CMMO. The officials and staff working in the CEP in central and local offices will be temporarily designated to staff the newly created offices. Likewise, the CEP budget and equipment shall be turned-over to the said offices. The RED shall designate DENR personnel to temporarily staff the CMMD and CMMS offices until qualified personnel have been recruited/appointed as provided in Annexes C and D.

The new position items for the above offices shall be created out of the vacant position items in the concerned offices, upon the approval of the Department of Budget and Management (reclassification of position items).

The designated CMMO Executive Director shall prepare a one-year (1) plan for the full operationalization of the CMMO within ninety (90) days upon the signing of this Order. The CMMO shall use available and existing resources of the CEP, CRMP-PMO and other coastal related programs and projects for the full operationalization of the CMMO.

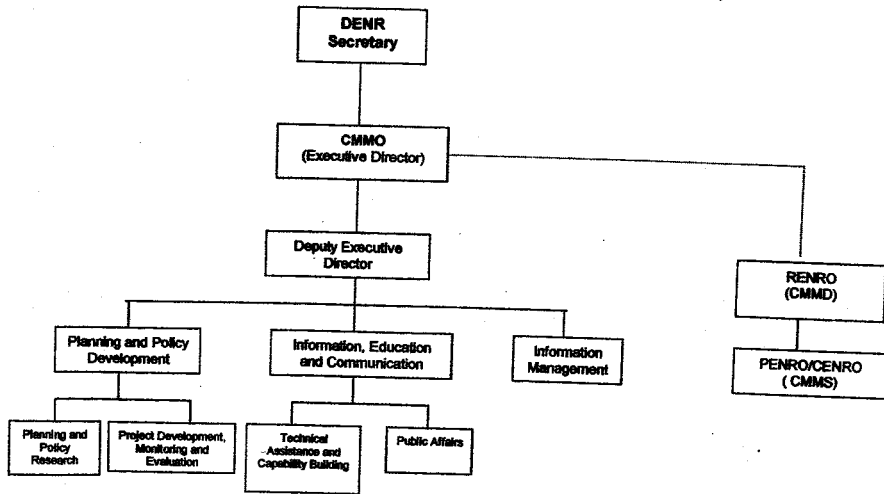
SECTION 10. REPEALING CLAUSE. DAO 19, s. 1993, Sections 5(l), (k) and (l) of DAO 2001-29 and all other orders, circulars, official instructions or parts thereof inconsistent with the provisions of this Order are hereby repealed.

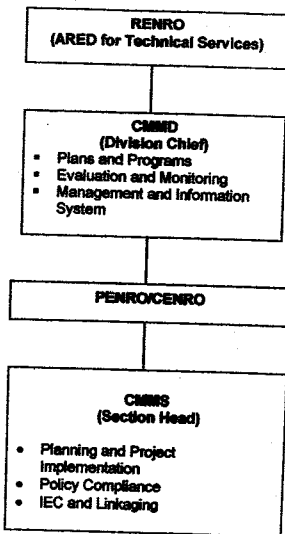
SECTION 11. EFFECTIVITY. This Order shall take effect immediately.



MEHERSON T. ALVAREZ
Secretary

Organizational Structure of the Coastal and Marine Management Office (CMMO)



Organizational Structure of Coastal and Marine Management Office at the Region and CENROs

STAFFING PATTERN

- A. COASTAL AND MARINE MANAGEMENT OFFICE (CMMO) – Central Office**
1. Executive Director - SG 27
 2. Deputy Executive Director - SG 28
 3. Administrative Officer II - SG 15
 4. Budget Officer I - SG 11
 5. Accounting Clerk III - SG 8
 6. Driver/mechanic - SG 7
 7. Messenger/utility - SG 2
- Planning and Policy Development**
1. Coastal Ecosystem Officer IV - SG 22
- Planning and Policy Research**
1. Coastal Ecosystem Specialist III - SG 18
 2. Coastal Ecosystem Specialist II - SG 15
- Project Development, Monitoring and Evaluation**
1. Coastal Ecosystem Specialist III - SG 18
 2. Coastal Ecosystem Specialist II - SG 15
- Information, Education and Communication**
1. Coastal Ecosystem Officer IV - SG 22
- Technical Assistance and Capability Building**
1. Coastal Ecosystem Specialist III - SG 18
 2. Coastal Ecosystem Specialist II - SG 15
- Public Affairs**
1. Coastal Ecosystem Communication Specialist III - SG 18
 2. Coastal Ecosystem Communication Specialist II - SG 15
- Information Management**
1. Information Technology Officer II - SG 22
 2. Database Management Specialist III - SG 18
 3. Database Management Specialist II - SG 15

B. COASTAL AND MARINE MANAGEMENT DIVISION (CMMD) – Regional Office

- 1. Coastal Ecosystem Officer V (Division Head) - SG 24
- 2. Administration Services Assistant - SG 10

Plans and Programs

- 1. Coastal Ecosystem Specialist III - SG 18
- 2. Coastal Ecosystem Specialist IA - SG 13

Evaluation and Monitoring

- 1. Coastal Ecosystem Specialist III - SG 18
- 2. Coastal Ecosystem Specialist IA - SG 13

Management Information System

- 1. Database Management Specialist III - SG 18
- 2. Database Specialist I - SG 13

C. COASTAL AND MARINE MANAGEMENT SECTION (CMMS) - CENRO

- 1. Coastal Ecosystem Officer III (Section Head) - SG 18
- 2. Administrative Assistant - SG 8

Planning and Project Implementation

- 1. Coastal Ecosystem Specialist II - SG 15
- 2. Coastal Ecosystem Specialist IB - SG 11

Policy Compliance

- 1. Coastal Ecosystem Specialist II - SG 15
- 2. Coastal Ecosystem Specialist IB - SG 11

IEC and Linkaging

- 1. Coastal Ecosystem Communication Specialist II - SG 15
- 2. Coastal Ecosystem Communication Specialist I - SG 11

QUALIFICATION STANDARDS

Position	SG	Level	Education	Experience	Eligibility
Executive Director	27	3	BS Biology/ Marine Biology/ Environmental Science or related fields preferably with masters or doctorate degree	5 years of supervisory experience	
Deputy Executive Director	28	3	BS Biology/ Marine Biology/ Environmental Science or related fields preferably with masters or doctorate degree	5 years of supervisory experience	Third Level Eligibility
Coastal Ecosystem Officer V	24	2	BS Biology/ Marine Biology/ Environmental Science or other fields relevant to the job with masters degree	4 years of relevant/ technical supervisory experience	Second Level Eligibility/Career Service (Professional)
Coastal Ecosystem Officer IV	22	2	BS Biology/ Marine Biology/ Environmental Science or related fields preferably with masters degree	4 years of relevant/ technical experience	Second Level Eligibility/Career Service (Professional)
Coastal Ecosystem Officer III	18	2	BS Biology/ Marine Biology/ Environmental Science or related fields	3 years of relevant/ technical experience	Second Level Eligibility/Career Service (Professional)
Coastal Ecosystem Specialist III	18	2	BS Biology/ Marine Biology/ Environmental Science related fields	3 years of relevant/ technical experience	Second Level Eligibility/Career Service (Professional)
Coastal Ecosystem Specialist II	15	2	BS Biology/ Marine Biology/ Environmental Science or related fields	3 years of relevant/ technical experience	Second Level Eligibility/Career Service (Professional)
Coastal Ecosystem Specialist IA	13	2	BS Biology/ Marine Biology/ Environmental Science or related fields	2 years of relevant/ technical experience	Second Level Eligibility/Career Service (Professional)
Coastal Ecosystem Specialist IB	11	2	BS Biology/ Marine Biology/ Environmental Science or related fields	1 year of relevant/ technical experience	Second Level Eligibility/Career Service (Professional)
Coastal Ecosystem Communication Specialist III	18	2	BS Community Development/ Mass Communication/ Journalism	3 years of relevant experience	Second Level Eligibility/Career Service (Professional)
Coastal Ecosystem Communication Specialist II	15	2	BS Community Development/ Mass Communication/ Journalism	3 years of relevant experience	Second Level Eligibility/Career Service (Professional)

* Related fields are fisheries, oceanography, marine resource management, and others which shall be determined by the Executive Director and approved by the Secretary.



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26 to 29 • (632) 929 62-5
929-66-20 • 929 66-33 to 35
929-70-41 to 43

ADMINISTRATIVE ORDER
NO. 2002- 09

FEB 28 2002

SUBJECT: Amendment of DENR Administrative Order No. 2000-77.

Pursuant to Section 7(b) of Executive Order No. 192 and for a more rational implementation of the DENR Local and Foreign Scholarship Program, the composition of the Scholarship Committee is hereby amended as follows:

Assistant Secretary for Finance and Management Services	Chair
Director, Human Resource Management Service	Vice-Chair
Director, Legal Service	Member
Director, Planning and Policy	Member
Head Executive Assistant	Member

The Scholarship Committee shall have the following functions:

1. Implement guidelines approved by the members of the Scholarship Committee through a resolution following the general policies of the Department and other concerned agencies on the matter;
2. Determine nominees to foreign scholarship and/or training programs;
3. Set criteria or standards for an objective evaluation of prospective candidates to these training programs;
4. Conduct regular consultations, dialogues, or meetings among the members or with other government agencies or institutions involved in local or foreign scholarships; and
5. Perform other functions pertinent to local and foreign scholarships, training courses, seminars and/or workshops as may be assigned by the undersigned or a duly authorized representative.

The Scholarship Committee may invite other officials to provide assistance in the performance of its functions and duties. The Career Management Division, Human Resource Management Service shall act as Secretariat of the Scholarship Committee.

This Order takes effect immediately and amends/revises Section 5 of DENR Administrative Order No. 2000-77 entitled "Revising Certain Provisions of DENR Administrative Order No. 96-15 and Other Local Scholarship Guidelines."


MEHERON T. ALVAREZ
Secretary



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-28 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

DEPARTMENT ADMINISTRATIVE ORDER

FEB 28 2002

No. 2002-10

**SUBJECT: AMENDING DAO-2002-03 DATED JANUARY 22, 2002 AND
OTHER PROVISIONS THEREOF.**

In the interest of the service and consistent with the provisions of Special Order No. 66 dated January 25, 2002, DAO No. 2002-03 is hereby amended as follows:

Section 1.3 First Paragraph shall read as:

" At the Central Office, a Program Management Office (PMO) to be headed by a Program Director and a Program Manager and assisted by the three (3) sector managers shall be designated on full-time basis to coordinate and monitor the implementation progress of the program. A Program Support Staff headed by the Program Manager is likewise created under the Office of the Program Director to assist in the day to day operation of the PMO. The Good Governance/CSAN Component shall likewise be headed by the Program Manager of the PMO in concurrent capacity. To effectively carry out its responsibilities, the PMO shall be composed of the following components."

- a. Program Support Staff
- b. Upland Ecosystem Management Component
- c. Coastal Ecosystem Management Component
- d. Solid Waste Management Component
- e. Good Governance/ CSAN Component

The proposed organizational structure of the program management office of the EcoGovernance Program is hereby modified accordingly. Corresponding fund allocation shall likewise be structured for the Good Governance/CSAN Component.

This Order takes effect immediately and hereby amends all other issuances inconsistent herewith.


EMERSON T. ALVAREZ
Secretary

Let's Go Green



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

DENR ADMINISTRATIVE ORDER
No. 2002 - 11

MAR 05 2002

SUBJECT: Transfer of the Palawan Wildlife Rescue and Conservation Center, formerly Crocodile Farming Institute, from the Protected Areas and Wildlife Bureau to the Natural Resources Development Corporation

Pursuant to Executive Order No. 786 of March 19, 1982 and Executive Order No. 192 of June 10, 1987, in order to enhance the economic potential of Saltwater Crocodile (*Crocodylus porosus*) bred at the Palawan Wildlife Rescue and Conservation Center (PWRCC) and meet the objective of the Project to contribute to the upliftment of the socio-economic condition of the Filipino people; and to facilitate development of the Project into a self-sustaining activity, the supervision, operation and management of PWRCC formerly CFI is hereby transferred from the Protected Areas and Wildlife Bureau (PAWB) to the Natural Resources Development Corporation (NRDC).

All Project documents, records, equipment, facilities, supplies and materials, manpower, and remaining Project appropriations for the current year are included in the transfer. The budgetary requirements of the Project for the next four (4) consecutive years (2003-2006) as phase-out period shall still be included in the budgetary proposals of PAWB. The annual Project allocation for said period, as may be approved and included in the GAA shall likewise be transferred by PAWB to NRDC. After the phase-out period, necessary funds to sustain the operation of the PWRCC shall be included in the annual budgetary request of NRDC as part of government equity/subsidy.

Likewise, the administrative and financial functions over the Project previously delegated to the Provincial Environment and Natural Resources Office in Palawan are also hereby transferred to NRDC.

Within three (3) months from the effectivity of this Order, the NRDC and PAWB shall jointly develop a management framework for PWRCC that will guide the NRDC in the preparation and implementation of more detailed, time-bound action plans, including the commercial activities to be undertaken by NRDC for the Project. In exercising its responsibilities under this Order, the NRDC shall continue to recognize the technical expertise and regulatory functions of PAWB on wildlife conservation, management and utilization and as such, shall ensure the involvement of PAWB in Project planning, monitoring and other aspects of Project operation, whenever necessary.

This Order revokes DENR Administrative Order 1997-31 dated September 29, 1997, as well as DAO 99-51 dated December 14, 1999 and all other orders, memoranda, circulars and issuances from this Office, which are inconsistent herewith.

This Order takes effect immediately and remains in full force and effect unless revoked by the DENR Secretary or higher authority in writing.


HEHERSON T. ALVAREZ
Secretary



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City, 1100
Tel Nos. (632) 929-66-25 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

ADMINISTRATIVE ORDER

MAR 26 2002

NO. 2002 - 12

**SUBJECT: APPROVAL OF DOCUMENTS REGARDING THE
IMPLEMENTATION OF CENTRAL-BASED
FOREIGN-ASSISTED PROJECTS UNDER FUND 102**

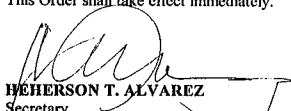
In the interest of the service and in order to facilitate disbursement of funds, without sacrificing effective control, particularly for central-based foreign-assisted projects under Fund 102, certain provisions of DAO 2000-11, otherwise known as the Manual of Approvals, are hereby amended.

The Director of Foreign Investments Service and Overall FASPO Coordinator, **JUAN C. RAÑA**, is hereby authorized to sign and approve all financial documents and transactions related to Foreign-Assisted Projects (102) with amounts not exceeding Three Million Pesos. Such authority shall include, but is not limited to the approval of Work and Financial Plans, Disbursement Vouchers, RIVs, Purchase Orders, Contracts (including contract of services of emergency/contractual personnel), and LAA/Obligational Authority.

The exercise of the above functions, shall in all cases, be consistent with all provisions of the Loan/Grant Agreement, approved Annual Work and Financial Plans, Travel Plans and Procurement Plans and with applicable national/agency policies, rules and regulations.

Provisions of DAO 2000-11 and all other Orders inconsistent with this order are hereby superseded.

This Order shall take effect immediately.


HEHERSON T. ALVAREZ
Secretary



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66 26 to 29 • (632) 929 62 52
929-66-20 • 929-66 33 to 35
929 70 41 to 43

Administrative Order
No. 2002-13

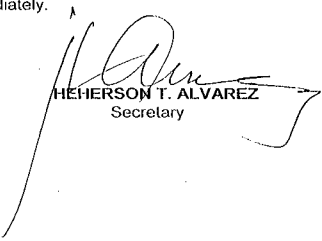
JUN 24 2002

**SUBJECT: REMOVAL OF GENDER BIAS IN THE
ACCEPTANCE AND PROCESSING OF
HOMESTEAD PATENT APPLICATIONS AND
OTHER PUBLIC LAND APPLICATIONS**

In the interest of the service and in accordance with Article II, Section 14 of the Constitution and Republic Act No. 7192 otherwise known as the "Women in Development and Nation Building Act" as implemented by DAO No. 98-15 of May 27, 1998 on "Revised Guidelines on the Implementation of Gender and Development (GAD) Activities in the DENR", it is hereby reiterated as an objective of the Department to ensure the removal of gender bias in all its rules, regulations and procedures.

In accordance with the foregoing, Paragraph 8 of Lands Administrative Order No. 7-1, as amended, entitled "Rules and Regulations Governing the Filing and Disposition of Applications for Alienable Lands of the Public Domain or for Real Properties of the Commonwealth of the Philippines" dated April 30, 1936, is hereby repealed. Henceforth, women, regardless of civil status, shall enjoy equal rights as men in the filing, acceptance, processing and approval of public land applications.

This Order shall take effect immediately.


HEHERSON T. ALVAREZ
Secretary

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Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel. Nos. (632) 920-4301 * (632) 928-0691 to 93
924-2540 * 928-8592
929-6626 loc. 2012 - 2014

DENR ADMINISTRATIVE ORDER
No. 2002- 14

JUL 09 2002

**SUBJECT: PROPOSED REVERSION TO FORESTLAND CATEGORY
OF AN AREA DECLARED AS ALIENABLE AND
DISPOSABLE FOR FISHPOND DEVELOPMENT
LOCATED IN BARANGAY BINULUSAN, MUNICIPALITY
OF INFANTA, PROVINCE OF QUEZON ✓**

1. Pursuant to Section 43 of Presidential Decree No. 75, otherwise known as the Revised Forestry Code of the Philippines as amended, DAO 19, series of 1993 and Joint DA-DENR General Memorandum Order No. 3 series of 1991, I hereby revert to the category of forestland for permanent purposes an area of 15.56 hectares declared and certified as alienable and disposable for fishpond development described as Project No. 25-B, of Infanta, Province of Quezon, certified on January 8, 1936 based on Map No. LC-1241.
2. This Order shall take effect upon approval.


HEHERSON T. ALVAREZ
Secretary



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City
Tel. Nos. (632) 920-4361 * (632) 928-0691 to 93
924-2540 * 923-8592
929-6626 loc. 2012 - 2014

DENR ADMINISTRATIVE ORDER

NO. 2002 - 44

JUL 10 2002

SUBJECT: REVISING DAO NO. 97-21 RE: INSTITUTIONALIZING THE COMMUNITY ENVIRONMENT AND NATURAL RESOURCES (CENR) MANAGEMENT COURSE IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Pursuant to Section 7 (b) of Executive Order No. 192 and in consonance with the Department's policy to develop further the managerial and leadership capabilities and skills of its human resources, the Community Environment and Natural Resources (CENR) Management Course is hereby institutionalized. The basic policy, objectives, scope and management are hereby promulgated for the guidance of all concerned.

1. BASIC POLICY

It shall be the basic policy of the Department to:

- 1.1 Professionalize the selection process of the frontline managers in the field offices all over the country as a basic requirement for promotion/designation to a CENR Officer position; and,
- 1.2 Upgrade their managerial and leadership skills and competence in order to contend with the anticipated changes and recent development trends.

2. OBJECTIVES

The CENR Management Course aims to enable the participants:

- 2.1 To gain broader perspectives in the realization of the Department's vision and mission;
- 2.2 To acquire analytical and integrative skills that promote sustainable development using the best practices and tools in the management of environment and natural resources; and,
- 2.3 To enhance their perspectives, experiences, attitudes, knowledge and skills (PEAKS) as demanded by the dynamic managerial and leadership development trends.

3. QUALIFICATION AND SELECTION OF THE PARTICIPANTS

3.1 QUALIFICATION FOR ADMISSION

Participants must possess the following qualifications:

3.1.1 Full-fledged and OIC PENR/CENR Officers

- 3.1.1.1 Must not be more than fifty-five (55) years of age, except under special consideration as approved by the Secretary;
- 3.1.1.2 Must not have pending administrative/criminal case;
- 3.1.1.3 Must be physically fit to undergo training as certified by a government physician;
- 3.1.1.4 Must have an average performance rating of at least Very Satisfactory for the last two (2) rating periods; and,
- 3.1.1.5 Must be recommended by the Regional Executive Director or Head of Office, as the case maybe.

3.1.2 Potential CENR Officers

- 3.1.2.1 Preferably forty (40) but not more than fifty five (55) years old;
- 3.1.2.2 Preferably permanent Division Chief or holding a position not lower than Salary Grade 18 and performing the functions of the position for at least three (3) years;
- 3.1.2.3 Must not have pending administrative/criminal case;
- 3.1.2.4 Must have a master's degree in any field of specialization or must have completed the academic requirements leading to a master's degree;
- 3.1.2.5 Must be physically fit to undergo training as certified by a government physician;
- 3.1.1.6 Must have an average performance rating of at least Very Satisfactory for the last two (2) rating periods; and,
- 3.1.2.6 Must be recommended by the Regional Executive Director or Head of Office, as the case may be.

3.2 SELECTION PROCESS

- 3.2.1 The DENR Proper Offices, Regional Offices, Bureaus and Attached Agencies shall nominate candidates through a selection process using the above criteria upon receipt of invitation/announcement;
- 3.2.2 The Human Resource Management Service (HRMS) shall compile/consolidate all nominations and shall evaluate qualifications, of forwarded nominees, based on the criteria;
- 3.2.3 The HRMS shall submit the short list to the Undersecretary for Field Operations through the Assistant Secretary for Finance and Management Services for pre-selection of participants; and,
- 3.2.4 The HRMS shall prepare the Special Order of the participants based on the final selection.

4. THE COURSE

4.1 COURSE CONTENTS

The CENR Management Course is a comprehensive and practitioner oriented middle managers course designed to enhance the PEAKS of participants in managing an environment and natural resources (ENR) organization. It is anchored on the context of sustainable development and the curriculum aims to develop an exploratory attitude, trends sensitivity and critical process of analytical thinking.

The Course shall be divided into six (6) Modules consisting of several sessions. They are as follows:

MODULE I - The Mapper

The first module promotes critical understanding and analysis of oneself, the organization and its environment.

A. The Personal Map

1. The Individual Portrait
2. Leading with Honor and Values (Ethics and Accountability)
3. Emotional Intelligence Quotient (EIQ) for Workplace Result
4. Equalizing Career and Family Life/Attributes of Highly Effective People/Leader
5. Effective Interpersonal Communication Skills
6. Profile of Model CENR Officer

B. The Organizational Map

1. Organizational Diagnosis
 - a. ENR Framework
 - b. Organizational Appreciation (DENR Mandate, Vision, Mission, Structure, Thrusts and Priorities)
 - c. Financial Resources (Government/DENR Budget and Accounting)
 - d. Physical Resources (Equipment/Facilities Acquisition and Utilization for Workplace Productivity)
 - e. Human Resources (Personnel Screening/ Management)
 - f. Good Governance
2. Organizational Culture/Climate
3. Building Synergy for Organizational Excellence
4. External Customer Demands

C. The Environmental Map

1. Environmental Analysis (Sociological, Political, Economic and Technological Factors)
2. Economics-Environment Relationships
3. Environmental Security Management
4. Global Environmental Issues/Concerns

MODULE II - The Plotter

This Module enhances the visioning skills of the participants through the application of strategic management concepts and principles. Development of nurturing relationship is likewise emphasized as the organization is subjected to competing interests internally and externally.

A. Plotting the Future

1. Strategic Thinking/Analysis
2. Leading Organizational Change
3. Systematic Managerial Approaches (Problem Analysis, Decision-Analysis and Potential Problem Analysis)
4. The Information Highway (ICT for Managers)

B. The Path Maker

1. Program Development and Project Management
2. Foreign Assisted Special Programs/Fund Sources Accessing
3. Results Monitoring and Evaluation
4. Operations Management

- C. **The Balancer**
 - 1. Resource Management
 - 2. Risk Management/Stress Management
 - 3. Negotiation/Conflict Management
 - 4. Networking/Linkaging

- D. **Gender and Development and Special Administrative Concerns**
 - 1. Sexual Harassment
 - 2. Persons with Disabilities
 - 3. Mowelfund/Provident Fund
 - 4. Alternative Dispute Resolution/Ombudsman
 - 5. Protocol

MODULE III - *The Webber*

It features the development of empowering leadership and innovative managerial skills in pursuit of development efforts in the ENR sector. Likewise, the module shall highlight the integrative skills of participants needed to become responsive to the needs and aspirations of the people to whom the services are directed.

- A. **The Builder**
 - 1. Modern Paradigms of Public Administration
 - 2. Ecological Governance and Principles of Environmentalism
 - 3. Economics of Environment and Regulations
 - 4. Public Relations/Social Marketing/Power Presentation

- B. **The Replicator**
 - 1. International Environmental Commitments/Global Perspectives
 - 2. Success/Failure Stories in Public Management

- C. **The Innovator**
 - 1. Innovation Management/Innovative Technologies
 - 2. Entrepreneurship in Government
 - 3. Research and Development for ENR

MODULE IV - *ENR Policies and Programs*

This module aims to heighten the participants' cross-sectoral awareness in attaining the mandates for the sustainable management of environment and natural resources.

- A. **Forestry Management**
- B. **Lands Administration and Management**
- C. **Mines and Geo-sciences**
- D. **Environmental Management**

- E. Protected Areas and Wildlife Sector
- F. Coastal Resource Management
- G. Ecosystems Research and Development

MODULE V - Immersion/Managerial Assessment

The field immersion process will provide participants with first hand experience on the pressing ENR concerns and at the same time appreciation on the success stories in the field. Moreover, the exposure will help them gain broader perspectives on the impact of ENR management in the real life of the stakeholders.

The Managerial Assessment will guide the participants to initially practice the management tools acquired from the previous modules.

MODULE VI - Exit Module

The exit module will guide the participants to go back to self being the persons responsible on applying the learning from the course. It will provide them with an environment that will renew the loyalty to the organization and rekindle the spirit of commitment to public service.

- A. Journey to Oneself
- B. Renewal of Commitment to Service

The above course contents, however, shall be subject to change whenever necessary, to conform with the changing thrusts and priority programs of the Department and shall incorporate the latest trends and developments in the management and leadership aspects within the paradigm of sustainable development.

4.2 METHODOLOGY

A variation of training methodologies shall be utilized to maximize learning and participation, such as:

- 4.2.1 Lecture, Cases, Discussion
- 4.2.2 Presentation, Role Play, Open Forum
- 4.2.3 Structured Learning Experiences
- 4.2.4 Immersion; Managerial Assessment
- 4.2.5 Field Observation
- 4.2.6 Exercises
- 4.2.7 Rituals

4.3 RESOURCE PERSONS

The resource persons are experts in the different fields covered by the course modules.

4.4 GRADING SYSTEM

4.4.1 Examination - 25%

To include four (4) written one-hour examinations covering topics discussed. (20%)

An oral presentation to test the presentation skills of the participants. (5%)

4.4.2. Class Participation - 10%

Quality and relevant sharing of ideas/experiences during open forum and group discussion and active participation in various activities/socials/physical fitness programs.

4.4.3 Leadership and Discipline - 10%

Ability to influence others, ability to communicate well, to respect the rights of others, adherence to the norms and rules of the training, achiever/doer.

4.4.4 Immersion/Managerial Assessment - 15%

Report on immersion in community/other government agencies (OGAs), and relevant organizations which contains their learning from exposures and experiences to these activities, and/or application of knowledge and skills obtained from the completed modules.

4.4.5 Course Requirement Outputs - 40%

Individual papers which include daily reflection/learning journal. Group papers which include case analysis solution, etc (10%)

ENR Management Action Agenda - Final written output of participants which they shall defend orally to a group of panelist (DENR key officials). The paper should show the ability of the participants to integrate and apply their enhanced PEAKS in the Environment and Natural Resources (ENR) Management Action Agenda based on the chosen area of interest. (30%)

TOTAL - 100%

5. **DURATION AND VENUE**

This CENR Management Course is a 30-day live-in/residential program, which shall be preferably conducted at the Environment and Natural Resources Academy (ENRA), in Carranglan, Nueva Ecija and/or in other venues/field areas relevant to the course.

6. **ADMINISTRATION AND MANAGEMENT**

The Management Development Division (MDD), Human Resource Management Service shall be responsible for the administration and management of the CENR Management Course.

7. **REPEALING CLAUSE**

This Order repeals DAO No. 97-21 dated July 18, 1997.

Thenceforth, as a matter of policy, as far as practicable, pursuant to this Order, no personnel shall be appointed and/or designated to a CENR Officers position unless he/she successfully undergoes the CENR Management Course and qualifies in accordance with the Civil Service rules and regulations.

8. **EFFECTIVITY**

This Order shall take effect immediately.



HERERSON T. ALVAREZ
Secretary

JUL 10 2007



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City, 1100
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

DENR Administrative Order No. 2002 - 16
Series of 2002

JUL 11 2002

SUBJECT: DENR-EMB National Environmental User's Fee of 2002

WHEREAS, Section 16 Article II of the 1987 Constitution upholds the right of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, the Philippine Strategy for Sustainable Development has adopted sustainable development as the cornerstone in achieving and maintaining economic growth without degradation of the environment;

WHEREAS, Executive Order No.192 empowers the Department of Environment and Natural Resources (DENR) for the application of the true value system in environmental cost implication relative to their utilization, development and conservation of natural resources;

WHEREAS, Presidential Decree No.984 mandated the DENR through Executive Order 192 to implement the control of air, water and land pollution;

WHEREAS, Presidential Decree No.1586 mandates the DENR to undertake periodic compliance monitoring inspection of these establishments falling within the environmental impact statement system to guarantee that these establishments meet the terms and conditions of the environmental compliance certificate (ECC);

WHEREAS, the DENR piloted the Environmental User's Fee through Laguna Lake Development Authority resulting in a significant reduction of pollution loading from the industrial and commercial establishments within the Laguna Bay region that were identified from this pilot program;

WHEREAS, the regular "Command and Control Strategy" combined with the "Environmental User's Fee Approach" through the DENR Wastewater Discharge Permitting system is recognized as one of the effective approach in operationalizing the goal of control and reduction of water pollution;

NOW, THEREFORE, foregoing premises considered and pursuant to the provisions Section 6 (d) and 6 (g) of Presidential Decree 984 otherwise known as the Pollution Control Decree of 1976 and by virtue of Executive Order No. 192 Series of 1987, BE IT RESOLVED, AS IT IS HEREBY RESOLVED to promulgate and adopt the Environmental User's Fee nationwide

Section 1. Title. This Administrative Order shall be known as the "DENR-EMB National Environmental User's Fee of 2002".

Section 2. Statement of Policy. The National Environmental User's Fee (NEUF) is hereby adopted by the DENR through the current National Pollution Control Law (PD 984) permitting system of the Department. The NEUF is being adopted and promulgated in order:

- a. To reduce water pollution and improve the ambient quality of water bodies;
- b. To encourage firms to pursue the least-cost means of pollution reduction and internalize the philosophy of self-regulation;
- c. To implement the concept of Environmental User's Fee nationwide.

Section 3. Scope. This Order shall apply to all development projects, installations, and activities that discharge industrial / commercial wastewater and pose a threat into Philippine waters and or land resources, which cover industrial and commercial establishments.

Section 4. Definition of Terms. When used in this Order, the following terms and phrases shall have the indicated meanings unless clearly stated otherwise:

- a. *Commercial Wastewater* refers to any liquid waste generated by trading or business establishment and or any other related firms or companies which include but not limited to restaurants, shopping malls, commercial laboratories, hospitals, markets, commercial condominiums, hotels, gasoline stations, and other establishments engaged in the collection and disposal of wastewater sludge.
- b. *Discharger* refers to any person or persons, natural or juridical, discharging liquid wastes, and /or other wastes into the environment.
- c. *Industrial Wastewater* refers to any liquid waste resulting from any activity, process of industry, manufacturer or from the development, processing or recovery of any natural resources.
- d. *Land Resources* refers to the integrated components of soil, hydrology, topography, geology and vegetation together which form the basis of man's use of the environment for agriculture, forestry and human settlements.
- e. *National Environmental User's Fee (NEUF)* refers to one of the market-based instruments applied by the DENR in the permitting system, this is the fee levied to the dischargers for using the environment specifically the water and /or land resources for waste disposal purposes or receptacle facility according to each unit of discharge
- f. *Permitting System* refers to the entire schemes and methods in regulating the Department's legal authorization for all of industrial and commercial wastewater dischargers and also known as the NEUF permitting system based on powers and function of National Pollution Control Law Section 6 letter (d) and (g).
- g. *Wastewater* refers to waste in liquid state that contains pollutants or waste substances.
- h. *Water Resources* refers to all bodies of waters such as but not limited to rivers, streams, watercourse/waterways, ponds, reservoirs, lakes, estuarines, marine and groundwater within the territory of the Philippines

Section 5. Implementation and Enforcement. For guidance and proper implementation of the NEUF system, the Implementing Rules and Regulations (IRR) shall be formulated by the EMB Central Office. A Technical Working Committee to be headed by the EMB Director and selected technical and legal personnel from EMB shall be created to draft and prepare the said IRR subjected to public consultations. The final draft of the IRR shall be completed within six months upon the effectivity of this Order.

In addition, all the EMB Regional Offices are mandated to implement this Order and its IRR pursuant to the provisions of Section 7 hereof.

Section 6. Phase-In Implementation. Upon the effectivity of this Order and its implementing rules and regulations, the EMB-NCR shall implement the NEUF system. Specific and selected pollutants or parameters shall be prioritized based on the current data and information of the said Regional Office.

Section 7. Transitory Provision. This DENR Administrative Order and its IRR shall be implemented within the National Capital Region, except in areas under the territorial jurisdiction of the Laguna Lake Development Authority, commencing from the year of effectivity of this Order.

However on the third year of implementation of such NEUF system, all EMB Regional Offices shall undertake the implementation.

The current 1978 permitting system (National Pollution Control Commission-WTP Permit to Operate) are still in-effect until the provision of this Section come into force.

Section 8. Repealing Clause. All Orders, rules and regulations inconsistent with or contrary to the provisions of this Order are hereby repealed or modified accordingly.

Section 9. Effectivity. This Order shall take effect 30 days after its publication in the Official Gazette or any newspaper of general circulation.


HEHERSON T. ALVAREZ
Secretary

JUL 11 2002

PUBLICATION :

MANILA BULLETIN - JULY 13, 2002



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Visayas Avenue, Diliman, Quezon City 1100
Tel. Nos. (632) 929-6626 to 29, (632) 929-6232, 929-70-41 to 43
929-66-20, 929-66-33 to 35

JUL 24 2002

DENR ADMINISTRATIVE ORDER NO. 2002 - 17
Series of 2002

SUBJECT: Defining the Organizational Structure and Major Responsibilities of the Environmental Management Bureau as a Line Bureau by virtue of Section 34 of the Philippine Clean Air Act of 1999 (RA 8749)

Pursuant to Section 34 of Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999, and Section 2, Rule XLIV of DENR Administrative Order No. 2000-81, its Implementing Rules and Regulations, the following organizational structure of the Environmental Management Bureau (EMB) central, regional, provincial and other pertinent offices as a line bureau is hereby provided and defined.

Section 1. MANDATE

The EMB shall be the primary government agency under the Department of Environment and Natural Resources (DENR) to formulate, integrate, coordinate, supervise and implement all policies, plans, programs, projects and activities relative to the prevention and control of pollution as well as the management and enhancement of environment.

Section 2. OBJECTIVES

To accomplish its mandate, the Bureau shall be guided by the following objectives:

2.1 General Objective - To properly manage and protect the environment in order to attain sustainable development while recognizing the primary responsibility of local government units, non-government agencies, private and business organizations in dealing with environmental problems.

2.2. Specific Objectives

2.2.1. To formulate, review and update environmental policies, programs and projects on environmental management and pollution control.

2.2.2. To establish and enforce environmental quality standards such as the quality standards for water, air, land and noise for the protection and sustainable use of natural resources consistent with the national environmental goals and enforceable at the local government units.

- 2.2.3** To strengthen enforcement capability to handle violations of the laws, rules, regulations and policies for protection of the environment and promote the sustainable use of environmental resources.
- 2.2.4** Promote public information and education to encourage participation of an informed citizenry in environmental quality planning and monitoring.
- 2.2.5** To develop and implement Pollution Research and Development Program in support of the following:
- environmental criteria and standards formulation
 - environmental monitoring and compliance monitoring
 - study of existing and potential environmental problems and issues
- 2.2.6** To strengthen the enforcement and implementation of major environmental laws, among others:
- Presidential Decree 984 – Pollution Control Law
 - Presidential Decree 1586 – The Environmental Impact Assessment Law
 - Republic Act 6969 – Toxic Substances and Hazardous and Nuclear Wastes Control Act
 - Republic Act 8749 – Philippine Clean Air Act of 1999
 - Republic Act 9003 – Ecological Solid Wastes Management Act

Section 3. ORGANIZATIONAL STRUCTURE

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

The Bureau, which shall be directly supervised by the DENR Undersecretary for Operations, shall likewise exercise supervision and control over its regional, provincial and other field offices, which shall, in turn, constitute the operating/implementing arms of the Bureau for the direct implementation of plans and programs in accordance with approved policies and standards.

The Chief Executive of the Bureau shall be the Executive Director who has the primary authority to discharge its powers and functions as well as the responsibility to carry out the mandates vested by law to the Bureau.



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

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

CENTRAL OFFICE

3.1 Office of the Director

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

The Office of the Director shall take direct charge in the implementation of policies, programs and projects for the effective and efficient environmental management and pollution control; recommend to the Secretary the adoption of policies relating to enhancement of air and water quality, proper disposition and management of solid wastes, toxic and hazardous substances, appropriate penal sanctions against violators of environmental laws; and manage the overall operations of the Bureau .

The Office of the Director shall exercise supervision over the following environmental services/offices:

3.1.1 Pollution Adjudication Board (PAB) Technical Secretariat

The PAB Technical Secretariat shall provide support to the Board in the adjudication of industrial pollution cases.

3.1.2 National Solid Waste Management Commission (NSWMC) Secretariat

The NSWMC Secretariat shall provide support to the NSWMC in the implementation of solid waste management plans and the issuance of policies to achieve the objectives of the Ecological Solid Waste Management Act (RA 9003).

3.1.3 National Ecology Center (NEC)

The NEC shall handle information dissemination, consultation, education and training of various local government units on ecological waste management.

3.1.4 Administrative & Finance Service

The Administrative & Finance Service shall provide the administrative and financial functions of the Bureau. This shall be composed of the administrative and finance divisions.

3.1.4.1 Administrative Division

The Administrative Division shall establish bureau-wide policies on personnel management, general services, communications, logistics, property, safety, records management and documentation.

This Division shall be composed of the following sections:

3.1.4.1.1 Human Resource Management

3.1.4.1.2 Records

3.1.4.1.3 General and Property Services

3.1.4.2 Finance Division

The Finance Division shall develop, maintain and improve a cost and financial accounting system for all projects of the Bureau, formulate basic policies and guidelines for the preparation of budget; and exercise over-all supervision over the financial management functions and activities of the Bureau and its Regional Offices.

This Division shall be composed of the following sections:

3.1.4.2.1 Budget

3.1.4.2.2 Accounting

3.1.4.2.3 Cashier

3.1.5 Environmental Planning & Policy Service

The Environmental Planning & Policy Service shall be composed of three (3) Divisions, namely:

3.1.5.1 Environmental Impact and Risk Assessment and Management (EIRAM) Division

The EIRAM Division shall serve as the focal point to achieve its mission to carry out the Philippine Environmental Impact Statement (EIS) System Policy (PD 1586) to attain and maintain a rational and orderly balance between socioeconomic growth and environmental protection; and promote and strengthen Environmental Impact assessment (EIA) networking/linkages and coordination with the government, non-government and private entities.

The EIRAM Division shall be composed of the following sections:

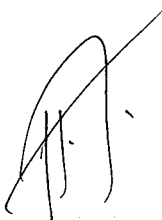
3.1.5.1.1 Review and Evaluation Section

The Section shall be in charge of screening of projects for coverage under the EIS System, handling EIS Scoping, Environmental Compliance Certificate (ECC) applications review/evaluation and related functions of the Division.

3.1.5.1.2 Monitoring and Validation Section

The Section shall be in charge of monitoring of projects' compliance to ECC conditions and implementation of the Environmental Management Program (EMP) and validation of the impacts as a basis for evaluating environmental performance or the effectiveness of the EMP.

The two previous Sections shall each have Infrastructure Units, Heavy and Energy Industries Units and Resource Extractive Industries Units.



3.1.5.1.3 System Coordination and Management Section

The Section in coordination with the Environmental Planning and Policy division is in charge of assuring that the present internal policies in the review and evaluation as well as monitoring of projects/programs are consistent with the national policies and shall monitor and document specific decisions on certain cases encountered during day-to-day operations which has policy implications. It shall also be responsible with the integration of the voluminous environmental data gathered from the implementation of the system into useful information for input into the environmental planning and policy formulation function of the EMB. It shall integrate commitments made in various meetings with the other government agencies in the Division's internal policies. The Section shall have two Units representing the systems and coordination level concerns, namely: Project Level Systems Planning and Management Unit and Program and Policy Level Systems Planning and Management Unit.

3.1.5.2 Planning and Policy Division

The Planning and Policy Division shall be responsible for integrating the short, medium and long-term plans of the Bureau; provide planning standards and guidelines for integrating sectoral and regional plans in the preparation of the Bureau's budget; provide a mechanism for monitoring and assessment of physical and financial accomplishments. It shall also design and install a national and regional development planning and management system; develop/evaluate and monitor programs/local and foreign-assisted projects of the Bureau, undertake policy studies for effective, efficient, and economical operations of the Bureau.

The Planning and Policy Division shall be composed of the following sections:

- 3.1.5.2.1 Planning and Programming**
- 3.1.5.2.2 Program Monitoring and Evaluation**
- 3.1.5.2.3 Policy Analysis and Legislative Liaison**
- 3.1.5.2.4 Project Management of Foreign-Assisted and Special Projects**

3.1.5.3 Information Technology & Statistics Division

The Information Technology & Statistics Division shall coordinate over-all activities of the Bureau on establishing and maintaining management information systems and databases that will provide up-to-date information necessary for management's policy formulation and decision-making functions. This division shall be composed of the following sections:

3.1.5.3.1 Environmental Statistics

3.1.5.3.2 Systems Development and Maintenance

3.1.6 Standard Setting & Monitoring Service

The Standard Setting & Monitoring Service shall formulate standards/monitoring guidelines for acceptable quality of air and water and management of chemicals and hazardous wastes in the country. The service shall be composed of the following divisions, namely:

3.1.6.1 Laboratory Services & Pollution Research Division

The laboratory Services & Pollution Research Division shall formulate, develop, coordinate, and implement short-term and long-term research programs on existing and potential environmental issues; aim to provide the scientific data to be used as basis for policy formulation, environmental monitoring, and enforcement of rules and regulations, and in dealing with potential environmental issues and problems; focus on priority areas such as the following: environmental quality standards and criteria, global phenomena, environmental technology assessment and application, coastal environment management, and special areas of concern and laboratory support services.

The Laboratory Services and Pollution Research Division shall be composed of the following sections:

3.1.6.1.1 Research and Development Section

3.1.6.1.2 Laboratory Support Services Section



3.1.6.2 Air Quality Management Division

This Division shall undertake the implementation of a holistic national program for air pollution management including the establishment and supervision of airsheds throughout the country; formulate air quality surveillance and monitoring/schemes for the implementation by the regional offices; conduct emission source inventory for the entire country in coordination with the regional offices; evaluate plans, technologies/control facilities relevant to the issuance of permits and clearances.

This Division shall be composed of the following sections:

- 3.1.6.2.1** Inspection and Monitoring
- 3.1.6.2.2** Emission Inventory
- 3.1.6.2.3** Standards Setting

3.1.6.3 Water Quality Management Division

The Water Quality Management Division shall undertake water quality surveillance and monitoring program for the implementation by the regional offices; conduct water pollution discharge inventory from point and non-point sources; develop and validate dispersion model through simulation and validation of available models for predicting pollutant levels in coordination with the Pollution Research Division; review, formulate and update the country's water quality and industrial effluent standards; monitor the activities of the regional offices regarding the effective implementation of pollution control law and oversee the river classification program.

The Division shall be composed of the following sections:

- 3.1.6.3.1** Inspection and Monitoring
- 3.1.6.3.2** Water Quality Assessment
- 3.1.6.3.3** Standards Setting

3.1.6.4 Chemicals and Hazardous Waste Management Division

The Division shall undertake implementation of policies, plans and programs to achieve the objectives of the Toxic Substances and Hazardous and Nuclear Wastes Control Act (R.A. 6969). It shall be composed of five (5) Sections, namely:

3.1.6.4.1 Toxic Chemicals Monitoring and Investigation Section

The Toxic Chemicals Monitoring Section shall conduct regular industrial inspection and compliance monitoring of the condition stipulated in issued permits and clearances to maintain safe use and management of chemicals and chemical substances; investigate complaints and other related issues and concerns regarding the improper use and management of chemicals and chemical substances and recommend sanctions for non-complying industry; and provide inputs and assistance to develop a compliance monitoring scheme to enforce and promote observance of the provision of RA 6969.

3.1.6.4.2 Toxic Chemicals Permits/Clearances Issuance Section

The Toxic Chemicals Permits/Clearances Issuance Section shall review/evaluate environmental hazards and risks of industrial chemicals and issue permits to chemicals and chemical substances under CCO and PCL; review/evaluate chemicals and chemical substances subject to PMPIN requirements and issue Importation Clearance and/or Interim Status Permits; establish and maintain database for chemical and chemical substances in PCL and CCO; and spearhead the review and updating of PICCS together with MIID and PCTD.

3.1.6.4.3 Hazardous Wastes Monitoring/Inspection Section

The Hazardous Wastes Monitoring/Inspection Section shall conduct regular inspection and compliance monitoring of facilities generating, recycling and treating hazardous wastes including disposal facilities and survey of possible sites contaminated by hazardous wastes; act on complaints and information on illegal dumping and traffic of hazardous wastes and recommend/impose sanctions against violators of RA 6969 and Basel Convention.



3.1.6.4.4 Hazardous Wastes Permits/Clearances Issuance Section

The Hazardous Wastes Permits/Clearance Issuance Section shall prepare checklist of information requirements for the issuance of permits and clearances; review/evaluate applications for transport, storage, and disposal of hazardous wastes for treatment and disposal and recommend issuance or denied permits and clearances. It shall also implement the requirements and procedures of the Basel Convention and DAOs 92-29, 94-28 and 97-27.

3.1.6.4.5 Toxic Chemicals and Hazardous Wastes Standard Setting Section

The Toxic Chemicals and Hazardous Wastes Standard Setting Section shall develop guidelines and standards/procedures for the proper storage, transport and disposal of toxic chemicals and hazardous wastes. It shall establish a national system to link existing sources of information on chemicals and hazardous wastes; develop standard criteria for risk assessment and other related toxic chemicals and hazardous wastes management standards. It shall coordinate within the Department, other government agencies and private institutions for effective implementation of rules and regulations under RA 6969.

3.1.7 Legal and Environmental Education Services

The Legal and Environmental Education Service shall provide counsel/advice/comments and reports on certain issues pertaining to legal matters for appropriate action of the Director. It shall also provide support to the intensive information and environmental campaign in the country. It shall be composed of two (2) Divisions, namely:

3.1.7.1 Legal Division

The Legal Division shall direct the Bureau's legal operations. It shall provide legal counsel/advice; review issuance of licenses, permits, notices of violations, Orders/Resolutions, contracts involving EMB's mandate; file indictment cases against violators and assist in the formulation of policies, programs,

guidelines, memorandum circulars, standards and rules and regulations. Likewise it shall render comments on certain issues that touched on legal matters, conduct continuing legal studies and researches, draft decisions, orders and reports for appropriate action of the Executive Director.

The Division shall be composed of the following Sections, namely:

- 3.1.7.1.1 Litigation and Prosecution, Evaluation & Enforcement Section
- 3.1.7.1.2 Investigation, Research & Legislative Liaison Section

3.1.7.2 Environmental Education & Information Division

The Division shall be composed of the following Sections:

3.1.7.2.1 Information and Public Advocacy Section

The Information and Public Advocacy Section shall undertake activities that will create public awareness through the use of print and broadcast media, conduct of seminars, symposia, lectures, briefings and other related information activities; prepares environmental quality report; conduct in-house training needs analysis; and conduct regular career orientation seminars on environment and conduct capability training to Regional Offices.

3.1.7.2.2 Environmental Education & Capability Building Section

This Section shall undertake programs that will strategically inculcate awareness, understanding, as well as promote skills, positive attitudes, commitments and active participation for the protection of the environment, through the integration of environmental concerns in the school, government and private sectors. It shall also conduct training needs analysis and actual training programs for the afore-cited sectors.



3.1.7.2.3 Global Environment Commitment Coordination Section

The Global Environment Commitment Coordination Section shall set as a priority the coordination of the development, negotiation and ratification of international environmental conventions, agreements/protocols to deal effectively with environmental degradation and protection of shared global resources; promote awareness among stakeholders/general public on international conventions its status and impacts on the country's programs/projects.

REGIONAL OFFICE

3.2 Office of the Regional Director

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

The Office of the Regional Director shall take charge of environmental management and pollution control functions in the region and render staff and technical support to Environmental Regional Offices and other Boards created for Environmental Management.

This Office shall exercise supervision over the following Divisions:

3.2.1 Administrative and Finance Division

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

This Division shall be composed of the following Sections:

3.2.1.1 Administrative

3.2.1.2 Finance

3.2.2 Pollution Control Division

The Pollution Control Division shall be tasked to implement all programs and activities in accordance to PD 984, RA 8749, and RA 6969. It shall undertake regular monitoring of sampling stations to determine the air and water quality of the region; conduct compliance monitoring of firms to environmental laws; survey of air pollution sources and hazardous wastes generators; evaluate and process applications for permits pursuant to PD 984, RA 8749 and RA 6969.

This Division shall be composed of the following sections:

- 3.2.2.1 Toxic Chemicals and Hazardous Waste Management Section**
- 3.2.2.2 Air Quality Management Section**
- 3.2.2.3 Water Quality Management Section**
- 3.2.2.4 Laboratory Section**

3.2.3 Environmental Impact and Monitoring Division

The Environmental Impact and Monitoring Division shall undertake all activities relative to the implementation of the Environmental Impact Statement System (PD1586). It shall take charge of the review and processing of applications for *Environmental Compliance Certificates (ECCs)* for projects under Environmentally Critical Areas, conduct compliance monitoring of projects to PD 1586, and provide assistance to local government units for vigorous and coordinated solid waste management.

The Division shall be composed of the following sections:

- 3.2.3.1 Environmental Impact Assessment Section**
- 3.2.3.2 Field Monitoring Section**
- 3.2.3.3 Solid Waste Management Section**

3.2.4 Legal and Environmental Education Division

The Legal and Environmental Education Division shall provide counsel/advice/comments and reports on certain issues pertaining to legal matters for appropriate action of the Regional Director. It shall review and evaluate pollution cases prior to its elevation to Pollution Adjudication Board (PAB). It shall also provide support to the intensive information and environmental campaign in the regions.

This Division shall be composed of the following sections:

3.2.4.1 Legal Section

3.2.4.2 Education and Information Section

3.2.5 Planning & Programming, MIS and Statistics Division

The Division shall undertake planning and programming, monitoring and assessment of programs/activities of the region. It shall also coordinate over-all activities of the region on establishing and maintaining management information systems and databases that will provide up-to-date information; provide updated and timely statistics and information for planning purposes and information dissemination.

3.2.5.1 Planning and Programming Section

3.2.5.2 MIS Section

3.2.5.3 Statistics Section

3.3 Provincial and Other Pertinent Offices

Provincial and other field offices as may be hereinafter created by the Secretary upon recommendation by the Director and the Undersecretary for Operations shall be an extension of the Regional Office, particularly in the IEC Campaign and provision of monitoring services.

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

The Environmental Management Provincial Offices shall be composed of the following units:

3.3.1 Environmental Monitoring Unit

3.3.2 Environmental Information and Education Unit

The Bureau Regional Director shall exercise control over environmental management and pollution activities and shall perform technical coordination with the Regional Executive Director (RED) in all aspects of environmental management. In case of differences/conflicts of interpretation, opinion and/or perception, the issue shall be elevated by the RED to the Undersecretary for Operations for resolution. Regarding the issuance of permits under PD 984 and PD 1586, specifically ECC and other permits will be the responsibility of the Regional Director.

Section 4. Geographical Jurisdiction of the Regional Office

With the conversion of the EMB as a Line Bureau, there shall be 16 Regional Offices, each for Regions 1 to 13, NCR, Cordillera Administrative Region (CAR) and Region IV-B. Further, the Provincial Environmental Offices will be created in all provinces except those under the jurisdiction of ARMM.

Section 5. Staffing

The EMB Central Office shall initially be complemented with additional one hundred forty-six (146) positions to be created on top of its existing plantilla positions.

The sixteen (16) EMB Regional Offices shall initially be complemented with a total additional eight hundred thirty-seven (837) positions to be created on top of their existing plantilla positions, which shall be allocated in accordance with their respective staffing patterns.

The appropriate staffing pattern, position classification and organizational structure in accordance with the preceding premises are shown in Annexes A and B and shall be approved by the DENR Secretary for implementation. The positions shall be filled in accordance with Civil Service Rules and Regulations.

Section 6. Transitory Provision

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

The Bureau shall internally adopt the new organization in the interim. In this regard, the Undersecretary for Operations is hereby authorized to reassign Bureau/Regional personnel, subject to existing rules and regulations, through an appropriate Office Order.

The new position items for the above structure shall be created out of the vacant position items in the concerned offices of the DENR, upon approval of the Department of Budget and Management (reclassification of position items).

Meantime, the support services staff of the Regional Offices (ROs) shall be provided by the DENR ROs as designated by the Regional Executive Director.

Section 7. Repealing Clause

All Orders, Circulars, or Instructions of the DENR inconsistent herewith are hereby repealed or amended accordingly.

Section 8. Effectivity

This Order shall take effect immediately.

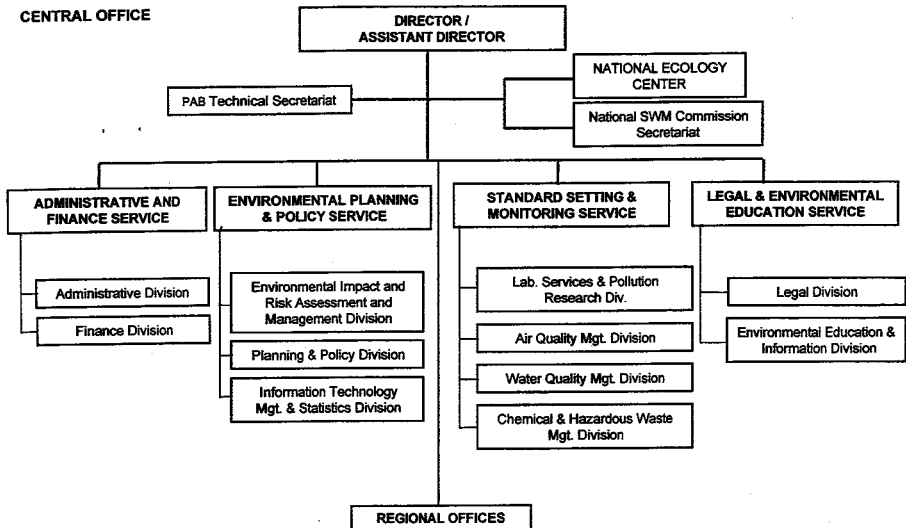


HEHERON T. ALVAREZ
Secretary

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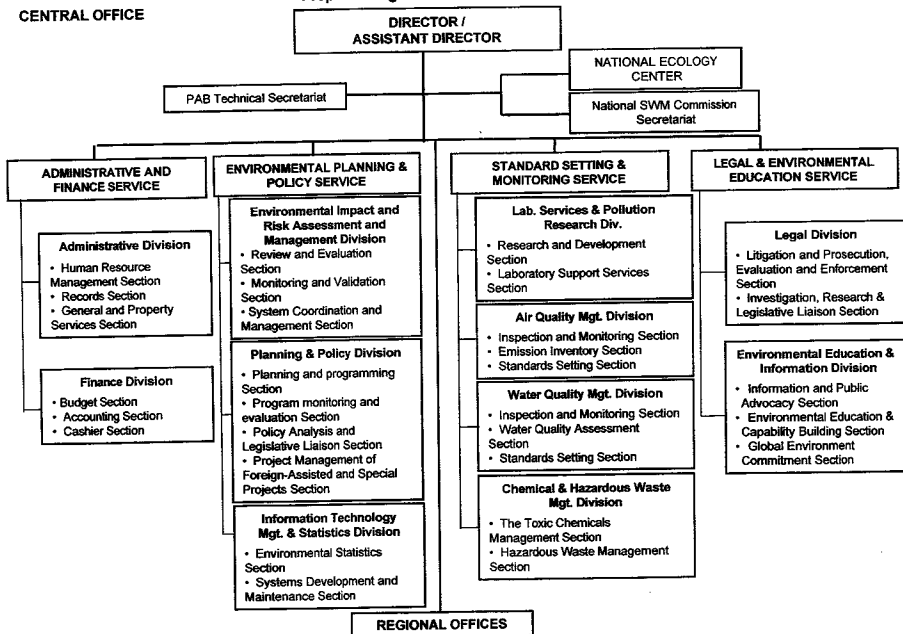
ENVIRONMENTAL MANAGEMENT BUREAU
Proposed Organizational Structure

CENTRAL OFFICE



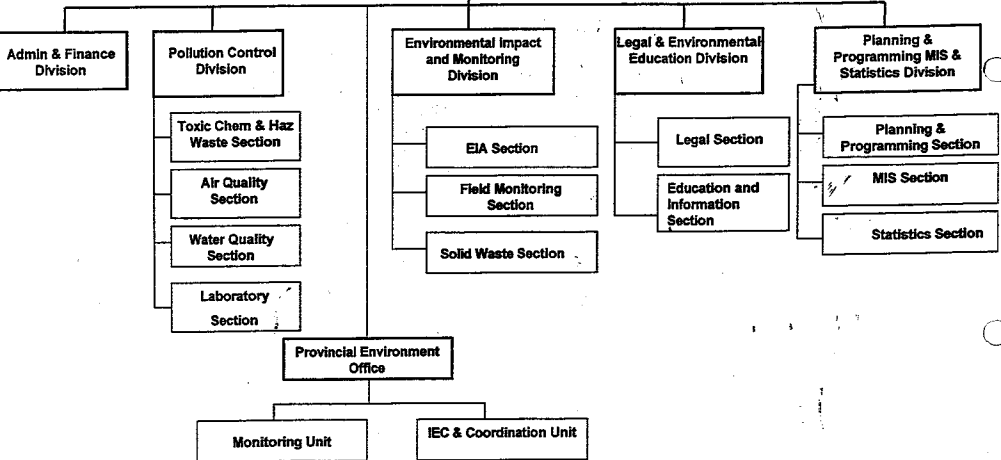
ENVIRONMENTAL MANAGEMENT BUREAU
Proposed Organizational Structure

CENTRAL OFFICE



EMB REGIONAL OFFICE

REGIONAL DIRECTOR



POLLUTION ADJUDICATION BOARD TECHNICAL SECRETARIAT

- The PAB secretariat shall provide support to the Board in the adjudication of industrial pollution cases.

Special Assistant to the Board Secretary

Special Action Unit

- This group shall be in charge of special cases that include among others the implementation of Board Orders challenged by respondents. The group shall also act as a Quick Reaction Team in the inspection and investigation of complaints that need immediate attention.

Water Pollution Unit

- The unit shall be in charge of monitoring, inspection, and evaluation of water pollution cases brought before the PAB. The unit shall also determine the proper amount of fines imposable against respondent firms in accordance with existing guidelines of the PAB.

Air Pollution Unit

- The unit shall be in charge of monitoring, inspection, and evaluation of air pollution cases brought before the PAB. The unit shall also determine the proper amount of fines imposable against respondent firms in accordance with existing guidelines of the PAB

NATIONAL SOLID WASTE MANAGEMENT COMMISSION SECRETARIAT

- The NSWMC Secretariat shall provide support to the National Solid Waste Management Commission in the implementation of solid waste management plans and prescribe policies to achieve the objectives of the Ecological Solid Waste Management Act (RA 9003).

NATIONAL ECOLOGY CENTER

- The NEC shall handle information dissemination, consultation, education and training of various local government units on ecological waste management.

ADMINISTRATIVE AND FINANCE SERVICE

- The *Administrative & Finance Service* shall provide the administrative and financial functions of the Bureau.

ADMINISTRATIVE DIVISION

- The Administrative Division shall establish bureau-wide policies on personnel management, general services, communications, logistics, property, safety, records management and documentation.

Human Resource Management Section

- Responsible for the development and maintenance of personnel program which includes recruitment, selection, appointment, performance evaluation, employee claims and welfare services.

Records Section

- Responsible for the maintenance of the records and provides messengerial services.

General and Property Services Section

- Responsible for the implementation and monitoring of supply and property management program of the Bureau; repair and maintenance of equipment and property; keep and update inventory of properties and recommend its approval; and proper maintenance of motor vehicles, including its insurance and registration.

FINANCE DIVISION

- The finance division shall develop, maintain and improve a cost and financial accounting system for all projects of the Bureau, formulate basic policies and guidelines for the preparation of budget; and exercise over-all supervision over the financial management functions and activities of the Bureau and its Regional Offices.

Budget Section

- Responsible for the preparation and administration of the Bureau's budget.

Accounting Section

- Responsible for the maintenance of books of accounts including its subsidiary records in accordance with existing accounting and auditing rules and regulations and submission of financial reports.

Cashier Section

- Responsible for the collection and deposit of cash, payment of vouchers and submission of accountability reports.

ENVIRONMENTAL PLANNING AND POLICY SERVICE

ENVIRONMENTAL IMPACT AND RISK ASSESSMENT AND MANAGEMENT DIVISION

- Serve as the focal point to achieve its mission to carry out the Philippine EIS System Policy (PD1586) to attain and maintain a rational orderly balance between socio-economic growth and environmental protection; and promote and strengthen EIA networking/linkages and coordination with the government, and non-government and private entities.

Review and Evaluation Section

- The section shall be in charge of screening of projects for coverage under the EIS System, handling EIS Scoping, ECC applications review/evaluation and other related functions of the division.

Monitoring and Validation Section

- The Section shall be in charge of monitoring of projects' compliance to ECC conditions and implementation of the Environmental Management Program (EMP) and validation of the impacts as a basis for evaluating environmental performance or the effectiveness of the EMP.

System Coordination and Management Section

- The section in coordination with the environmental planning and policy division is in charge of assuring that the present internal policies in the review and evaluation as well as monitoring of projects/programs are consistent with the national policies and shall monitor and document specific decisions on certain cases encountered during day to day operations which has policy implications. It shall also be responsible with the integration of the voluminous environmental data gathered from the implementation of the system into useful information for input into the environmental planning and policy formulation function of the EMB. It shall integrate commitments made in various meetings with the other government agencies in the division's internal policies.

PLANNING AND POLICY DIVISION

- The Division shall be responsible for integrating the short, medium and long-term plans of the Bureau; provide planning standards and guidelines for integrating sectoral and regional plans in the preparation of the Bureau's budget, provide a mechanism for monitoring and assessment of physical and financial accomplishments. It shall also design and install a national and regional development planning and management system; develop/evaluate and monitor programs/projects of the Bureau, undertake policy studies for effective and efficient and economical operations of the Bureau.

Planning and Programming Section

- The Section shall be responsible for integrating the short, medium and long-term plans of the Bureau; provide planning standards and guidelines including workloads in the preparation of the Bureau's budget.

Program Monitoring and Evaluation Section

- The Section shall conduct monitoring and assessment of env'tl programs/projects/activities/accomplishments.

Policy Analysis and Legislative Liaison Section

- The Section shall formulate policy recommendations and strategies for environmental management; review and evaluate the implementation of policies concerning environmental management and pollution control; formulate alternative global and national scenarios as bases for long-term resource policy agenda; coordinate and maintain liaison with other government agencies on policy matters affecting environment and with the Congress regarding legislative inquiries and enactment of environmental proposals into laws.

Project Management of Foreign-Assisted and Special Projects Section

- The Section takes charge of project development, monitoring and evaluation in coordination with various divisions of the Central and Regional Offices.

INFORMATION TECHNOLOGY & STATISTICS DIVISION

- The *Information Technology & Statistics* Division shall coordinate over-all activities of the Bureau on establishing and maintaining management information systems and databases that will provide up-to-date information necessary for management's policy formulation and decision-making functions.

Environmental Statistics Section

- The Section shall be responsible for studying, compiling and analyzing the quality of the environment and undertake comprehensive review and assessment of statistical reports pertaining to the environment for planning purposes and information dissemination.

Systems Development and Maintenance Section

- This Section shall establish and maintain management information systems and databases that will provide updated and timely statistics and information necessary for management's policy formulation and decision-making functions.

STANDARD SETTING AND MONITORING SERVICE

- The Standard Setting & Monitoring Service shall formulate standards/monitoring guidelines for acceptable quality of air and water and management of chemicals and hazardous wastes in the country.

LABORATORY SERVICES AND POLLUTION RESEARCH DIVISION

- The Laboratory Services & Pollution Research Division shall formulate, develop, coordinate and implement short-term and long-term, research programs on existing and potential environmental issues; aims to provide the scientific data to be used as basis for policy formulation, environmental monitoring, and enforcement of rules and regulations, and in dealing with potential environmental issues and problems; priority areas are the following: environmental quality standards and criteria, global phenomena, environmental technology assessment and application, coastal environment management, and special areas of concern and laboratory support services.

Research and Development Section

- The Research and Development Section shall formulate, develop, coordinate and implement short-term and long-term research programs on existing and potential environmental issues. It aims to provide the scientific data to be used as a basis for policy formulation, environmental monitoring, and enforcement of rules and regulations, and in dealing with potential environmental issues and problems.

Laboratory Support Services Section

- The Laboratory Support Services Section shall primarily generate data from the analysis of environmental samples. It shall likewise adopt and/or develop alternative procedures and methods for assessing environmental quality which are applicable to local conditions. In addition, the Section shall implement the DENR scheme for the recognition of environmental laboratories.

Water Quality Management
Division

AIR QUALITY MANAGEMENT DIVISION

- The Air Quality Management Division shall undertake the implementation of a holistic national program for air pollution management including the establishment and supervision of airsheds throughout the country; formulate air quality surveillance and monitoring/schemes for the implementation by the regional offices; conduct emission source inventory for the entire country in coordination with the regional offices; evaluate plans, technologies/control facilities relevant to issuance of permits/clearances.

Inspection and Monitoring Section

- The Section shall conduct inspection, surveillance, monitoring and test of ambient air as well as establishments which are potential/actual sources of pollution; determine and assess compliance with the air quality standards/requirements of the office; investigate air pollution complaints and cases; and identify critical areas that need close monitoring.

Emission Inventory Section

- The Section shall prepare survey forms, conduct researches, evaluate air quality management studies and undertake other activities relevant to emission inventory. It shall also prepare annual inventory and assessment report of air quality; establish emission database; and recommend plans and programs needed in policy, standard setting and other aspects of air quality management.

Standards Setting Section

- The Section shall formulate air quality standards and policies on air quality management; conduct researches, literatures survey, collate information from the other units of the service and other sources relevant to standards-settings activities; and recommend periodic updating of air quality standards consistent with the approved Clean Air Act (CAA).

Chemical and Hazardous Waste
Quality Management Division

WATER QUALITY MANAGEMENT DIVISION

• The Water Quality Management Division shall undertake water quality surveillance and monitoring program for the implementation by the regional offices; conduct water pollution discharge inventory from point and non-point sources; develop and validate dispersion model through simulation and validation of available models for predicting pollutant levels in coordination with the Pollution Research Division; review, formulate and update the country's water quality and industrial effluent standards; monitor the activities of the regional offices regarding the effective implementation of pollution control law and oversee the river classification program.

Inspection and Monitoring Section

• The Section shall conduct inspection or surveillance of ambient water as well as establishments which are potential sources of pollution; draft/finalize appropriate manuals and procedures in the conduct of water quality inspection; coordinate with other agencies concerned with quality inspection/monitoring; act on complaints related to water quality guidelines violations; determine and assess compliance with the standards/requirements; and identify critical water bodies that need close monitoring.

Standards Setting Section

• The Section shall formulate water quality standards and policies on water quality management; coordinate with concerned government agencies, industries and individuals technically knowledgeable in standard setting; evaluate water quality standard and recommend periodic updating of standard; and conduct researches, literature surveys, and information relevant to standard settings.

Water Quality Assessment Section

• The Section shall conduct categorization of rivers, lakes, bays and other water bodies; oversee the program on classification of water bodies; conduct special response and monitoring of pollution emergencies and catastrophes; conduct researches and evaluate water quality management studies and prepare annual inventory and assessment report of water quality and database.

CHEMICALS AND HAZARDOUS WASTE MANAGEMENT DIVISION

The Toxic Chemicals Management Section

- The Toxic Chemicals Management Section shall maintain and update a national inventory of chemicals and chemical substances; formulate a comprehensive program and policies on safe use and management of industrial chemicals and chemical substances; control manufacture, importation, and use of industrial chemicals scientifically found to have deleterious effect to public health and environment through the issuance of permits and clearances; issue chemical orders and prepare a phase-out program on the manufacture, importation and use of chemicals which poses risks to public health and the environment; and harmonizes the Philippine's obligation under international agreements related to the regularization of chemicals.

Monitoring/Inspection and Investigation Unit

- The Unit shall conduct regular industrial inspection and compliance monitoring on the condition stipulated in issued permits and clearances to maintain safe use and management of chemicals and chemical substances; investigate complaints and other related issues and concerns regarding the improper use and management of chemicals and chemical substances and recommend sanctions for non-complying industry; and provide inputs and assistance to develop a compliance monitoring scheme to enforce and promote observance of the provision of RA 6969. It shall also provide technical assistance to the Regional Offices regarding the implementation of RA 6969.

Permits/Clearances Issuance Unit

- The Unit shall review/evaluate environmental hazards and risks of industrial chemicals and issue permits to chemicals and chemical substances under CCO and PCL; review/evaluate chemicals and chemical substances subject to PMPIN requirements and issue Importation Clearance and/or Interim Status Permits; establish and maintain database for chemical and chemical substances in PCL and CCO; spearhead the review and updating of PICCS together with MIID and PCTD; and provide inputs and assistance to the policy group (PCTD) in the formulation of policies and development training activities on chemical management.

Standard Setting Unit

- The Unit shall develop manuals, codes of practice guidelines and procedures for proper storage and transport and disposal of chemicals; issue CCO for chemicals and chemical substances which poses to public health; review and update the PCL; establish a national system to link existing sources of information on chemicals; develop standard criteria for risk assessment and other related chemical management standards; provide seminar and training programs for industries and regional offices; coordinate within the Department, other government agencies and private institutions for effective implementation of rules and regulations under RA 6969; and also harmonizes activities related to our local and international commitments and obligations, i.e. Prior Informed Consent (PIC), Persistent Organic Pollutants (POPs), International Forum for Chemical Safety (IFCS), Montreal Protocol.

Hazardous Waste Management Section

- The Hazardous Waste Management Section shall provide for the implementation of a comprehensive program for the waste management; monitoring and optimize methods, system and strategies for monitoring and assessment of exposure of man and the environment to wastes; coordinate an inter-agency technical advisory council to ensure effective program implementation and information dissemination; prepare compliance monitoring guidelines for hazardous/domestic waste generators; conduct inventory of Hazardous Waste Generators/Treaters; develop procedures for registration/accreditation of Waste Transporter and Develop Hazardous Waste, Treatment, Storage and Disposal (TSD) Facility Permitting Procedure.

Monitoring/Inspection and Investigation Unit

- The Unit shall conduct regular inspection and compliance monitoring of facilities generating, recycling and treating hazardous wastes including disposal facilities and survey of possible sites contaminated by hazardous wastes; act on complaints and information on illegal dumping and traffic of hazardous wastes and recommend/impose sanctions against violators of RA 6969 and Basel Convention.

Permits/Clearances Issuance Unit

- The Unit shall prepare checklist of information requirements for the issuance of permits and clearances; review evaluate applications for transport, storage, and disposal of hazardous wastes for treatment and disposal and recommend issuance or denied permits and clearances. shall also implement the requirements and procedures of the Basel Convention and DAO 92-29, 94-28 and 97-28.

Standard Setting Unit

- The Unit shall update/operate and update the National Hazardous Waste Tracking System (HWTS); review and evaluate reports/manifests and proposals submitted by hazardous wastes generators, transporters and treaters/recyclers; evaluate and consolidate data and information on waste generation reported by hazardous waste generators and prepare matrix of compliance on the requirements of RA 6969 and Basel Convention. It shall also prepare guidelines and standards for treatment storage and disposal facility.

LEGAL AND ENVIRONMENTAL EDUCATION SERVICE

LEGAL DIVISION

• The Legal Division shall direct the Bureau's legal operation. It shall provide legal counsel/advice; review issuance of licenses, permits, notices of violations, Orders/Resolutions, contracts involving EMB's mandate; file indictment cases against violators and assists in the formulation of policies, programs, guidelines, memorandum circulars, standards, and rules and regulations. Likewise, it shall render comments on certain issues that touched on legal matters, conduct continuing legal studies and researches, and draft decisions, orders and reports for appropriate action of the Executive Director.

Litigation and Prosecution, Evaluation and Enforcement Section

• This Section shall be responsible in filing indictment cases and in assisting public prosecutors/Office of the Solicitor General in prosecuting violators of environmental laws as per recommendation of the Investigation, Research and Legislative Liaison Section.

Investigation, Research and Legislative Liaison Section

• The Investigation, Research & Legislative Liaison Section shall be responsible in gathering data such as case histories of person/industry/developer found violating environmental laws. Based on its findings/researches, it shall recommend cases for hearing, issuance of appropriate orders imposing the penalties provided by law. It shall likewise oversee the legality of actions being executed by EMB; and review contracts, permits and drafts orders.

ENVIRONMENTAL EDUCATION AND INFORMATION DIVISION

Information and Public Advocacy Section

• The Information and Public Advocacy Section shall undertake activities that will create public awareness through the use of print and broadcast media, conduct seminars, symposia, lectures, briefings and other related information activities. The section shall also be responsible in the preparation of environmental quality report.

Environmental Education and Capability Building Section

• This Section shall undertake programs that will inculcate awareness, understanding, as well as promote skills, positive attitudes, commitments and active participation for the protection of the environment, through the integration of environmental concerns in the school, government and private sectors. It shall also conduct training needs analysis, and actual training programs for the afore-cited sectors.

Global Environment Commitment Coordination Section

• The Global Environment Commitment Coordination Section shall set as a priority to coordinate the development, negotiation and ratification of international environmental conventions, agreements/protocols to deal effectively with environmental degradation and protection of shared global resources; promote awareness among stakeholders/general public on international conventions its status and impacts on the country's programs/projects.



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City, 1100
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

ADMINISTRATIVE ORDER

No. 2002-18

MAR 12 2002

SUBJECT: Declaring An Emergency Situation in the Diwalwal Gold Rush Area and Providing for Interim Guidelines To Address the Critical Environmental and Social Consequences Therein

WHEREAS, Article II of the 1987 Philippine Constitution provides that the State shall protect and promote the right to health of the people and advance the right to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, Article XII of the 1987 Philippine Constitution provides that all natural resources are owned by the State, that the exploration, development and utilization thereof shall be under its full control and supervision, and that the State may directly undertake such activities;

WHEREAS, Section 4 of Republic Act (R.A.) No. 7942, otherwise known as the Philippine Mining Act of 1995, provides that the mineral resources are owned by the State, that the exploration, development and utilization and processing thereof shall be under its full control and supervision and that it may directly undertake such activities or it may enter into mineral agreements with contractors;

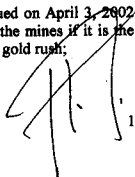
WHEREAS, Section 8 of R.A. No. 7942 also provides that the Department of Environment and Natural Resources (DENR) shall be the primary agency responsible for the conservation, management, development and proper use of the State's mineral resources including those in reservations, watershed areas and lands of the public domain and that the DENR Secretary shall have the authority to promulgate rules and regulations as may be necessary to implement the intent and provisions of the said Act;

WHEREAS, Executive Order (E.O.) No. 192 mandates that the DENR shall be the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, as well as the licensing and regulation of all natural resources as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos;

WHEREAS, the authority over small-scale mining and enforcement of certain environmental laws by the Provincial Government concerned are subject to the supervision, control and review of the DENR Secretary pursuant to the pertinent provisions of R.A. No. 7160 or the Local Government Code of 1991;

WHEREAS, pursuant to E.O. No. 786 dated March 19, 1982, the Natural Resources Development Corporation (NRDC) as a government corporation and corporate arm of the DENR is mandated to help promote the development of the country's natural resources;

WHEREAS, the Supreme Court has ruled in G.R. No. 135190 issued on April 3, 2002 that the State may not be precluded from considering a direct takeover of the mines if it is the only plausible remedy in sight to the gnawing complexities generated by the gold rush;


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WHEREAS, Proclamation No. 2146, dated December 14, 1981, provides that mining being a resource extractive industry is an environmentally critical project;

WHEREAS, the Diwalwal gold rush area in Mt. Diwata, Monkayo, Compostela Valley Province has been the site of crude and semi-mechanized to mechanized types of mining operations since 1983, involving thousands of miners, local entrepreneurs and service providers;

WHEREAS, comprehensive studies on the extent of pollution and siltation resulting from the Diwalwal mining operations undertaken by the DENR, the United Nations Industrial and Development Organization (UNIDO), and other entities have confirmed the elevated levels of mercury and serious siltation incidents in the area, indicating an emergency situation that needs immediate intervention by Government;

WHEREAS, the above situation has been aggravated by peace and order problems, notably the recent killing of a judge in Compostela Valley, the alleged burning of tires and toxic chemicals in the underground working areas causing the suffocation of forty-four (44) miners and one (1) fatality; blockade of vital Bincungan Bridge in Davao del Norte and Tagmanok Bridge in Compostela Valley; and fatal ambushes which now calls for immediate positive action by Government;

WHEREAS, the current situation requires an urgent need to address the issues on environmental degradation, social dislocation, peace-and-order, and occupational health and safety hazards facing the Diwalwal mining operations, including the need for an appropriate site and engineered waste and tailings disposal system;

WHEREAS, mining and mineral processing operations are matters impressed with public interest and that rationalized gold mining operations in Diwalwal would ensure the sustained livelihood of the thousands of miners, local entrepreneurs and service providers therein and optimize the benefits to be derived from the mineral wealth in accordance with the sustainable development strategy of the Government;

WHEREAS, the rationalization of the Diwalwal gold mining operations should be pursued in line with sustainable development and poverty alleviation strategies of the Government;

NOW, WHEREFORE, foregoing premises considered, the following are hereby promulgated:

Section 1. Declaration of Emergency. In view of the issues on environmental pollution, social dislocation, health and safety hazards, and deteriorating peace and order situation, an emergency situation is hereby declared in the Diwalwal gold-rush area.

Section 2. Objectives. In consonance with existing laws, and to immediately address the critical environmental and social dimensions of the Diwalwal gold-rush area, the following objectives are hereby set-forth:

- a. Provide for immediate measures to mitigate the critical environmental and social conditions in the Diwalwal gold-rush area;
- b. Address the deteriorating peace-and-order situation in the area;
- c. Address the needs of the destitute small miners and the demands of farmers in the area, taking into consideration their sustained livelihoods, health and safety; and
- d. Establish a management system for environmental protection and resource utilization.

Section 3. Stoppage of Mining and Mineral Processing Operations. In view of the critical environmental and social conditions now prevailing, a stoppage of mining

and mineral processing activities of major operators in the Diwalwal gold rush area is hereby ordered until such time that all the environmental and permitting requirements are complied with. To implement the said stoppage, the DENR shall:

- a. Seek the assistance of concerned local government units and other government agencies in stopping large mining and mineral processing activities, and in providing security of the area and maintenance of peace and order;
- b. In coordination with the Firearms and Explosives Office (FEO), Philippine National Police (PNP), strictly regulate and control the issuance of licenses for the purchase, disposition and use of explosives and their accessories; and
- c. Issue the necessary deputation orders to the PNP, the Armed Forces of the Philippines (AFP), and other concerned entities to police all mining activities.

Section 4. Addressing the Environmental Problems. To immediately address the siltation, pollution and other environmental problems, the DENR shall undertake the following actions:

- a. Make available the Mabatas area as feasible sites for the relocation of mineral processing plants and for common tailings disposal system;
- b. Undertake the planning, identification, construction and operation of an engineered tailings dam;
- c. Initiate and undertake the orderly relocation of mineral processing plants to the Mabatas area or any other government-designated areas;
- d. Through the Environmental Management Bureau (EMB), strictly regulate the use of Mercury, Cyanide and other chemicals or substances as provided for under R.A. No. 6969;
- e. Coordinate with the Department of Health (DOH) in the conduct of health monitoring and assessment activities, management or treatment of health cases, pursuit of health education campaigns and environmental sanitation activities, for the residents in the area;
- f. Through the Mines and Geosciences Bureau (MGB) and the EMB, in coordination with the concerned local government units, shall conduct an assessment of the nature and extent of the environmental problems in the area;
- g. In coordination with the local government units of the affected areas, undertake the necessary close monitoring of the mining operations, and formulate long-term plans and programs to address the environmental problems in the area; and
- h. Together with NRDC, and in coordination with the concerned local government units, shall initiate environmental clean-up of the Diwalwal mining area and the Naboc River, and shall establish an Environmental User's Fee mechanism under DAO No. 2002-16 and a Peoples Small-Scale Mining Protection Fund under R.A. No. 7076.

Section 5. Role of the Natural Resources Development Corporation (NRDC). In the interim, the DENR through the NRDC, shall undertake the development and utilization activities in the area, such as, but not limited to:

- a. The setting up of professionally competent and qualified technical groups, with technical assistance of MGB, to undertake the necessary planning, management and operationalization of various mining-related activities in the Diwalwal area;

- b. The preparation and initial construction and operations of the Mabatas mill tailings disposal facility;
- c. Implementation of a mine management plan to generate cash flow for the activities in Mabatas disposal system and to address issues on environmental, social and sustainable livelihood of subsistence mine workers;
- d. Development and establishment of a purchasing and marketing mechanism and facilities to ensure that all the gold produced from the Diwalwal area shall be sold to the Bangko Sentral ng Pilipinas (BSP).

Section 6. Provision of Technical Assistance. In order to address the rational development of the Diwalwal gold deposit, the following shall be undertaken:

- a. The DENR shall organize and operationalize a full-time Technical Working Group headed by the MGB, to provide all necessary assistance in the rationalization of the Diwalwal mining operations;
- b. The MGB shall conduct geodetic and geological surveys for the delineation of mineralized zones and mining areas;
- c. The MGB, in support to NRDC shall undertake survey of the underground mine workings to identify and delineate danger zones;
- d. The EMB shall develop a scheme of programmatic or unified Environmental Clearance Certificate (ECC) to fast track the necessary evaluation and approval of required ECCs; and
- e. The DENR shall provide training on mine safety, first aid, and environmental protection measures to small-scale miners and mineral processors.

Section 7. Collection of Taxes, Fees and Royalties. To ensure that the taxes, fees and royalties due from the utilization of mineral resources will be properly and adequately collected, the DENR shall undertake the following:

- a. In coordination with the Bureau of Internal Revenue (BIR) and the concerned Local Government Units, shall develop and set up the necessary collection mechanisms; and
- b. In recognition of possible vested rights in the area, the DENR shall deposit in escrow in a government bank, appropriate royalties for rightful indigenous peoples and mining tenement claimants.

Section 8. Separability Clause. If any clause, sentence, section or provision of these guidelines is held or declared to be unconstitutional or invalid by a competent court, the remaining parts thereof shall not be affected thereby.

Section 9. Effectivity. These guidelines shall take effect fifteen (15) days following its complete publication in a newspaper of general circulation.


HEHERSON T. ALVAREZ
Secretary

AUG 12 2002

PUBLICATION:

PHILIPPINE DAILY INQUIRER
AUGUST 14, 2002



DENR ADMINISTRATIVE ORDER

NO. 2002-19

SEP 16 2002

SUBJECT : Guidelines on the Trade of Captive-bred Butterfly Specimens

Pursuant to Republic Act 9147 otherwise known as the "Wildlife Resources Conservation and Protection Act" and in furtherance of the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the following guidelines on the trade of captive-bred butterfly specimens are hereby promulgated for the guidance and compliance of all concerned.

Section 1. Basic Policy. It is the policy of the Department of Environment and Natural Resources (DENR) to ensure the sustainable use, management and conservation of the country's wildlife resources to provide for the needs of the present and the future generations.

Section 2. Coverage. This guidelines shall apply to all species of butterflies, whether local or exotic including the pupae or adult, whether live or deadstock. Provided that, only the pupae or captive-bred deadstock produced in farms established pursuant to this Order shall be allowed for trade. Provided further that, in the case of exotic species, the requirements for importation as prescribed herein shall be complied with.

Butterfly farms intended for exhibit or educational purposes are likewise covered by the provisions of this Order.

Section 3. Definition of Terms. For the purpose of this Order, the following terms shall be construed to mean as defined below:

1. **Butterfly specimens** – means pupae and adult butterfly whether live or deadstock;
2. **By-Products** – means items or goods produced out of or utilizing butterfly deadstocks or any of its parts;
3. **Captive-bred** – means specimens produced in a butterfly farm established pursuant to this Order;
4. **CITES** – is the acronym for the Convention on International Trade in Endangered Species of Wild Fauna and Flora, a treaty regulating the international trade of fauna and flora listed under its Appendices;
5. **CITES Appendix I** - means species that are threatened with extinction and for which trade must be subject to particular strict regulation and only authorized in exceptional circumstances i.e. not for primarily commercial purposes;
6. **CITES Appendix II** - means species which are not necessarily now threatened with extinction but may become so unless trade in them is strictly regulated. This also contains the so-called look-alike species;

7. **CITES Appendix III** - means species that are subject to regulation within the jurisdiction of a Party and for which cooperation of other Parties is needed in order to prevent or restrict their exploitation;
8. **CITES Export Permit** - means a permit authorizing an individual to bring, send or transport CITES specimens from the Philippines to other countries;
9. **CITES Import Permit** - means a permit issued authorizing an individual to bring into the Philippines CITES specimens from other countries;
10. **CITES Re-export Permit** - means a permit issued authorizing an individual to bring out of the country CITES specimens which were previously imported and granted a valid CITES import permit;
11. **Collection** - means the capture or taking of live adult butterflies from the wild for purposes of breeding and in accordance with Section 4 hereof;
12. **Bioprospecting** - means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom for commercial purposes such as agricultural applications; development and production of pharmaceutical products, cosmetic and health products, chemical reagents and medicinal preparation; except traditional use by members of indigenous cultural communities;
13. **CITES species** - means the species listed under Appendix I, II or III of the CITES;
14. **Deadstock** - means preserved adult butterfly specimens;
15. **Exotic species** - means species or subspecies which do not naturally occur in the country;
16. **Local Transport Permit (LTP)** - means a permit authorizing an individual to bring, carry or ship legally acquired butterfly specimens from one place to another within the country for legitimate purposes such as but not limited to stocking butterfly farms and bringing the butterfly specimens to ports, airports and the like for further transportation;
17. **Wildlife Collector's Permit (WCP)** - means a permit which confers upon the holder the privilege to collect certain species and quantity of live adult butterflies from the wild for stocking butterfly farms;
18. **Wildlife Farm Permit (WFP)** - means a permit which confers upon the holder the privilege to engage in the breeding of butterflies collected from the wild and the establishment of a butterfly farm for commercial purposes, or for exhibit or educational purposes;
19. **Non-CITES Species** - means species which are not listed or included under Appendix I, II and III of CITES;
20. **Non-CITES Export Permit** - means a permit authorizing an individual to bring, send, or transport non-CITES butterfly specimens from the Philippines to other countries;

21. **Non-CITES Import Permit** -- means a permit authorizing an individual to bring into the Philippines non-CITES butterfly specimens from other countries;
22. **Non-CITES Re-export Permit** -- means a permit authorizing an individual to bring out of the country non-CITES butterfly specimens which were previously imported and granted a valid Wildlife Import Certification or its equivalent.

Section 4. Collection of wild species of butterflies for breeding. The collection of wild species of butterflies shall be allowed only for breeding purposes under a Wildlife Collector's Permit (WCP) and Wildlife Farm Permit (WFP) duly issued by the DENR. The WCP and WFP shall have a duration of three (3) years and may be renewed thereafter for the same period, provided that, pupae and other developmental forms prior to adult butterflies shall not be collected. Provided further, that the issuance of permits for bioprospecting as defined by R.A. 9147 shall be governed by other Implementing Rules and Regulations and not by this Order. The number and types of species/subspecies that shall be covered by each WCP and WFP shall be prescribed by the DENR. No WCP shall be granted for purposes of directly selling the butterfly specimens to buyers.

The following requirements shall be complied with prior to the issuance of these permits :

- 4.1 Duly accomplished/notarized application form with 2" x 2" photo of the applicant (ANNEX "A");
- 4.2 Management/breeding plan (outline attached as ANNEX "B");
- 4.3 Establishment of breeding farm facility in accordance with Section 10 hereof or a sketch plan of the facility, in case of new applicants;
- 4.4 Copy of Certificate of Registration from appropriate government agency such as SEC, CDA, etc.;
- 4.5 Certificate of Non Coverage (CNC) from the Environmental Management Bureau (EMB) of the Region with jurisdiction over the area/location of the breeding farm facility;
- 4.6 Prior clearance from the affected communities, i.e. recognized head of the indigenous people in accordance with RA 8371, barangay, municipal or city mayor or Protected Area Management Board with jurisdiction over the collection site/s; (Form attached as ANNEX "C");
- 4.7 If engaging in export, copy of BIR registration as exporter; and
- 4.8 Payment of application fees and permit fees.

Section 5. Evaluation by the Inter-Agency Wildlife Management Committee (IAWMC). An Inter-Agency Wildlife Management Committee composed of experts from the DENR, National Museum of the Philippines, Bureau of Animal Industry, academe, non-government organizations and a representative from the wildlife industry shall evaluate all applications for WCP and WFP. Upon submission of the complete requirements prescribed under Section 4 of this Order including the inspection of the farm facility, the IAWMC shall make recommendations within ten (10) days to the Director of the Protected Areas and Wildlife Bureau (PAWB) for the issuance of said permits to those qualified to engage in the breeding of butterflies. The inspection of the farm facility shall be undertaken by PAWB or the concerned DENR Field Office which has jurisdiction over the area where the farm facility is/are located.

Section 6. Local Transport. The transport of butterfly specimens from one place to another within the territorial jurisdiction of the Philippines must be accompanied by a Local Transport Permit issued by the nearest DENR Field Office in the area where the farm or collection site/s is/are located. The LTP shall specify the species to be transported including the quantity. It shall likewise certify that the species to be transported were duly inspected and verified to be collected/ acquired in accordance with existing laws, rules and regulations (Form attached as ANNEX "D").

Section 7. Exportation. Only captive-bred butterfly specimens produced in breeding farms authorized in accordance with this Order shall be allowed for trade. The exportation of these species shall require the issuance of permit from the DENR prior to actual shipment following the requirements under Section 9 hereof. For species listed under Appendices I, II and III of the CITES, CITES Permit shall be secured while for non-CITES species, Non-CITES Export/Re-export Permit as defined under Section 3 hereof shall be secured.

Section 8. Importation and Re-exportation of Exotic Butterfly Specimens. The importation of exotic butterfly specimens shall be allowed only upon prior issuance of an import permit from the DENR in accordance with the requirements under Section 9 of this Order. Only exotic species which are covered by import permits issued by the DENR may be allowed for purposes of trade within the country or for re-exportation, as the case may be. For species listed under the CITES, a CITES import/re-export permit shall be required before actual shipment. For non-CITES species, Non-CITES Export/Re-export Permit as defined under Section 3 hereof shall be secured.

Section 9. Requirements for the issuance of export/re-export and import permit. The following shall be required upon filing of application for the issuance of export/re-export and import permits with the DENR :

9.1 Export permit

- a) inspection of specimens by the DENR;
- b) bank export declaration/invoice/sales receipt;
- c) local transport permit, where applicable;
- d) payment of fee.

9.2 Import permit

- a) export permit/certificate of origin from exporting country;
- b) invoice receipt;
- c) payment of fee

9.3 Re-export permit

- a) inspection of specimens by the DENR;
- b) import permit previously issued by the DENR;
- c) local transport permit, where applicable;
- d) bank export declaration/invoice receipt;
- e) payment of fee.

Section 10. Procedure in monitoring the trade of butterfly specimens. The following procedure shall be adopted by the DENR in monitoring the trade of captive-bred butterfly specimens :

10.1 Breeding facility

The WCP/WFP holder should maintain a breeding facility with an area of at least 4 sq. meters and a height of at least 2 meters. A larger enclosure shall be required depending on the volume of specimens to be utilized for breeding by the permit holder.

10.2 Food plants

Food plants should be readily available to meet the requirements of the butterfly species maintained for breeding. An area of at least 100 sq. m. should be set aside for planting of food plants.

10.3 Record-keeping

The WFP holder should keep a logbook in the farm to record all activities including among others, the butterflies collected in the wild as breeders, indicating therein the quantity and species collected; places of collection; breeding or production report from pupae to adult stage; and adult captive-bred deadstock gathered from the farm. A monthly report on this shall also be submitted to the DENR. (Format for the farm record/monthly report attached as ANNEX "E"). The activities as entered in the logbook shall be subject to periodic inspection and verification by the concerned DENR Field Office. Only the recorded collection of pupae and deadstock butterfly specimens validated by the DENR shall be allowed for trade.

10.4 Release of 10% of Production

10.4.1 In order to replenish the wild population of endemic species, WCP/WFP holders within the duration of their permit shall be able to release 10% of the total production of captive-bred endemic species of butterflies to the wild i.e. to the specific area/s of collection of each species. The 10% shall refer to the total production of captive-bred butterflies for each of the species allowed to be collected and bred in the WCP/WFP.

10.4.2 The release shall be witnessed by a representative of the DENR Field Office concerned. A certification confirming said release shall be issued by the concerned CENRO or PENRO, as the case may be (Certification form attached as ANNEX "F").

10.4.3 In case of breeding of exotic species, this provision shall not be applied. Exotic species shall never be released into the wild except when authorized under other rules and regulations and after issuance of an ECC.

10.5 Maintenance of Cleanliness and Sanitation

The WCP/WFP holder shall observe cleanliness and sanitation in the maintenance of the butterfly farm and facility. This is to prevent possible contamination and/or spread of pests and/or diseases which may affect the survival of both the captive and the wild population of butterflies and other wildlife species in the area.

10.6 By-products using deadstocks

10.6.1 By-products using deadstocks should first be inspected and stamped by the DENR before distribution or disposition in the market. The items to be traded should be properly tagged bearing the establishment's logo and stamp of DENR inspection. The latter shall indicate the date of inspection, and the printed name and signature of the authorized DENR inspector. Corresponding serial number shall likewise be assigned to each of the items.

10.6.2 An inventory/list of the by-products as inspected pursuant to the preceding paragraph shall be submitted to PAWB by the concerned DENR Field Office. The report shall indicate the description of the item, quantity, serial number, species of butterflies used, the corresponding date of inspection, and the name and specimen signature of the inspector. (Format of report attached as ANNEX "G").

Section 11. DENR Wildlife Traffic Monitoring Unit (WTMU). In order to ensure strict compliance and effective implementation of this Order, a DENR WTMU shall be created and assigned at strategic air and sea ports. All shipments intended for exportation/re-exportation or importation shall be presented to the DENR WTMU for inspection and validation of the permits issued pursuant to Sections 7 or 8 of this Order, prior to loading or actual transport. Existing WTMUs at the Regions shall be utilized for this purpose. The WTMUs may also be tasked to monitor trade in business centers or outlets including duty free shops and postal services centers.

Section 12. Illegal Acts. Unless otherwise allowed in accordance with this Order, it shall be unlawful for any person to willfully and knowingly collect, possess, sell, transport, export, import, re-export or engage in the trade of butterfly specimens and by-products. In case of violation hereof or failure to comply with the terms and conditions of the permit issued by the DENR, the DENR shall immediately effect seizure or confiscation of the specimens and cancellation of the corresponding permit without prejudice to the criminal and other liabilities of the offender.

Section 13. Penalty. Violation of any of the provisions of this Order shall be penalized in accordance with RA 9147 and other pertinent laws, rules and regulations.

Section 14. Repealing Clause. All order, memoranda, circulars inconsistent herewith are hereby repealed and/or amended accordingly.

Section 15. Effectivity. This Order takes fifteen (15) days after publication in a newspaper of general circulation.



HEHERSON T. ALVAREZ
Secretary

SEP 16 2002

PUBLICATION :

MALAYA - SEPTEMBER 27, 2002

Republic of the Philippines
 Department of Environment and Natural Resources
PROTECTED AREAS AND WILDLIE BUREAU
 Diliman, Quezon City

- APPLICATION FOR :
- WILDLIFE COLLECTOR'S PERMIT
- WILDLIFE FARM PERMIT
- NEW
- RENEWAL

(Submit in duplicate)

_____ (Date)

The Director
 Protected Areas and Wildlife Bureau
 Diliman, Quezon City

Sir:

In accordance with existing laws, rules and regulations governing collection/conservation of wildlife and its by-products or derivatives with which I shall familiarize myself and to which strict compliance of same is hereby promised.

- I, _____ have the honor to apply for the above.
- I am _____ years of age, citizen of _____, by birth (if by naturalization of treaty, submit papers for verification),
 Date of birth: _____ Place: _____
 Residence: _____ Tel. No.: _____
 Business Address: _____ Tel. No.: _____
- My occupation/profession _____.
- I am single/married and the name of my spouse/wife is _____.
- I am member/not a member of a sportsmen and/or game club and/or scientific or conservation society _____.
- I intend to collect/breed the following wildlife:

Kind/Species	No.	Kind/Species	No.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. Wildlife species to be collected under this permit shall be taken by _____

(State by what means)

8. I understand that the information stated in this application are true and correct and any omission of facts thereon shall cause the disapproval of this application and/or cancellation of the permit that may be issued to me.
9. I understand that the filing of this application conveys no right to take, collect or possess any wildlife until a permit is issued to me by the Director of the Protected Areas and Wildlife Bureau (PAWB).
10. The application fee of P _____ in _____ made payable to the Director of the PAWB, Diliman, Quezon City is herewith enclosed. Non- approval or non-issuance of the permit does not entitle me to a refund of the fee.

(Signature of applicant)

TIN : _____

(Postal Address)

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF _____)
CITY OF _____)

SUBSCRIBED AND SWORN to before me this _____
day of _____ 2001. Applicant exhibited to me his/her Community Tax
No. _____, issued at _____, on _____
_____ 2001.

(Officer authorized to administer oath)
Print Name clearly and sign

(Official designation)

OUTLINE OF THE MANAGEMENT & BREEDING PLAN

- I. PROJECT PROPONENT**
- II. TYPE AND PURPOSE**
- III. MANAGEMENT STRATEGIES**
 - A. OPERATIONAL SET-UP**
 - B. PHYSICAL DEVELOPMENT**
 - C. OPERATION AND MAINTENANCE**
 - D. DETAILED CAPTIVE-BREEDING PLAN**
 - E. FOOD PLANTS AVAILABLE**
- IV. SCIENTIFIC EXPERTISE & MANAGEMENT CAPABILITY**
- V. CERTIFIED LIST OF FACILITIES AND OPERATIONAL RESOURCES**

BARANGAY/MUNICIPAL CLEARANCE

TO WHOM IT MAY CONCERN :

This is to certify that the undersigned has reviewed the proposed activities on the collection of butterflies and establishment of butterfly breeding farm, and understood the implication thereof in the area and its vicinities. Further, I certify that I have consulted my respective constituents/members and that they interpose no objection whatsoever to said activities.

This Barangay/Municipal clearance is issued to support the application for a Wildlife Collector's Permit/Wildlife Farm Permit with the DENR of :

Name : _____
Address : _____

The conduct of the above activities shall be done in the following areas only :

Collection Site/s : _____

Location of Farm : _____

Done this _____ day of _____ 2001 at _____

Brgy. Captain/Municipal Mayor

Subscribed and sworn to before me this _____ day of _____
at _____ affiant exhibiting to me his/her Community Tax Certificate
No. _____ issued on _____ at _____

Administrative Officer

MONTHLY BUTTERFLY BREEDING REPORT

From _____ to _____

Name/Establishment : _____

Address : _____

Location of Farm : _____

WCP No. _____

WFP No. _____

A. Breeding Stock Collected from the Wild

Species	Quantity		Date of Collection	Capture/Collection Site	Authorized Trapper	Mortalities
	Male	Female				
TOTAL						

Submitted by:
_____Validated by:

MONTHLY BUTTERFLY BREEDING REPORT

From _____ to _____

Name/Establishment : _____

WCP No. _____

Address : _____

WFP No. _____

Location of Farm : _____

B. Captive-bred Butterfly Production:

Species	No. of Pupae Produced	No. of Pupae Sold/Exported	Mortalities		Source (indicate whether from own farm or from sub-breeder, specifying name of the sub-breeder and the location of the facility)
			Deadstock Collected	Unused	
TOTAL					

Submitted by:

Validated by:

(PENRO/CENRO Personnel)

ANNEX "F"

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Community Environment and Natural Resources Office

C E R T I F I C A T I O N

TO WHOM IT MAY CONCERN:

This is to certify that _____
of _____, holder of Wildlife Collector's
Permit (WCP) No. _____ and Wildlife Farm Permit (WFP)
No. _____ had released a total of _____ butterflies of
different species (list attached) representing 10% of the total production of
captive-bred butterflies for species allowed to be collected and bred in the
WCP/WFP.

Further, said captive-bred butterflies were released at the
capture/collection site/s located at _____
on _____ as witnessed by PENRO/CENRO-PAWS personnel.
The release is intended for replenishment of the wild population. Attached are
photos taken during the activity.

This Certification is issued upon the request of _____
in compliance with the terms and conditions of the above WFP.

Certification fee in the amount of _____ was paid under
PENRO/CENRO _____ Official Receipt No. _____
dated _____.

PENRO/CENRO

INVENTORY/LIST OF BUTTERFLY BY-PRODUCTS

Name/Establishment :

WFP No.: _____

Import Permit/Certification No./s : _____

DESCRIPTION OF ITEM	QUANTITY	SERIAL NO. ASSIGNED	SPECIES USED	DATE INSPECTED	INSPECTOR	
					PRINTED NAME	SIGNATURE

TOTAL

Submitted by:

PENRO/CENRO



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929 70 41 to 43

DENR ADMINISTRATIVE ORDER
No. 2002 - 20

OCT 04 2002


SUBJECT : REVOCATION OF MEMORANDUM DATED AUGUST 3, 2001 REQUIRING CLEARANCE FROM THE CENTRAL OFFICE BEFORE ISSUANCE OF PATENTS

In order to achieve the Department's commitment to help alleviate poverty through massive distribution of land titles and to clearly define the delegation of authorities within the Department relative to the issuance/signing of land patents, it is hereby ordered that henceforth all Regional Executive Directors are given the authority to sign/issue land patents covering an area of not more than three (3) hectares.

In the exercise of the above-cited function/authority, no prior clearance is required from the Central Office.

All Department orders, circulars or instructions inconsistent herewith are hereby repealed, superseded and/or modified accordingly.

This Order shall take effect immediately.



HEHERSON T. ALVAREZ
Secretary



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City, 1100
Tel Nos. (632) 929-66-26 to 29 • (632) 929-65-52
929-66-20 • 929-66-63 to 35
929-70-41 to 43

DENR ADMINISTRATIVE ORDER
No. 2002 - 21

OCT 07 2002

**SUBJECT: INITIAL DESIGNATION OF THE MEMBERS OF THE
METRO CEBU AIRSHED GOVERNING BOARD**

In the interest of public service, and pursuant to Section 9 of the Republic Act 8749, otherwise known as the Philippine Clean Air Act of 1999, Sections 4 and 5 of the Implementing Rules and Regulations (DAQ 2000-81) of the said Act and to effectively carry out the action plans, a Governing Board is hereby created, herein referred to as the Board,

The Board shall be headed by the Secretary of the Department of Environment and Natural Resources, as Chairman.

There shall be two (2) Deputy Chairpersons namely, the Department's Regional Executive Director and the Bureau's Regional Director in Region VII.

The members of the Board shall be initially composed of the following:

- a. The Provincial Governor of Cebu
- b. The City Mayors of the following
 - i. Cebu City
 - ii. Mandaue City
 - iii. Lapu-lapu City
 - iv. Talisay City

The Municipal Mayors of the following:

- v. Naga
 - vi. Minglanilla
 - vii. Cordova
 - viii. Liloan
 - ix. Compostela
 - x. Consolacion
- c. The Regional Directors of the following:
 - xi. The Land Transportation Office

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- xii. Department of Health
 - xiii. Department of Trade and Industry
 - xiv. The Department of Energy
 - xv. Department of Interior and Local Government
 - xvi. The Chief Meteorological Officer, Philippine Atmospheric Geophysical and Astronomical Services Administration
- d. The representatives from the private sector, People's Organization and Non-governmental Organizations shall within six (6) months from the designation of the airshed, choose their representatives by and among themselves through sectoral assemblies concerned.

Members of the Governing Board shall serve for a term of three (3) years (or such lesser time as may be permitted by the term of Office, if publicly elected officials) without compensation except for actual and necessary expenses incurred in the performance of their duty, subject to availability of funds and the usual accounting and auditing rules and regulations.

When a vacancy occurs during the term of a member from PO, NGO or Private business sector, a new member shall be appointed by the Governing Board for the remainder of the unfinished term.

Done this OCT 07 2002, 2002 at Quezon City


HERERSON T. ALVAREZ
Secretary



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

ADMINISTRATIVE ORDER
No. 2002 - 22

OCT 22 2002

SUBJECT : Deletion of Footnote No. 3 of DAO #2000-18 (Chemical Control Order for Ozone Depleting Substances)

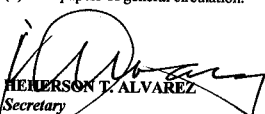
In view of the clear provisions of paragraph (a) of (1) of Section 3.2.5 of Department Administrative Order No. 18, Series of 2000 ("DAO #2000-18) that the annual imports for the years 1999 to 2010 shall not exceed the corresponding percentages of the "1996 recorded imports by weight," and so as to preclude erroneous interpretations of the foregoing of DAO 2000-18, Footnote #3 of the said, DAO, which states that "the 1996 levels were only estimated consumption based on available data. An allowance of 75% is added to consider unaccounted imports," is hereby deleted.

The deletion of the said Footnote No. 3 is further justified by the lack of technical, legal and factual bases therefore, and the clear commitment of the Philippines to the Montreal Protocol on Substances that deplete the Ozone Layer.

The heretofore Footnote No. 4, onwards, are hereby renumbered accordingly.

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 15 days after publication in the Official Gazette or in at least (2) newspapers of general circulation.


HERERSON T. ALVAREZ
Secretary

PUBLICATION :

PHIL. DAILY INQUIRER
PHIL. STAR

- OCTOBER 25, 2002
- OCTOBER 25, 2002

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Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
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ADMINISTRATIVE ORDER
No. 2002 - 22

OCT 22 2002

SUBJECT : Deletion of Footnote No. 3 of DAO #2000-18 (Chemical Control Order for Ozone Depleting Substances)


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This Order shall take effect 15 days after publication in the Official Gazette or in at least (2) newspapers of general circulation.


HERERSON T. ALVAREZ
Secretary

PUBLICATION:

PHIL. DAILY INQUIRER - OCTOBER 25, 2002
PHIL. STAR - OCTOBER 25, 2002

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Department of Environment and Natural Resources

Visayas avenue, Diliman, Quezon City, 1100
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

OCT 22 2002

DENR ADMINISTRATIVE ORDER NO. 2002- 23

Series of 2002

Subject: Implementing Guidelines on the Operationalization of the Air Quality Management Fund under Republic Act 8749

Pursuant to Section 14 of Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999 (the "Act") and Rule XVI of DENR Administrative Order (DAO) No. 2000-81, as well as Executive Order No. 192, and in order to provide guidelines on the management and operationalization of the Air Quality Management Fund, this Order is hereby issued for the guidance of all concerned.

Section 1.0 Title

This Administrative Order shall be known as the "Implementing Guidelines Governing the Operationalization of the Air Quality Management Fund (AQMF)."

Section 2.0 Basic Policy

It is a policy of the State to formulate a holistic national program of air pollution management that shall be implemented by the Government through proper delegation and effective coordination of functions and activities. Further, it is a policy of the State to formulate and enforce a system of accountability for short-term and long-term adverse environmental impact of a project, program or activity. This shall include the setting up of a funding or guarantee mechanism for clean-up and environmental rehabilitation and compensation for personal damages.

To achieve said policies, an Air Quality Management Fund among others, established by the Act and DAO 2000-81 as a special account in the National Treasury is hereby operationalized and shall be administered by the Department through the Environmental Management Bureau (EMB).

Section 3.0 Objective

It shall be the objective of this Order to set forth the policies and procedures as administrative guidelines in the operation and management of the AQMF which will provide for, among others, the following:

- to finance containment, removal, and clean-up operations of the Government in air pollution cases
- to guarantee restoration of ecosystems and rehabilitate areas affected by the acts of violators of the Act

- to support research, enforcement and monitoring activities and capabilities of the relevant agencies
- to provide technical assistance to the relevant agencies
- to finance similar activities undertaken within an airshed.

Section 4.0 Coverage

The AQMF shall cover all fees and air emission charges collected from the processing of permit applications such as Authority to Construct (AC), Permit to Operate (PO) air pollution control facilities, Certificates of Conformity issued to new motor vehicles/vehicle types and test equipment and all other fees in the implementation of the Act as well as fines and penalties for violation of the air quality standards and all other forms of violations pursuant to the Act both for mobile and stationary sources, grants, donations and endowments from both private sector and donor organizations and a limited percentage (5% - 10%) of the proceeds of the Program Loan for the Metro Manila Air Quality Improvement Sector Development Program.

Section 5.0 Operation and Management of the Fund

The AQMF shall be administered and managed by the Department through the EMB in accordance with the following:

5.1 Collection of the Fund

All fees, charges, and other sources of the AQMF mentioned in Section 4.0 hereof shall be collected by or paid to any EMB Central/Regional/Provincial office or other relevant agencies.

5.2 Utilization of the Fund

The AQMF shall be used for activities that are in direct support of objectives outlined in the Air Quality Action Plan (AQAP) and the action plans of the airsheds. This special fund shall be reserved for national purposes and will be allocated among the airsheds. The AQMF shall be utilized to support, grant, finance or otherwise assist activities such as, but not limited to, the following:

- a) purchase of equipment related to air quality monitoring, reporting or management;
- b) running cost for special campaigns, monitoring, enforcement or public awareness raising;
- c) costs for special events related to air quality monitoring, enforcement, etc.;
- d) funding of temporary staff positions in accredited organizations, of persons who have a Terms of Reference (TOR) directly related to implementation of AQAP;
- e) research on air related issues; and
- f) running cost of Governing Boards and Technical Secretariats.

5.3 Fund Reporting and Auditing

All income and expenditures shall be subject to budgeting, accounting, and auditing rules and regulations.

5.3.1 Fund Recording and Deposit

Receipts derived from the different sources of the AQMF as provided in Section 4.0 hereof shall be deposited by EMB Central/Regional/Provincial Offices, Department of Transportation and Communications (DOTC), Local Government Units (LGUs), and other relevant agencies directly to the Bureau of Treasury (BTr) for the account of the AQMF. All grants, donations, and endowments in the forms of contributions shall be exempted from donor taxes and all other taxes, charges or fees imposed by the Government.

All collections and deposits to the BTr shall be properly identified in the Official Receipts (OR), Abstract of Collections (daily), Report of Collection (monthly), List of Collections (LC) and other financial reports to facilitate the monitoring and control. A separate official receipt and deposit slip shall be prepared for AQMF to facilitate request for a BTr Certification. All collections shall be deposited and classified in the LC under *Fund Code 151* ("AQMF"Account).

5.3.2 Fund Budgeting

5.3.2.1 Special Budget Request (SBR) and Notice of Cash Allocation (NCA)

The EMB Central Office shall prepare the Special Budget Request (SBR) and the corresponding Notice of Cash Allocation (NCA) based on the submitted monthly reports of collections and deposits.

All monthly collections and deposits shall be reported every 15th day of the ensuing month by all relevant agencies to the EMB Central Office submitting the following reports:

- (1) List of Collections (Daily)
- (2) Monthly Report of Collection
- (3) Work and Financial Plan
- (4) Monthly Trial Balance
- (5) Statement of Collections (Monthly)

However, the following reports shall be submitted by the concerned agencies every 15th day of the ensuing month after the fiscal period.

- (1) Certification of Actual Deposits of AQMF Income and Receipts (BTr) (Annually)
- (2) Trial Balance as of December 31, _____ (Annually)

The EMB Central Office shall consolidate and attach all the above-cited reports and documents necessary to expedite the release of the Special Allotment Release Order (SARO) and NCA.

5.3.3 Fund Reporting

Under the provisions of Section 4, Rule XV1 of the IRR, the Department will ensure the publication of an Annual Report which specifies income and expenditure of the AQMF, together with a summary of initiatives supported and refused. This Annual Report will be available within two (2) months after the end of the fiscal year.

The Governing Boards of the airsheds shall require a quarterly report from each of the concerned agencies on the physical and financial progress for each major project and summarizing physical and financial progress by output.

The EMB shall provide to the Department of Budget and Management (DBM), every 30th day of the ensuing month following the quarter a copy of consolidated report on the Status of the AQMF.

The EMB Regional Offices and other relevant agencies shall submit to EMB Central Office every 10th day of ensuing month following the quarter a Quarterly Physical and Financial Report of AQMF which shall include the following:

- (1) Quarterly Report of Collections
- (2) Audited Report of Disbursements (per project/activity).
- (3) Quarterly Physical Accomplishment Report (per project/activity).

For proper accounting and reporting of the AQMF, the concerned agencies shall maintain a separate bank account, books of accounts, subsidiary ledgers, and other related financial reports.

No transfer of fund shall be allowed in case of failure to submit the required reports or submission of incomplete reports as determined by the EMB Director.

The EMB shall submit to the Department an Annual Report, consisting of the consolidated report on the Status of the AQMF and specifying the income and expenditure made therein, together with a summary of initiatives supported and refused. The said Annual Report shall be published by the Department pursuant to Section 4 of Rule XVI of DAO 2000-81.

5.3.4 Fund Auditing

All disbursements under this fund shall be subject to DBM and COA rules and regulations.

5.4 Fund Appropriation, Release and Expenditure

5.4.1 Appropriation

The amounts collected and accruing to the AQMF are considered as being automatically appropriated for the purposes authorized in the Act except as may be otherwise provided in the General Appropriations Act (GAA). The same are considered as being appropriated based on the released SARO from the DBM.

5.4.2 Release and Expenditure

All expenditures from the AQMF shall be made only upon the approval of the EMB Director by authority of the Secretary and subject to the final approval of the SBR by the DBM. An Annual Work and Financial Plan (AWFP) shall be submitted by all regional offices and governing boards of each airshed to the EMB Director within the first fifteen (15) days of the current year. For air quality control/management projects, the concerned agency/Board proposing such project shall submit a

project proposal in accordance with the detailed set of criteria established by the EMB for possible funding from the AQMF. The said project proposal shall be included in the AAFP.

The AAFP shall be reviewed by a Special Review Committee, which shall likewise consolidate all the AAFPs submitted for review. A report on the reviewed AAFPs shall then be submitted to the EMB Director before the same is forwarded to DBM to justify the release of funds.

Section 6.0 Separability Clause

If any provision of this rules and regulations is declared unconstitutional or invalid, the same shall not affect the validity and effectivity of the other provisions hereof.

Section 7.0 Repealing Clause

All orders, circulars, rules and regulations inconsistent with this Order are deemed repealed or modified accordingly.

Section 8.0 Effectivity

This Administrative Order shall take effect immediately.



HEHERSON T. ALVAREZ
Secretary

OCT 22 2002



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nus. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

DENR ADMINISTRATIVE ORDER

No. 2002-24

OCT 28 2002

SUBJECT: GUIDELINES ON THE CONDUCT OF ELIGIBILITY ASSISTANCE ACTIVITIES FOR DENR EMPLOYEES

The Department is committed to professionalize its rank-and-file employees. It encourages these employees to acquire the necessary eligibilities that would qualify them for higher positions and/or would include them in the pool of Civil Service eligibles.

In order to attain this, the conduct of eligibility assistance activities for DENR employees is hereby authorized and should be a regular activity of the Human Resource Management Service (HRMS).

A. Review Classes

This program is for rank-and-file employees with salary Grades 1 to 11 to prepare/assist them to take Career Service (Professional and/or Sub-professional) and the Technical Education and Skills Development Authority (TESDA) Skills Examination.

The following conditions must be met in order for an employee to qualify to attend the review classes:

1. Permanent/Casual employee with at least two (2) years of uninterrupted service in the Department;
2. Has at least a Very Satisfactory (VS) Performance Rating for the last two (2) rating periods prior to the attendance to the Review Class;
3. Has no pending administrative and/or criminal charges;
4. Nominated in writing by the head of office who shall endorse said nomination to the Office of the Assistant Secretary for Finance and Management Services, through the HRMS;
5. Expenses for the purpose shall be collectively shouldered by the examinees chargeable against the funds of their respective offices, subject to the availability of funds and the usual accounting and auditing rules and regulations. The cost/amount shall be included in the Special Order authorizing the attendance of the nominee in the particular review class;
6. Employees are allowed to charge their participation in the review class to their respective offices **only once**;
7. Once nominated and accepted to the review class, deferment shall not be allowed, except for very justifiable reasons, as determined by the Assistant Secretary for Finance and Management Services;

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2002-24

8. The employee shall take the appropriate examination scheduled to be conducted immediately after attending the Eligibility Assistance Class; and
9. A report of participation in the applicable examination shall be submitted to their respective offices (Human Resource Management Service / Bureaus/ Regional Offices).

B. Special Examination

To further assist DENR employees, the HRMS shall coordinate with the Civil Service Commission (CSC) and the Technical Education and Skills Development Authority (TESDA) for the conduct of special examination, exclusively for DENR.

C. Program Implementation

The Director of Human Resource Management Service (HRMS) shall coordinate, design and facilitate the eligibility assistance program for DENR Central Office personnel. The Directors/Heads of the bureaus/attached agencies shall see to it that this program is implemented in their respective offices. The respective Regional Executive Directors (REDs) and Regional Directors (RDs) shall be responsible for the program implementation in the regions. They shall coordinate with the HRMS-CO for record and information.

D. Submission of Examination Results

All offices shall prepare and submit a Report of Rating for successful examinees to HRMS who shall then forward same to the Personnel Division for centralized recording and inclusion in the **Roster of Eligible DENR employees**.

This DAO takes effect immediately and supersedes other issuance/s inconsistent herewith.



HEHERSON T. ALVAREZ
Secretary

OCT 28 2002



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

DENR ADMINISTRATIVE ORDER
NO. 2002- 25

NOV 11 2002

**SUBJECT: REVISED IMPLEMENTING RULES AND REGULATIONS ON
THE ANTI-SEXUAL HARASSMENT ACT OF 1995**

Pursuant to Section 4 (a) of Republic Act No. 7877 otherwise known as "An Act Declaring Sexual Harassment Unlawful In The Employment, Education or Training Environment, And For Other Purposes" and by virtue of Civil Service Commission (CSC) Resolution No. 01-0940 otherwise known as "The Administrative Disciplinary Rules On Sexual Harassment Cases", the Department of Environment and Natural Resources (DENR) hereby adopts and promulgates the following Revised Implementing Rules and Regulations (IRR):

RULE I. PRELIMINARY PROVISIONS

Sec 1. Title

These rules and regulations shall be entitled "Revised Implementing Rules And Regulations On The Anti-Sexual Harassment Act Of 1995".

Sec 2. Basic Policy and Objective

The State values the dignity of every individual, enhances the development of its human resources, guarantees full respect for human rights, and upholds the dignity of workers, employees, and applicants for employment in the Civil Service. Sexual harassment is recognized as a violation of human rights, defeats and impairs morale and efficiency in the workplace, violates the merit and fitness principle in the civil service and creates or fosters a hostile environment in the workplace which adversely affect productive performance.

The DENR hereby promulgates these Revised IRR to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution and adjudication of sexual harassment cases.

RULE II. COVERAGE

Sec 3. Coverage

These Rules shall apply to all officials and employees of the DENR, including the Bureaus, Regional Offices, Provincial & Community Environment and Natural Resources Offices (PENROs & CENROs), Attached Agencies, and Government Owned or Controlled Corporations with original charters, whether in the Career or Non-Career service and holding any level of position under permanent, temporary, contractual, coterminous and casual status including Presidential appointees regardless of status. These shall likewise apply to trainees, consultants of the DENR and employees who have been dismissed by reason of application of these rules and other similarly-situated persons.

RULE III. DEFINITION

Sec 4. Specific Acts Constituting Sexual Harassment

For the purpose of these Rules, the following shall be defined as follows:

- (a) "administrative offense of sexual harassment" is an act or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, regardless of whether the demand, request or requirement for submission is accepted, and committed by a government official or employee in a work-related or training-related environment of the person complained of.
- (b) "Work-related sexual harassment" is committed under the following circumstances:
- (1) submission to or rejection of the act or series of acts is used as a basis for any employment decision (including, but not limited to, matters related to hiring, re-employment, continued employment, promotion, raise in salary, favorable compensation, job security, giving of benefits, privileges or consideration, and any other personnel action) affecting the applicant/employee; or
 - (2) the act or series of acts have the purpose or effect of interfering with the complainant's work performance, or creating an intimidating, hostile or offensive work environment; or
 - (3) the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a co-employee, applicant, customer, client, trainee, apprentice or other similarly-situated persons, of the person complained of.
- (c) "Training-related sexual harassment" is committed against one who is under the actual care or constructive care, custody or supervision of the offender, or against one whose training, apprenticeship is directly or constructively entrusted to, or is provided by, the offender, when:
- (1) submission to or rejection of the act of series of acts is used as a basis for any decision affecting the complainant, including, but not limited to, granting of scholarships, the giving of a grade, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration; or
 - (2) the act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive training environment of the complainant; or
 - (3) the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a trainee, apprentice, or other similarly-situated persons, of the person complained of.
- (d) "Disciplining Authority" refers to the DENR Secretary or Heads of Bureaus and Attached Agencies, as the case may be.
- (e) "Committee" refers to either the Central or Localized Committee, as the case may be.

Sec 5. Place of Sexual Harassment

Sexual harassment may take place:

1. in the premises of the workplace, office or training environment;
2. in any place where the parties were found as a result of work or training responsibilities or relations;
3. at work or training-related social functions;
4. while on official business outside the office or training environment or during work or training-related travel;
5. at official conferences, fora, symposia or training sessions; or
6. through letters, telephone, cellular phone, fax machine or electronic mail and other forms of communications.

RULE IV. FORMS OF SEXUAL HARASSMENT

Sec 6. Forms of Sexual Harassment

The following are illustrative forms of sexual harassment:

- (a) Physical
 - i. Malicious touching
 - ii. Overt sexual advances
 - iii. Unwelcome, improper or unnecessary gestures of a sexual nature.
- (b) Verbal, such as but not limited to, requests or demands for sexual favors, and lewd remarks
- (c) Use of objects, pictures or graphics, letters or written notes with persuasive sexual underpinnings and which create a hostile, offensive or intimidating work or training environment which is annoying or disgusting to the victim
- (d) Any other forms analogous to the foregoing.

RULE V. PERSONS LIABLE FOR SEXUAL HARASSMENT

Sec 7. Persons Liable for Sexual Harassment

Any official or employee of the DENR, regardless of sex, position, authority, influence or moral ascendancy over another person is liable for sexual harassment when he/she:

- (a) directly participates in the execution of any act of sexual harassment as defined by these Rules;
- (b) induces or directs another or others to commit sexual harassment as defined by these Rules;
- (c) cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished;
- (d) cooperates in the commission of sexual harassment by another through previous or simultaneous acts.

**RULE VI. COMMITTEE ON DECORUM AND INVESTIGATION
OF SEXUAL HARASSMENT CASES**

Sec 8. Committee on Decorum and Investigation (CODI)

A Committee on Decorum and Investigation (CODI) shall be created in the DENR Central Office, Bureaus, and Heads of Attached Agencies. Within thirty (30) days from promulgation of the Revised IRR, said offices shall be obliged to create their respective committees. Failure to submit to the Secretary an order or memorandum showing the creation of the said purpose shall be charged with Neglect of Duty. The Committee shall perform the following functions:

- (a) Receive complaints of sexual harassment;
- (b) Investigate sexual harassment complaints in accordance with the prescribed procedure;
- (c) Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
- (d) Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment;

When a member of the Committee is the complainant or is the person complained of in a sexual harassment case, he/she shall be disqualified from being a member of the Committee until his/her case is resolved/closed.

Sec 9. Composition

The Committee shall be composed of the following:

I. DENR Central Office

- a) Chairperson: An official occupying supervisory position appointed by the Secretary.
- b) Members: At least a Division Chief Level from the Legal and Legislative Affairs, Administrative Service, Personnel Division, and of the Complainant and the Person Complained of; a representative from the Gender and Development (GAD) Focal Point System, the duly accredited union, and the first level and second level rank-and-file employees.

II. Localized Committee

Bureau Directors and Heads of Attached Agencies shall have the authority and discretion to determine the composition of their localized committees.

Sec 10. Secretariat

A Secretariat shall be created by the designated Chairperson to provide administrative support to the Committee.

**RULE VII. PRE-FILING STANDARD OPERATING PROCEDURES
IN ATTENDING TO VICTIMS OF SEXUAL HARASSMENT**

Sec 11. The Pre-Filing Stage

The DENR/Committee, before filing of any complaint, may provide assistance to an alleged victim of sexual harassment which may include counseling, referral to an offering professional help, and advice.

RULE VIII. STANDARD PROCEDURAL REQUIREMENTS

Sec 12. Complaint

- a. The complaint may be filed at any time with the disciplining authority or with the Committee. In case where the complaint is filed with the disciplining authority, the same shall be transmitted to the Committee.
- b. The complaint must be in writing, signed and sworn to by the complainant. It shall contain the following:
 1. the full name and address of the complainant;
 2. the full name, address, and position of the respondent;
 3. a brief statement of the relevant facts;
 4. evidence, in support of the complaint, if any;
 5. a certification of non-forum shopping.

In the absence of anyone of the aforementioned requirements, the complaint shall be dismissed without prejudice to its refileing.

Where the complaint is not under oath, the complainant shall be summoned by the Committee to swear to the truth of the allegations in the complaint.

- c. Complaints sent by telegram, radiogram, electronic mail or similar means of communication shall be considered non-filed unless the complainant shall comply with the requirements provided in Section 12 (b) within ten (10) days from receipt of the notice for compliance.
- d. Withdrawal of the complaint at any stage of the proceedings shall not preclude the Committee from proceeding with the investigation where there is obvious truth or merit to the allegations in the complaint or where there is documentary or direct evidence that can prove the guilt of the person complained of.

Sec 13. Action on the Complaint

Upon receipt of a complaint that is sufficient in form and substance, the Committee shall require the person complained of to submit a Counter-Affidavit/Comment under oath within three (3) days from receipt of the notice, furnishing a copy thereof to the complainant, otherwise the Counter-Affidavit/Comment shall be considered as not filed and waived.

Sec 14. Preliminary Investigation

A preliminary investigation shall be conducted by the Committee. The investigation involves the *ex parte* examination of documents submitted by the complainant and the person complained of, as well as documents readily available from other government offices.

During the preliminary investigation, the parties may submit affidavits and counter-affidavits.

Upon receipt of the counter-affidavit or comment under oath, the Committee may now recommend whether a *prima facie* case exists to warrant the issuance of a formal charge.

During preliminary investigation, proceedings before the Committee shall be held under strict confidentiality.

Sec 15. Duration of the Investigation

A preliminary investigation shall commence not later than five (5) working days from receipt of the complaint by the Committee and shall be terminated within fifteen (15) working days thereafter.

Sec 16. Investigation Report

Within five (5) working days from the termination of the preliminary investigation, the Committee shall submit the Investigation Report and the complete records of the case to the disciplining authority.

Sec 17. Decision or Resolution After Preliminary Investigation

If a *prima facie* case is established during the investigation, a formal charge shall be issued by the disciplining authority within three (3) working days from receipt of the Investigation Report.

In the absence of a *prima facie* case, the complaint shall be dismissed within the same period.

Sec 18. Formal Charge

After finding a *prima facie* case, the disciplining authority shall formally charge the person complained of. The formal charge shall contain a specification of the charge(s), a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charge(s) in writing under oath in not less than seventy-two hours from receipt thereof, an advice for the respondent to indicate in his/her answer whether or not he/she elects a formal investigation of the charge(s), and a notice that he/she is entitled to be assisted by a counsel of his/her choice.

If the respondent has submitted his/her comment and counter-affidavits during the preliminary investigation, he/she shall be given the opportunity to submit additional evidence.

The Committee shall not entertain requests for clarification, bills of particulars or motions to dismiss which are obviously designed to delay the administrative proceeding. If any of these pleadings is filed by the respondent, the same shall be considered as part of his/her answer which he/she may file within the remaining period for filing the answer.

Sec 19. Answer

The answer, which must be in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including documentary evidence, sworn statements covering testimonies of witnesses, if there be any, in support of respondent's case. It shall also include a statement indicating whether he/she elect a formal investigation.

Sec 20. Failure to File an Answer

If the respondent fails or refuses to file his/her answer to the formal charge within seventy-two (72) hours from receipt thereof without justifiable cause, he/she shall be considered to have waived his right thereto and formal investigation may commence.

Sec 21. Preventive Suspension

Upon petition of the complainant or *motu proprio* upon the recommendation of the Committee, at any time after the service of the formal charge to the respondent, the proper disciplining authority may order the preventive suspension of the respondent during the formal investigation.

An order of preventive suspension may be issued to temporarily remove the respondent from the scene of his/her misfeasance or malfeasance and to preclude the possibility of his/her exerting undue influence or pressure on the witnesses against him/her or tampering of documentary evidence on file with this Office. In case the preventive suspension has been served, the proper disciplining authority may reassign the respondent to other units of the agency during the pendency of the case.

Sec 22. Duration of Preventive Suspension

When the administrative case against the respondent under preventive suspension is not finally decided by the disciplining authority within the period of ninety (90) days after the date of his/her preventive suspension, unless otherwise provided by special law, he/she shall be automatically reinstated into the service; *PROVIDED*, that when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of delay should not be included in the counting of the ninety (90) days period of preventive suspension; *PROVIDED, FURTHER*, that should the respondent be on paternity/maternity leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

Sec 23. Remedies from the Order of Prevention Suspension

The respondent may file a motion for reconsideration with the disciplining authority or may elevate the same to the Civil Service Commission by way of an appeal within fifteen (15) days from receipt thereof.

Sec 24. Conduct of Formal Investigation

Although the respondent does not request a formal investigation, one shall nevertheless be conducted by the Committee if it deems such investigation is necessary to decide the case judiciously.

The investigation shall be held not earlier than five (5) working days nor later than ten (10) working days from receipt of the respondent's answer. Said investigation shall be finished within thirty (30) working days from the issuance of the formal charge or the receipt of the answer unless the period is extended by the disciplining authority in meritorious cases.

Sec 25 Pre-hearing Conference

At the commencement of the formal investigation, the Committee may conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:

- a. stipulation of facts;
- b. simplification of issues;
- c. identification and marking of evidence of the parties;

- d. waiver of objections to admissibility of evidence;
- e. limiting the number of witnesses, and their names;
- f. such other matters as may aid in the prompt and just resolution of the case.

The parties may submit position papers/memoranda and submit the case for resolution based on the result of the pre-hearing conference without any need for further hearing.

Sec 26. Continuous Hearing Until Terminated; Postponement

Hearings shall be conducted on the hearing dates set by the Committee or as agreed upon during a pre-hearing conference.

Where no pre-hearing conference is conducted, the parties, their counsel and witnesses, if any, shall be given a notice of at least five (5) working days before the first scheduled hearing specifying the time, date and place of the said hearing and subsequent hearings. Thereafter, the schedule of hearings previously set shall be strictly followed without further notice. A party shall be granted only three (3) postponements upon oral or written requests. A further postponement may be granted only upon written request and subject to the discretion of the Committee.

If the respondent fails to appear during the scheduled hearings despite due notice, the investigation shall proceed *ex-parte* and the respondent is deemed to have waived his right to be present and to submit evidence in his favor during those hearings.

Section 27. Preliminary Matters

At the start of the hearing, the Committee shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant.

If the respondent appears without the aid of a counsel, he/she shall be deemed to have waived his/her right to counsel.

Before taking the testimony of a witness, the Committee shall place him/her under oath and then take his/her name, address, civil status, age, and place of employment.

Sec 28. Appearance of Parties

Any person representing any of the parties before any hearing or investigation shall manifest orally or in writing his/her appearance for either the respondent or complainant, starting his/her full name and exact address where he/she can be served with notices and other documents. Any pleading or appearance made without complying with the above stated requirements shall not be recognized.

Sec 29. Order of Hearing

Unless the Committee directs otherwise, the order of hearing shall be as follows:

- a. The complainant shall present evidence in support of the charge;
- b. The respondent shall then offer evidence in support of his/her defense;
- c. The complainant may then offer rebuttal evidence, and the respondent, sur-rebuttal evidence.

Every witness may be examined in the following order:

- a. Direct examination by the proponent;
- b. Cross-examination by the opponent;
- c. Re-direct examination by the proponent;

d. Re-cross examination by the opponent.

A sworn statement of a witness, properly identified and affirmed by said witness before the Committee, shall constitute his/her direct testimony.

When the presentation of evidence has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. Thereafter, both parties may be given time to submit their respective memorandum which in no case shall be beyond five (5) working days after the termination of the investigation. Failure to submit the memorandum within the given period shall be considered a waiver thereof.

Sec 30. Objections

All objections raised during the hearing shall be resolved by the Committee. However, objections that cannot be ruled upon by the Committee shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the proper disciplining authority.

The Committee shall accept all evidence deemed material and relevant to the case. In case of doubt, the Committee shall allow the admission of evidence subject to the objection interposed against its admission.

Sec 31. Markings

All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.) if presented by the complainant and by numbers (1, 2, 3, etc.) if presented by the respondent. These shall form part of the complete records of the case.

Sec 32. Request for Subpoena

If a party desires the attendance of a witness or the production of documents or things, he/she shall make a request for the issuance of the necessary subpoena, at least three (3) working days before the scheduled hearing.

Sec 33. Issuance of Subpoena

The Committee may issue subpoena ad *testificandum* to compel the attendance of witnesses and subpoena *duces tecum* for the production of documents or objects.

Sec 34. Records of Proceedings

The proceedings of the formal investigation must be recorded either through shorthand or stenotype or by any other method.

Sec 35. Effect of the Pendency of an Administrative Case

The pendency of any administrative case shall not disqualify the respondent for promotion or from claiming maternity/paternity benefits. For this purpose, an administrative case shall be construed as pending when the disciplining authority has issued a formal charge.

Sec 36. Formal Investigation Report

Within fifteen (15) working days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the

Committee to the disciplining authority. The complete records of the case shall be attached to the Report of Investigation.

The complete records shall be systematically and chronologically arranged, paged and securely bound to prevent loss. A table of contents shall be prepared. Whoever is in-charge of the transmittal of the complete records shall be held responsible for any loss or suppression of pages thereof.

Sec 37. When Case is Decided

The disciplining authority shall render his decision on the case within thirty (30) days from receipt of the Report of Investigation.

Sec 38. Finality of Decisions

A decision rendered by the disciplining authority where a penalty of suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days salary is imposed, shall be final and executory. However, if the penalty imposed is suspension exceeding thirty (30) days or a fine exceeding thirty (30) days salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

RULE IX. REMEDIES AFTER A DECISION

Sec 39. Filing of Motion for Reconsideration

The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority who rendered the decision within fifteen (15) days from receipt thereof.

Sec 40. When Deemed Filed

A motion for reconsideration shall be deemed filed on the date stamped on the official copy by the proper receiving authority, and in case it was sent by mail, on the date shown by the postmark on the envelope which shall be attached to the records of the case.

Sec 41. Grounds for Motion for Reconsideration

The motion for reconsideration shall be based on any of the following:

- a. New evidence has been discovered which materially affects the decision rendered, or
- b. The decision is not supported by the evidence on record; or
- c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Sec 42. Limitation

Only one motion for reconsideration shall be entertained.

Sec 43. Effect of Filing

The filing of a motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered.

Sec 44. Filing of Appeals

Decisions of the disciplining authority imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty days salary, may be appealed to the Commission Proper within a period of fifteen (15) days from receipt thereof.

In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the Secretary and finally to the Commission Proper. Pending appeal, the same shall be executory except where the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary.

A notice of appeal including the appeal memorandum shall be filed with the appellate authority, copy furnished the disciplining office. The latter shall submit the records of the case, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss with its comment, within (15) days, to the appellate authority.

Sec 45. When Deemed Filed

An appeal sent by mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the proper office.

Sec 46. Appeal Fee

The appellant shall pay an appeal fee of Three Hundred Pesos (P300.00) and a copy of the receipt thereof shall be attached to the appeal. Said appeal fee may be paid to any paying office of the Department.

Sec 47. Perfection of an Appeal

To perfect an appeal, the appellant shall within fifteen (15) days from receipt of the decision submit the following:

- a. Notice of appeal which shall specifically state the date of the decision appealed from and the date of receipt thereof;
- b. Three (3) copies of appeal memorandum containing the grounds relied upon for the appeal, together with the certified true copy of the decision, resolution or order appealed from, and certified copies of the documents or evidence;
- c. Proof of service of a copy of the appeal memorandum to the disciplining office;
- d. Proof of payment of the appeal fee; and
- e. A statement or certification of non-forum shopping.

Failure to comply with any of the above requirements within the reglementary period shall be construed as failure to perfect an appeal and shall cause its dismissal.

Sec 48. Effect of Filing

An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal, in the event he/she wins the appeal.

Sec 49. When Case is Remanded for Violation of Respondent's Right to Due Process

If the case on appeal with the Commission Proper is remanded to the proper disciplining authority for further investigation, the said disciplining authority through the Committee shall finish the investigation within three (3) calendar months from the date of receipt of the records from the Commission, unless the investigation is delayed due to the fault, negligence or petition

of the person complained of, or an extension is granted by the Commission Proper in meritorious cases. The period of delay shall not be included in the computation of the prescribed period.

Within fifteen (15) days from the submission of the investigation report to the disciplining authority, the same shall render its decision. If, at the end of said period, the disciplining authority fails to decide the case, the Commission Proper shall vacate and set aside the appealed decision and declare the person complained of exonerated of the charge. If the person complained of is under preventive suspension, he/she shall be immediately reinstated.

The Civil Service Regional Office or the Office for Legal Affairs of the Civil Service Commission shall evaluate requests for the extension of formal investigations and grant the same on meritorious grounds. In disposing the requests, said office shall be guided by the principles of justice and fair play, provided, that the extension shall not be for more than twenty (20) days.

For this purpose, the Civil Service Regional Director shall monitor the implementation of the CSC Resolution remanding the case to the proper disciplining authority for further investigation and submit a report to the Commission Proper.

Sec 50. Petition for Review

A complainant may elevate the decision of the disciplining authority dismissing a complaint for lack of a prima facie case before the Commission Proper through a Petition for Review within fifteen (15) days from the receipt of said decision.

Sec 51. Petition for Review with the Court of Appeals

A party may elevate a decision of the Commission before the Court of Appeals by way of Petition for Review under Rule 43 of the 1997 Revised Rules of Court.

Sec 52. Petition for Certiorari

When the disciplining authority has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction and there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition for certiorari in the proper court under Rule 65 of the Rules of Court.

RULE X. CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT

Section 53. Classification of Act Constituting Sexual Harassment

Sexual harassment is classified as grave, less grave and light offenses.

A. Grave Offenses shall include but are not limited to:

1. unwanted touching of private parts of the body (genitalia, buttocks, and breast);
2. sexual assault;
3. malicious touching;
4. requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignment, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and
5. other analogous cases.

- B. Less Grave Offenses shall include but are not limited to:
1. unwanted touching or brushing against a victim's body;
 2. pinching not falling under grave offenses;
 3. derogatory or degrading remarks or innuendoes directed toward the members of one sex or one's sexual orientation or used to describe a person;
 4. verbal abuse or threats with sexual overtones; and
 5. other analogous cases.
- C. Light Offenses shall include but are not limited to:
1. surreptitiously looking or stealing a look at a person's private part or worn undergarments;
 2. telling sexist/smutty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offenses and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advice, when they are by their nature clearly embarrassing, offensive or vulgar;
 3. malicious leering or ogling;
 4. the display of sexually offensive pictures, materials or graffiti;
 5. unwelcome inquiries or comments about a person's sex life;
 6. unwelcome sexual flirtation; advances, propositions;
 7. making offensive hand or body gestures at an employee;
 8. persistent unwanted attention with sexual overtones;
 9. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
 10. other analogous cases.

RULE XI. ADMINISTRATIVE LIABILITIES

Sec 54. Failure to Act on any Complaint

The Disciplining Authority/Head of Office who fails to act within fifteen (15) days from receipt of any complaint for sexual harassment properly filed against any employee in that office shall be charged with Neglect of Duty.

Sec 55. Persons found guilty

Any person who is found guilty of sexual harassment shall, after the investigation, be meted the penalty corresponding to the gravity and seriousness of the offense.

Sec 56. Penalties for light, less grave, and grave offenses

The penalties for light, less grave, and grave offenses are as follows:

A. For light offenses:

- | | | |
|-------------------------|---|---|
| 1 st offense | - | Reprimand |
| 2 nd offense | - | Fine or suspension not exceeding thirty (30 days) |
| 3 rd offense | - | Dismissal |

B. For less grave offenses:

- | | | |
|-------------------------|---|--|
| 1 st offense | - | Fine or suspension not less than thirty (30) |
|-------------------------|---|--|

2nd offense - days and not exceeding six (6) months
Dismissal

C. For grave offenses:

Dismissal

Sec 57. Persons found guilty of more charges

If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

RULE XII. DUTY OF THE DENR

Sec 58. Conduct of Training Program

The DENR shall strengthen its education and training program for its officials, employees and members of the Committee to increase understanding about sexual harassment, prevent its occurrence, and ensure proper investigation, prosecution and resolution of sexual harassment cases. Funds for this purpose may be charged against the GAD Focal Point System.

RULE XIII. FORUM SHOPPING

Sec 59. Forum Shopping

Under the same set of ultimate facts, the filing of a complaint based on the DENR's rules and regulations on sexual harassment shall preclude the filing of another administrative complaint under any other law.

RULE XIV. REPEALING CLAUSE

Sec 60. Repealing Clause

Rules and regulations and other issuances or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

RULE XV. EFFECTIVITY CLAUSE

Sec 61. Effectivity Clause

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


HEHERSON T. ALVAREZ
Secretary

NOV 11 2002

PUBLICATION:

TODAY - November 18, 2002



Republic of the Philippines
 Department of Environment and Natural Resources
 Visayas Avenue, Diliman, Quezon City
 Tel Nos. (632) 929-66-26 to 29 • (632) 929-62 57
 929-66-20 • 929-66-33 to 35
 929-70-41 to 43

DENR ADMINISTRATIVE ORDER
 NO. 2002- 26

NOV 19 2002

SUBJECT : Defining the Flow of Documents and Instructions
Within the Line Offices

Consistent with the doctrine of line functions/authorities and to promote organizational efficiency, all DENR officials and employees, particularly the REDs/RDs, are hereby instructed to strictly observe the following guidelines:

1. For purposes of unity of command, only the Secretary and the Undersecretary for ENR Operations can issue orders/instructions to the regional and field offices. Heads of staff offices can likewise issue memoranda to the regional offices only for information and coordination purposes;
2. All submissions of documents by the regional and field offices to the central and staff offices shall be coursed through the Office of the Undersecretary for ENR Operations;
3. All other orders/instructions received by the regional and field offices not coming from the Secretary and/or the Undersecretary for ENR Operations shall be validated by the RED/RD concerned with the Undersecretary for ENR Operations prior to compliance; and
4. In the case of MGB and EMB, the concerned Bureau Directors can issue orders/instructions to their respective RDs within the limit of their authorities.

Any violation of the foregoing guidelines shall be considered insubordination and shall be dealt with accordingly.

Any future issuance inconsistent with these instructions shall be considered irregular/void.

This Order shall take effect immediately.


 HEHERSON T. ALVAREZ
 Secretary



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City, 1100
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

DENR ADMINISTRATIVE ORDER
NO. 2002 - 27

NOV 20 2002

SUBJECT: REVOKING DENR ADMINISTRATIVE ORDER NO. 99-14 AND RE-STRUCTURING THE DENR REGIONAL/FIELD OFFICES PURSUANT TO EXECUTIVE ORDER NO. 192, SERIES OF 1987, AS AMENDED, AND OTHER RELATED LAWS

In the interest of the public service and in line with the continuing organizational development of the Department, DENR Administrative Order No. 99-14 is hereby revoked. The set-up as provided for under Executive Order No. 192, Republic Act 7586 (NIPAS Law), Republic Act 8749 (Phil. Clean Air Act) and Republic Act 7942 (Phil. Mining Act of 1995) shall be implemented.

Section 1. Realignment of Field Offices

There shall be one DENR Provincial Environment and Natural Resources Office (PENRO) per province. Consistent with E.O. 192, the Secretary shall create as many Community Environment and Natural Resources Office (CENRO) as necessary depending on the geographical, physical, political and administrative requirements of the subject area.

Likewise, the following realignment and administrative arrangements are hereby adopted:

- 1.1 The administrative set-ups for Regions IV-A (CALABARZON) and IV-B (MIMAROPA) and the Province of Aurora shall be in accordance with Executive Order No. 103;
- 1.2 The supervision of the Province of Lanao del Norte and Iligan City shall remain with Region X;
- 1.3 The supervision of the Province of Basilan (except Isabela City) and Marawi City shall be transferred to the Regional Government of the Autonomous Region of Muslim Mindanao (ARMM); and
- 1.4 The supervision of the Province of Compostela Valley shall remain with Region XI.

Section 2. Redefinition of Functions

The designation of Assistant Regional Executive Director (ARED) is hereby abolished/discontinued effective January 2003. The designation/position of Regional Technical Directors for (a) Forestry; (b) Land; (c) Research; and (d) Protected Areas, Wildlife and Coastal Resources are hereby re-instituted. The Regional Technical Directors (RTDs) shall provide operational, technical and other assistance/support to the Regional Executive Directors (REDs) in managing/supervising the DENR Field Offices (CENROs/PENROs). Specifically, they shall supervise the following Divisions:

2.1 Regional Technical Director for Forestry

- a. Forest Resources Development Division (FRDD)
- b. Forest Resources Conservation Division (FRCD)

2.2 Regional Technical Director for Lands

- a. Surveys Division (SD), which shall assume the Land Evaluation Party, Field Network Survey Party, and the survey verification functions
- b. Land Management Division (LMD)

2.3 Regional Technical Director for Research

- a. Technology Transfer and Utilization Division (TTUD)
- b. Ecosystems Research and Development Division (ERDD)

2.3 Regional Technical Director for Protected Areas, Wildlife and Coastal Resources (PAWCOR)

- a. Protected Areas and Wildlife Division (PAWD)
- b. Coastal and Marine Management Division (CMMD)

In cases of overlap, conflict and/or undefined functions as may be brought about by the foregoing redefinition of functions, the REDs, through a resolution in a formal REDs Meeting, are hereby authorized to clarify such overlap, conflict and/or undefined function. Such resolution shall be approved by the Undersecretary for ENR Operations and remain valid and binding unless revoked by the Undersigned.

Section 3. Transitional Arrangements for Administrative, Legal and other Support Services

In order not to disrupt the flow of services at the DENR Regional Offices, the Legal, Administrative, Finance, and Planning Divisions, and the Regional Public Affairs Office shall be under the Office of the Regional Executive Director as a transitional arrangement. A committee shall be created to study the appropriate set-up allowed by law.

Section 4. Amendment of the Manual of Approvals

For consistency and in order to clearly define the delegation of authorities within the Department, DAO 2000-11 is hereby **revoked**. Likewise, DAO 98-24 is hereby re-instituted. The Undersecretary for Policy and Planning in consultation with the Undersecretary for ENR Operations and other concerned offices, is hereby instructed to review/evaluate DAO 98-24, DAO 2000-11 and other related issuances and submit a new/amended Manual of Approvals within thirty days from the date of this Order.

Section 5. Budget Realignment

The Finance and Administrative Services Office and the Planning and Policy Studies Office are hereby instructed to realign in the current budget and to reflect in the budget for CY 2003 all the administrative changes promulgated in this Order.

Section 6. Selection/Designation of Regional Officials

A Special Committee headed by the Undersecretary for ENR Operations, is hereby created to evaluate and recommend the candidates for Regional Directors, Regional Technical Directors, PENROs and CENROs, for the Secretary's approval.

Likewise, designation/assignment of Division Chiefs in the Regional Offices shall be approved by the Undersecretary for Environment and Natural Resources Operations. Designation/appointment to positions of regional/field personnel below the Division Chief (SG-24) shall be confirmed/approved by the REDs.

Section 7. Repealing Clause

This Order hereby revokes/repeals DENR Administrative Order Nos. 99-14 and 2000-11. Likewise, all Department Orders, Circulars or Instructions inconsistent herewith are hereby repealed or amended accordingly.

Any provision of this Order, which may be declared inconsistent with existing laws/constitution, shall not affect the validity of the other provisions of this Order.

Section 8. Effectivity

This Order shall take effect immediately.


HEHERSON T. ALVAREZ
Secretary

NOV 20 2002

CERTIFIED XEROX COPY

11/21/02
CRESCENCIA I. OLIVAR
OIC - Records Officer *EV*



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43



ADMINISTRATIVE ORDER
NO. 2002- 28

NOV 29 2002

**SUBJECT : ADDENDUM TO ADMINISTRATIVE ORDER NO. 2002-12
DATED 26 MARCH 2002 ENTITLED "APPROVAL OF
DOCUMENTS REGARDING THE IMPLEMENTATION OF
CENTRAL-BASED FOREIGN-ASSISTED PROJECTS
UNDER FUND 102**

Pursuant to DBM Circular Letter No. 2000-11 dated June 1, 2000, entitled, "Compensation of Contractual Personnel and Individual Professional Consultants" and CSC Memorandum Circular 17, s. 2002, otherwise known as "Policy Guidelines for Contract of Services" and to rationalize the hiring of persons under Contract of Services chargeable against Foreign-Assisted Projects (102), funding of contracts of persons to be hired and/or renewed under Object-29 shall only be allowed upon prior approval of the undersigned.

All the other provisions of Administrative Order No. 2002-12 shall remain in full force and effect.



EMERSON T. ALVAREZ
Secretary



DENR Administrative Order
No. 2002-29

NOV 29 2002

**SUBJECT: Amending Certain Provisions of DENR Administrative Order
No. 99-28 dated July 21, 1999**

In the interest of the service and consistent with the issuance of DENR Administrative Order No. 2002-27 dated November 20, 2002 entitled "Revoking DENR Administrative Order No. 99-14 and Re-structuring the DENR Regional/Field Offices pursuant to Executive Order No. 192, series of 1987, as amended, and other related laws", the following provisions of DENR Administrative Order No. 99-28 dated July 21, 1999 are hereby amended, as follows:

X X X X X

II. DENR-CARP Organizational Structure

A. The Executive Committee

The Executive Committee shall be composed of the following:

Secretary of DENR	- Chairman
USEC for ENR Legal, Lands and International Affairs	- Vice-Chairman
ASEC for Finance and Administrative Services	- Member
ASEC for Planning and Policy Studies	- Member
Director, Lands Management Bureau	- Member
Director, Forest Management Bureau	- Member
Director, Ecosystems Research and Development Bureau	- Member
Director, Special Concerns Office	- Member

x x x x x

C. The National Action Officer

1. *The Director of Lands Management Bureau (LMB) is designated as the National Action Officer in concurrent capacity.*
2. Functions

The Director of LMB shall assume the tasks and responsibilities of the National Action Officer in accordance with Item II, paragraph C-2 of DENR Administrative Order No. 12 dated March 9, 1993.

This Order supersedes DENR Administrative Order No. 28, dated July 21, 1999.

This Order takes effect immediately.


HEHERSON T. ALVAREZ
Secretary NOV 29 2002



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Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

DEC 03 2002

DENR Administrative Order

No. 2002- 30

SUBJECT : DECLARING THE PATRIMONIAL PROPERTY CONTAINING AN AREA OF 300 HECTARES AS AN EXPANSION OF THE TANAY HOUSING PROJECT LOCATED AT BARANGAY CUYAMBAY, TANAY, RIZAL.

In the interest of the service and consistent with the priority program of Her Excellency President Gloria Macapagal Arroyo and in view of the great demand and clamor of government employees from other agencies to avail of our Tanay Housing Project which are purposely for the employees of the DENR-DILG-DND-DepEd-DOTC, the DENR Housing Project Oversight Committee, in close coordination with our Provincial Environment and Natural Resources Officers of Rizal has identified a parcel of land near the Tanay Housing site as additional area for the construction of another 5,000 units for DENR and all other employees/beneficiaries from interested government agencies. The area, described as Lot 10, plan PSU-103291 or OCT No. 3556 containing an area of 300 hectares is hereby declared as part of the Garden Cottages or the DENR-DILG-DND-DepEd-DOTC Tanay Housing project.

The development of the above-mentioned land and the construction of additional 5,000 housing units shall be undertaken in accordance with the attached Joint Venture Agreement for the DENR-DILG-DND-DepEd-DOTC Housing project. Said Joint Venture Agreement shall be amended to incorporate this expansion and accommodate the demands of the beneficiaries/employees.

The exercise of duties and responsibilities over this housing project shall also be done under the direct jurisdiction/authority of the Housing Project Oversight Committee.

This Order shall take effect immediately.


MEHERSON T. ALVAREZ
Secretary



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

DENR ADMINISTRATIVE ORDER
No. 2002 - 31

DEC 03 2002

SUBJECT : Amending DENR Administrative Order No. 2000-83

Pursuant to the Department's thrust on the sustainable development of our natural resources and to generate revenues from the operation of existing establishments in the form of fees and charges, DENR Administrative Order No. 2000-83 "*Guidelines for the Management and Development of Small Islands, Including its Coastal Areas*" is hereby amended as follows:

"Section 5. Development and Land Use Guidelines

xxx

The following guidelines shall be observed in the preparation of the Island Physical Framework Plan (IPFP):

- a. Islands/Islets less than 500 hectares in area shall be under strict conservation areas and as such shall not be alienated nor disposed of for any purpose;
- b. Islands/Islets 500 hectares up to 5,000 hectares shall be under restricted use. Land titling shall be limited to those with pending applications on classified A and D lands as of the effectivity of this Order; and
- c. Islands/Islets more than 5,000 hectares up to 50,000 hectares shall be open to sustainable development. Land titling may be undertaken in certified A and D lands.

All land leases/permits which are inconsistent with the IPFP shall no longer be renewed or extended after their expiration. In such cases the previous lessee/permittee shall be given preference in the application for new leases/permits.

Any lease/permit granted over public lands in small islands, whether new or renewed, or any extension of the same, shall:

- a) be consistent with the IPFP;

- b) have a term of not to exceed twenty five (25) years; and
- c) be amended accordingly whenever;
 - i. the IPFP is amended; or
 - ii. a policy is developed consistent with the provisions of the Constitution that the development, utilization and management of same shall be either through co-production, joint venture or production-sharing agreements.

Pending the formulation of the IPFP, existing leases/permits of public lands in small islands may be renewed or extended, *Provided*, that:

- a) the lessee/permittee has religiously complied with the terms and conditions of the lease/permit;
- b) the lessee/permittee has applied for renewal within the reglementary period;
- c) the lessee/permittee has secured an ECC;
- d) the lessee/permittee has obtained prior clearance from the Secretary, upon favorable recommendation of the Regional Executive Director; and
- e) the duration of renewal or extension shall not be more than one year.

xxx"

This Order shall take effect immediately after its publication in a newspaper of general circulation.



HEHERSON T. ALVAREZ
Secretary

DEC 03 2002

PUBLICATION:

TODAY -

DECEMBER 6, 2002



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City

Tel. Nos. (632) 920-4301 * (632) 928-0691 to 93
924-2540 * 928-8592
929-6626 loc. 2012 - 2014

DENR ADMINISTRATIVE ORDER

No. 2002- 32

DEC 03 2002

**SUBJECT : REVISED LANDS MANAGEMENT BUREAU SURVEY FORMS
FOR TRAVERSE AND LOT DATA COMPUTATION**

In order to expedite the verification and approval of surveys returns, the following revised Survey Forms, are hereby adopted:

Revised Forms	Old Forms	Description
LMB Form No. GSD-B-6-A	LMB Form No. GSD-B-6	Traverse Computation Sheet
LMB Form No. GSD-B-9-A	LMB Form No. GSD-B-9	Lot Data Computation Sheet

This Order takes effect immediately.


HEHERSON T. ALVAREZ
Secretary



Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City, 1100
Tel. Nos. (632) 929-66-26 to 29 · (632) 929-65-52
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929-70-41 to 43

DENR ADMINISTRATIVE ORDER
NO. 2002 - 33

DEC 03 2002

SUBJECT : AMENDING DENR ADMINISTRATIVE ORDER NO. 12, 2001 AND SPECIAL ORDER NO. 492, 2001 "STRENGTHENING THE SUPPORT SYSTEM FOR THE MANILA BAY ENVIRONMENTAL MANAGEMENT PROJECT (MBEMP)"

In line with the continuing commitment to strengthen the operations, coordination and administrative linkages for the Manila Bay Environmental Management Project which was identified as one of the pollution hotspots, under the GEF/UNDP/IMO Regional Programme on "Building Partnership for Environmental Protection and Management for the Seas of East Asia. The Department hereby amends DENR Administrative Nos. 12 and Special Order No. 492, 2001, and hereby places the technical supervision of Manila Bay Management Project-Project Management Office under the supervision of Environmental Management Bureau (EMB).

In this regard, the EMB Director Julian D. Amador is designated as Project Director, while Renato T. Cruz, EMB Water Quality Management Section as Project Manager. Both shall serve in concurrent capacity. As such, the Director shall be responsible for the direction and supervision of the project, while Mr. Cruz shall be responsible for the day to day operations.

Further, in accordance to the DENR-IMO Memorandum for the Project, the MBEMP Project Coordinating Committee (PCC) is hereby constituted for the following offices :

EMB/DENR	Chairperson
MBEMP Site Management Offices (NCR, R-3, R-4)	Members
PEMSEA/Phils-Project Management Office	Member
Philippine Coast Guard	Member
Philippine Ports Authority	Member
Department of Interior and Local Government	Member
Department of Health	Member
Department of Tourism	Member
DA-Bureau of Fisheries and Aquatic Resources	Member
Provincial Government of Bataan and Batangas (ICM Parallel Sites)	Members
Management Association of the Philippines	Member
Earthsavers Movement	Member
Regional Development Councils (Regions 3 & 4)	Member
Fisheries and Aquatic Resources Management Council (Bay-wide)	Member
Philippine Rural Reconstruction Movement (PRRM)	Member
GEF/UNDP/IMO Regional Programme Office	Observer

The Project Coordinating Committee shall be responsible for the overall policy directions of the Project. To assist the Committee, the MBEMP-Project Management Office shall serve as PCC Secretariat, and the Project Director shall constitute Technical Working Groups (TWGs) for the component activities of the MBEMP. The TWG's shall assist the MBEMP and provide expert advice; conduct and review evaluation and/or provide recommendations on the different components of the project. As such, the Director may coordinate with offices and other offices/agencies in constituting the aforesaid TWGs.

Furthermore, the MBEMP shall report to the PEMSEA/Philippines National Focal Point through the PEMSEA-PMO. All transactions made by the project shall be in accordance with the DENR Manual of Approval.

All other provisions of previous Administrative Orders inconsistent herewith are revoked. This Order shall remain in force unless otherwise modified and/or repealed accordingly.

This Administrative Order shall take effect immediately.



HEHERSON T. ALVAREZ
Secretary

DEC 03 2002



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Visayas Avenue, Diliman, Quezon City, 1100
Tel. Nos. (632) 929-66-26 to 29 * (632) 929-62-52
929-66-20 * 929-66-33 to 35
929-7041 to 43



ADMINISTRATIVE ORDER
No. 2002-34

DEC 03 2002

SUBJECT : Amendment of DAO 98-67 To Expand Its Section 7 To Include Reporting Of Salt Production, Sales And Employment

In order to ensure effective collection, processing, monitoring and publication of accurate statistics on salt production, sales, and employment to serve as inputs in the computation of Gross Domestic Product (GDP) as required by the National Statistical Coordination Board, DAO 98-67 is hereby amended to expand its Section 7 to read as follows (additional provisions in bold letters):

Section 7 - Monitoring and Reporting

- a) The SPSA holder shall submit a semi-annual report to the CENRO concerned during the development/construction phase of salt production area and annually thereafter. **Any incidental production and sales of salt by the SPSA holder during the initial development/construction phase shall be included in the semi-annual report to the CENRO.** The monitoring shall be conducted by the Regional Office on a semi-annual period during the development plan phase and annually thereafter. All report shall be forwarded to the Task Force Mangrove/ Asin on a quarterly basis.
- b) During the production phase, the SPSA holder shall submit to the CENRO a quarterly report on the monthly (Salt Stat Form A) volume and value of salt production and sales from the subject area and the number employed within fifteen (15) days after each quarter. The CENRO shall compile and validate, if necessary, all quarterly reports by producer and by month of production in an appropriate summary table (Salt Stat Form B) including the reasons for increase or decrease in production and sales, thence submit it to the Office of the Regional Executive Director through the concerned PENRO;
- c) The Office of the Regional Executive Director shall prepare and submit a consolidated quarterly regional salt production, sales and employment statistical report (Salt Stat Form C) to the Secretary copy furnished the Mines and Geosciences Bureau's central and regional offices.

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.


HEHERSON T. ALVAREZ
Secretary

PUBLICATION :

PHIL STAR - Dec. 11, 2002



Republic of the Philippines
 Department of Environment and Natural Resources
 COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
 Region _____

Salt Stat Form A

SPSA QUARTERLY REPORT ON SALT PRODUCTION, SALES AND EMPLOYMENT FOR THE _____ QUARTER OF YEAR

INSTRUCTIONS:

1. All holders of Salt Production Sharing Agreement (SPSA) are required to report the volume and value of their monthly production and sales and number employed using this form every quarter of the year.
2. All filled up forms should be submitted to the DENR-CENRO nearest your salt production area within 15 working days after the end of each quarter.
3. Do not leave any of the requirements unanswered. If a requirement does not apply, write NA (Not Applicable). If the question is applicable but you have no answer, write NONE.
4. For comments, suggestions or clarifications regarding this form please consult your nearest CENRO Office.

DEFINITION OF TERMS:

Employment refers to the actual number of directly hired male and/or female workers and staff involved in the production and sales of salt during the reporting period.
Months During The Quarter refers to the specific calendar month of the subject quarter during which salt was produced and/or sold from the SPSA area.
Number of Days In Operation refers to the actual number of days during which salt is produced during month.
Production Quantity refers to the total volume of salt extracted during the reporting period expressed in Metric Tons (MT)
Production Value refers to the actual market value of the salt produced from the SPSA area during the reporting period.
Sales Quantity refers to the total volume of salt sold during the reporting period expressed in Metric Tons (MT)
Sales Value refers to the actual market value of salt sold during the reporting period.

I. ADMINISTRATIVE DATA

NAME OF SPSA HOLDER - If name of person, please write surname first	SPSA NUMBER:	TAX IDENTIFICATION NO. (TIN)	TELEPHONE NO.	FAX NO.	E-MAIL ADDRESS (if any)
OFFICE ADDRESS OF SPSA HOLDER		SPSA AREA COVERAGE (Has):	SALT PRODUCTION SITE: (State Barangay, Municipality, Province)		

II. PRODUCTION, SALES AND EMPLOYMENT DATA

MONTHS DURING THE QUARTER	PRODUCTION		NO. OF DAYS IN OPERATION	SALES		EMPLOYMENT	
	Production Quantity (M.T.)	Production Value (Pesos)		Sales Quantity (M.T.)	Sales Value (Pesos)	Number of Males	Number of Females
TOTAL							

III. REASONS FOR INCREASE OR DECREASE IN PRODUCTION/SALES DURING THE QUARTER COMPARED TO THE SAME QUARTER LAST YEAR: (Please check appropriate answer below)

Increase was due to: <input type="checkbox"/> 1. Increased price of salt <input type="checkbox"/> 2. Low supply <input type="checkbox"/> 3. Increased demand <input type="checkbox"/> 4. Expansion of production/sales <input type="checkbox"/> 5. More operating days during the quarter <input type="checkbox"/> 6. Others (pls specify) _____	Decrease was due to: 1. Lesser operating days because of: <input type="checkbox"/> 1.a Equipment breakdown (pls. specify) _____ <input type="checkbox"/> 1.b Unfavorable weather condition (state duration or other information) _____ <input type="checkbox"/> 1.c Labor or other strikes (state duration) _____ 3. Others (pls. Specify) _____	2. Suspensions in operations because of: <input type="checkbox"/> 2.a Low price of the mineral commodity produced <input type="checkbox"/> 2.b Financial reasons (pls. specify) _____ <input type="checkbox"/> 2.c Force Majeure (pls. specify) _____ <input type="checkbox"/> 2.d Environmental Problems (pls. specify) _____ <input type="checkbox"/> 2.e Gov't preventive actions such as CDO (pls. specify) _____
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I hereby certify that all information in this report are complete, true and correct to the best of my knowledge and belief.

 SPSA HOLDER (Signature Over Printed Name)

 DATE



Republic of the Philippines
Department of Environment and Natural Resources
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
 Regional Office No. _____

CONSOLIDATED CENRO QUARTERLY REPORT ON SALT PRODUCTION, SALES AND EMPLOYMENT FOR _____ QUARTER OF YEAR _____

INSTRUCTIONS:

1. This form must be accomplished in three copies by the CENRO from Quarterly Reports submitted by SPSA Holders and endorsed/submitted to the Regional Executive Director through the PENRO within twenty-one (21) days after each quarter.
2. All spaces (columns and rows) should not be left unanswered. If a requirement does not apply, write NA (Not Applicable). If the question is applicable but you have no answer, write NONE.
3. If space is insufficient, reproduce the table below to accommodate additional data. However, the preparer of this report should place his/her initials on each page to safeguard authenticity and accuracy.
4. The CENRO and the PENRO must affix their signatures in the space provided below before endorsement. For comments or clarifications regarding this form please consult the MGB.

DEFINITION OF TERMS:

Number of Days In Operation refers to the actual number of days of salt production during month.
Production Quantity refers to the total volume of salt extracted during the reporting period expressed in Metric Tons (MT)
Production Value refers to the actual market value of the salt produced from the SPSA area during the reporting period.
Sales Quantity refers to the total volume of salt sold during the reporting period expressed in Metric Tons (MT)
Sales Value refers to the actual market value of salt sold during the reporting period.
SPSA refers to Salt Production Sharing Agreement issued by CENROS/PENROS and the Regional Executive Director under DENR Administrative Order No.98-67 and its subsequent amendment.

Total Number Of SPSA Issued By The CENRO During This Quarter

Total Cumulative Number of SPSA Issued By The CENRO As Of The End Of This Quarter

NAME OF SPSA HOLDER (Entries must be disaggregated or grouped by month of prod'n)	OFFICE ADDRESS (Contact Address & Phone/Fax/Email)	SALT PRODUCTION SITE (Barangay, Municipality, Province or City)	SPSA NUMBER	AREA COVERAGE (Hectares)	PRODUCTION QUANTITY (MT)	PRODUCTION VALUE (PESOS)	NO. OF DAYS IN OPERATION	SALES QUANTITY (MT)	SALES VALUE (PESOS)	REASON FOR INCREASE OR DECREASE IN PRODUCTION & SALES	TOTAL MALE EMPLOYEES	TOTAL FEMALE EMPLOYEES

Checked and Prepared by: _____

Approved For Endorsement by: _____

Date: _____

This is page _____ of _____ pages

CENRO

PENRO



Republic of the Philippines
 Department of Environment and Natural Resources
 REGIONAL OFFICE NO. _____

Salt Stat Form C

CONSOLIDATED REGIONAL QUARTERLY REPORT ON SALT PRODUCTION, SALES & EMPLOYMENT FOR _____ QUARTER OF YEAR

INSTRUCTIONS:

1. This form must be accomplished in four copies by the office of the Regional Executive Director from Quarterly Reports submitted by CENROs through the PENROs and endorsed/submitted to the Secretary copy furnished the central and regional offices of the Mines and Geosciences Bureau (MGB) within thirty (30) days after each quarter.
2. All spaces (columns and rows) should not be left unanswered. If a requirement does not apply, write NA (Not Applicable). If the question is applicable but you have no answer, write NONE.
3. If space is insufficient, reproduce the table below to accommodate additional data. However, the preparer of this report should place his/her initials on each page to safeguard authenticity and accuracy.
4. The preparer of this report and the Regional Executive Director must affix their signatures in the space provided below before endorsement. For comments or clarifications regarding this form please consult the MGB.

DEFINITION OF TERMS:

Number of Days In Operation refers to the actual number of days of salt production during month.
Production Quantity refers to the total volume of salt extracted during the reporting period expressed in Metric Tons (MT)
Production Value refers to the actual market value of the salt produced from the SPSA area during the reporting period.
Sales Quantity refers to the total volume of salt sold during the reporting period expressed in Metric Tons (MT)
Sales Value refers to the actual market value of salt sold during the reporting period.
SPSA refers to Salt Production Sharing Agreement issued by CENROS/PENROS and the Regional Executive Director under DENR Administrative Order No.98-67 and its subsequent amendment.

Total Number Of SPSA Issued By The Region During This Quarter

Total Cumulative Number of SPSA Issued By The Region As Of The End Of This Quarter

NAME OF SPSA HOLDER (Entries must be disaggregated or grouped by month of prod'n)	OFFICE ADDRESS (Contact Address & Phone/Fax/Email)	SALT PRODUCTION SITE (Barangay, Municipality, Province or City)	SPSA NUMBER	AREA COVERAGE (Hectares)	PRODUCTION QUANTITY (MT)	PRODUCTION VALUE (PESOS)	NO. OF DAYS IN OPERATION	SALES QUANTITY (MT)	SALES VALUE (PESOS)	REASON FOR INCREASE OR DECREASE IN PRODUCTION & SALES	TOTAL MALE EMPLOYEES	TOTAL FEMALE EMPLOYEES

Checked and Prepared by: _____ Approved For Endorsement by: _____ Date: _____

 Name and Position Regional Executive Director
 This is page _____ of _____ pages



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Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City, 1100
Tel. Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
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ADMINISTRATIVE ORDER
No. 2002- 35

DEC 05 2002

Subject : Guidelines Governing the Management of the Diwalwal Mining Areas and Vicinity as Mineral Reservation and Environmentally Critical Area Pursuant to Proclamation No. 297 and for Other Purposes

WHEREAS, Article II of the 1987 Philippine Constitution and Section 4 of Republic Act (R.A.) No. 7942, otherwise known as the Philippine Mining Act of 1995, provide that mineral resources are owned by the State, that the exploration, development and utilization thereof shall be under its full control and supervision and that it may directly undertake such activities or pursue the same through agreements with qualified contractors;

WHEREAS, Executive Order (E.O.) No. 192 mandates that the Department of Environment and Natural Resources (DENR) shall be the primary agency of Government responsible for the conservation, management, development and proper use of the country's environment and natural resources, as well as the licensing and regulation of all natural resources as may be provided by law to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos;

WHEREAS, Section 8 of R.A. No. 7942 also provides that the DENR shall be the primary agency of Government responsible for the conservation, management, development and proper use of the State's mineral resources, including those in reservations, watershed areas and lands of the public domain, and that the DENR Secretary shall have the authority to promulgate rules and regulations as may be necessary to implement the intent and provisions of R.A. No. 7942;

WHEREAS, Diwalwal in Mt. Diwata, Monkayo, Compostela Valley has been the site of crude and semi-mechanized to mechanized types of mining operations, starting as a gold rush area in 1983, involving thousands of miners, local entrepreneurs and service providers;

WHEREAS, the Diwalwal mining and mineral processing operations have also adversely effected the environment over the years, mainly through pollution and siltation of the river systems, and posed serious threat to health and safety because of mercury contamination;

WHEREAS, conflicting claims and rivalries over the Diwalwal mining areas have further brought about peace and order problems that, together with the environmental, health and safety problems, have led to an emergency situation needing immediate intervention by Government;

WHEREAS, DENR Administrative Order (DAO) No. 2002-18 was issued on August 12, 2002, *Declaring an Emergency Situation in the Diwalwal Gold Rush Area and Providing for Interim Guidelines to Address the Critical Environmental and Social Consequence Therein*;

WHEREAS, DAO No. 2002-18 imposed the stoppage of mining and mineral processing activities of major operators in Diwalwal until such time that all the environmental and permitting requirements are complied with, the relocation of mineral processing plants and construction of a common mill tailings disposal system in the nearby Mabatás Area completed and the implementation of a mine management plan to generate cash flow for the construction activities in the Mabatás Area and to address socio-environmental issues, including the sustainable livelihood of subsistence mine workers, attained;

WHEREAS, the President of the Philippines issued Proclamation No. 297 on November 25, 2002 *Excluding a Certain Area from the Operation of Proclamation No. 369 dated February 27, 1931, and Declaring the same as Mineral Reservation and as Environmentally Critical Area*, which mainly includes the Diwalwal mining areas and the Mabatás Area;

WHEREAS, Proclamation No. 297 expressly provides that mining operation in the Mineral Reservation may be undertaken either by the DENR directly, subject to payment of just compensation that may be due the legitimate and existing claimants, or through a qualified contractor, subject to any existing rights;

WHEREAS, Section 5 of R.A. No. 7942 provides that mining operation in a mineral reservation may be undertaken either directly by the DENR or through a contractor;

WHEREAS, Proclamation No. 297 also provides that the DENR shall formulate and issue the appropriate guidelines, including the establishment of an environmental and social fund, to implement its intent and provision;

NOW, WHEREFORE, the foregoing premises considered, the following guidelines in the management of said Mineral Reservation and Environmentally Critical Area are hereby promulgated for the guidance and/or compliance of all concerned:

Section 1. Title. This Administrative Order shall be known as the "Guidelines in the Management of the Diwalwal Mineral Reservation and for Other Purposes."

Section 2. Policies and Objectives. Guided by the social reform agenda of the Government, the policies and objectives of this Administrative Order shall be:

- a. To rationalize the mining and mineral processing operations in the Mineral Reservation and Environmentally Critical Area for greater efficiency and to provide for adequate environmental protection and mine rehabilitation measures.
- b. To adequately address the health and safety concerns of the miners, mineral processors and residents.
- c. To uplift the social and economic well-being of the underprivileged sectors that are directly and indirectly involved in the mining and mineral processing operations.
- d. To stabilize the peace and order situation.

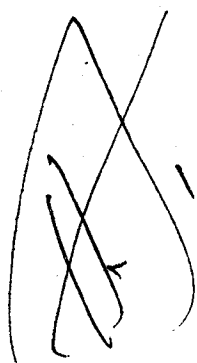
- e. To provide for an equitable sharing scheme for the benefits derived from the utilization of the mineral resources.
- f. To ensure that the benefits derived from mining and mineral processing operations shall accrue to the communities, Government, both local and national, and other legitimate stakeholders.

Section 3. Scope. This Administrative Order covers the management, administration and regulation of all mining and mining processing operations and related activities within the Diwalwal Mineral Reservation declared under Proclamation No. 297 dated November 25, 2002.

Section 4. Definition of Terms. As used in and for the purposes of these Guidelines, the following terms shall be defined accordingly:

- a. "Diwalwal Mineral Reservation" refers to the area declared as Mineral Reservation and as Environmentally Critical Area pursuant to Proclamation No. 297 dated November 25, 2002, particularly bounded by the following geographical coordinates:

Corner	Longitude	Latitude
1	126°08'	7°46'
2	126°08'	7°51'
3	126°13'	7°51'
4	126°13'	7°46'

- 
- b. "Mill Tailings" means materials, whether solid, liquid or both, segregated from the ores as a result of mineral processing operations, which may or may not have economic values.
 - c. "Mine Waste" means soil and/or rock materials from surface or underground mining operations with no present economic value to the generator of the same.
 - d. "Mineral Processing" means the milling, beneficiation, leaching, smelting, cyanidation, calcination and/or upgrading of ores, minerals, rocks, mill tailings, mine wastes and/or other metallurgical by-products or by similar means to convert the same into marketable products.
 - e. "Natural Resources Development Corporation" refers to the government corporation of that name established as a corporate arm of the DENR pursuant to Executive Order No. 786 dated March 19, 1982.
 - f. "Ore Transport Permit" refers to the permit that may be granted to a Service Contractor to transport minerals/mineral products.
 - g. "Service Contractor" means a person or entity who enters into an agreement with the DENR or Natural Resources Development Corporation (NRDC) to undertake specific work(s) related to mining or mineral processing operations;

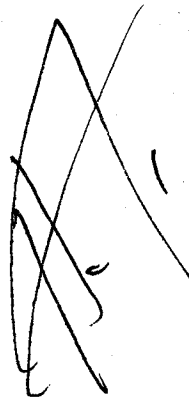
Section 5. Identification and Delineation of Mining/Mineral Processing Areas. The Mines and Geosciences Bureau (MGB) shall identify and delineate mining and mineral processing areas within the Diwalwal Mineral Reservation, where mining for gold and its associated minerals may be allowed. It shall mainly take into account the trends, dimensions and sites of the ore veins and vein systems, access to the veins and working areas, buffer zones, and other development works in delineating such areas.

Thereafter, the DENR shall endeavor to confine all mining and mineral processing operations to such areas. However, actual mining and mineral processing operations in said areas delineated may be allowed only after the same have been properly verified on the ground through technical and geodetic surveys by the MGB.

Section 6. Direct State Utilization as Mode of Mineral Resources Development. Pursuant to the pertinent provisions of Proclamation No. 297 dated November 25, 2002 and consistent with the pertinent provisions of R.A. No. 7942, the DENR shall directly undertake mining and mineral processing operations in certain identified areas in the Diwalwal Mineral Reservation through the NRDC with the assistance of the MGB and other sectors of the DENR, subject to payment of just compensation that may be due the legitimate and existing claimants.

For this purpose, the DENR and the NRDC shall enter into a Memorandum of Agreement that shall embody the pertinent terms and conditions.

Section 7. Responsibilities of the NRDC. As the implementing arm of the DENR in undertaking mining and mineral processing in the Diwalwal Mineral Reservation and in strict coordination with the MGB, the NRDC shall have the following responsibilities:

- 
- a. Implement a medium-scale and labor-intensive mine management plan for the cost-effective, environmentally sound and socially responsible mining and mineral processing operations in the Diwalwal Mineral Reservation.
 - b. Secure the necessary permits and licenses and comply with all requirements pertinent to the conduct of mining and mineral processing operations.
 - c. Avail of services of competent professional group(s) to undertake the necessary planning, design and implementation works.
 - d. Construct and operate mineral processing plant(s) and mill tailings disposal system in the Mabatás Area.
 - e. Collect the share of Government from the utilization of the mineral resources in the Diwalwal Mineral Reservation.
 - f. Establish the environmental and social fund as required under Proclamation No. 297.
 - g. Initiate the environmental clean-up of the Diwalwal mining areas, Naboc River and other affected areas.
 - h. At its option and subject to just compensation, provide services to the mining and mineral processing operations, such as ventilation and power supply, blasting and assaying, among others.
 - i. Coordinate with the Environmental Management Bureau (EMB) and other agencies/instrumentalities of the DENR and Government in the implementation of the mine management plan.

Section 8. Service Contracts. The DENR Secretary or the NRDC may enter into service contracts with various mining groups/cooperatives presently occupying and actively mining in the Diwalwal mining areas, for the purpose of mining and/or processing of the ores therefrom.

In line with the above, the mining areas shall be allocated by underground levels/working areas in accordance with Section 5 hereof: Provided, That any Service Contract for mining purpose shall be confined to the limits and immediate vicinity of the Diwalwal mining areas, as follows:

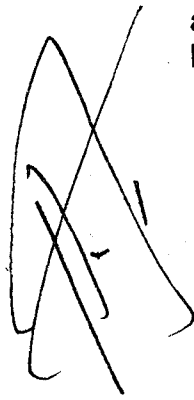
Corner	Longitude	Latitude
1	126°10'30"	7°48'30"
2	126°10'30"	7°50'00"
3	126°12'00"	7°50'00"
4	126°12'00"	7°48'30"

The execution of the Service Contract shall be upon the recommendations of the MGB Regional Director concerned/Multisectoral Evaluation Committee through the MGB Director.

On recommendation of the MGB Director, the DENR Secretary, however, may directly enter into Service Contracts with the rightful applicants, to protect and preserve the interest of the Government.

Service contracts entered into by the DENR Secretary or NRDC prior to the effectivity of this Administrative Order but are not inconsistent herewith shall remain valid with full force and effect.

Section 9. Multisectoral Evaluation Committee. The Multisectoral Evaluation Committee (MEC) shall be tasked with the initial evaluation of application for Service Contracts and indorsement of the rightful applicants to the MGB Regional Director concerned. It shall be composed of the following:

- 
- Chairperson : Team Leader, Diwalwal Technical Working Group
 - Members : Representative, mining groups/cooperatives
 - Representative, Local Government Unit – Mt. Diwata
 - Representative, Indigenous Cultural Community(ies)
concerned
 - Representative, Nongovernment Organization
concerned

Section 10. Small-Scale Mining. In accordance with the pertinent provisions of Section 5 of R.A. No. 7942 pertaining to small-scale mining, the MGB shall allocate a maximum of twenty-five per cent (25%) of the Diwalwal Mineral Reservation for small-scale mining cooperatives covered by R.A. No. 7076, or the *People's Small-Scale Mining Act of 1991*.

Section 11. Transport of Ores. The transportation of minerals and/or mineral product(s), including tailings that still contain the valuable metals in economic quantity, from the Diwalwal Mineral Reservation shall be covered by an Ore Transport Permit (OTP). The absence of an OTP shall be sufficient ground for the materials being transported to be apprehended/confiscated in favor of the Government, and disposed in accordance with existing laws, rules and regulations. An OTP shall be issued only to service contractors upon the recommendation of NRDC, in accordance with the pertinent provisions of DAO No. 96-40, as amended.

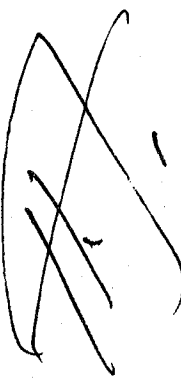
Section 12. Mine Wastes and Mill Tailings Disposal Management. Mine wastes and mill tailings produced as a result of the mining and mineral processing operations contemplated herein shall be managed in a technically, financially, socially, culturally and environmentally acceptable manner and in a way that effectively safeguards the environment and protects the rights of the concerned communities.

Management of mine wastes and mill tailings must be guided by current best practices committed to ensure control over their impacts and efficiently protect the environment. It shall be undertaken with due and equal emphasis on the economic and environmental considerations, as well as safety, health, social, and cultural concerns.

The above principles shall be implemented through the specific provisions of DENR Memorandum Order No. 99-32, otherwise known as the Policy Guidelines and Standards for Mine Waste and Mill Tailings Management.

In line with the foregoing, all mineral processing operations shall no longer be allowed in the Diwalwal mining areas. Instead, the Mabatás Area shall be made available as relocation site of the mineral processing plants of Diwalwal, as well as area for a common tailings disposal system that features engineered tailings dam(s).

The Mabatás Area shall also be made available as resettlement site of the Diwalwal community.



Section 13. Environmental Protection and Social/Community Development. The NRDC shall submit for approval and implement a programmatic Environmental Protection and Enhancement Program (EPEP) for the mining and mineral processing operations. This EPEP shall be guided by Chapter XVI – *Environmental Protection* of DAO No. 96-40, as amended. All other requirements of law, including the conduct of a programmatic Environmental Impact Assessment (EIA) and the issuance of appropriate Environmental Clearance Certificates (ECC's) by the DENR, shall also be strictly complied with.

The NRDC shall also submit a Social Development and Management Program (SDMP) for the mining and mineral processing operations. This SDMP shall be guided by DAO No. 2000 - 99, the Rules and Regulations on the Implementation of the Social Development and Management Programs for Mining Projects.

Section 14. Use of Explosives and Chemicals. Only NRDC is authorized to secure the appropriate licenses to possess, transport and use explosives, blasting accessories and chemicals for the mining and mineral processing operations. All applications for such licenses shall require the endorsement by the MGB Regional Office concerned or EMB, as the case may be, to the Philippine National Police - Firearms and Explosives Office in compliance with the applicable law and implementing rules and regulations.

The DENR Secretary, however, may authorize other qualified entity(ies) to secure such licenses, to protect and preserve the interest of Government in the Diwalwal Mineral Reservation.

Section 15. Mine Rehabilitation. The Service Contractor shall technically and biologically rehabilitate the excavated, mined-out, tailings-covered and/or disturbed areas, as provided for in Chapter XVIII of DAO No. 96-40, as amended.

A Mine Rehabilitation Fund shall be established, based on the approved work program, and shall be deposited as a trust fund in a government depository bank. It shall be used for the physical and social rehabilitation of areas and communities affected by the mining and mineral processing operations and for research on the social, technical and preventive aspects of mine rehabilitation.

Section 16. Enforcement of Mining Plan and ECC. The MGB and the EMB shall strictly enforce the implementation of the mine management plan and ECC of NRDC and the Service Contractor(s). These two agencies shall be responsible for ensuring that the appropriate environmental protection and remedial measures are duly implemented. Should there be any violation of the conditions set forth in the Service Contract or under the applicable laws, and rules and regulations, the MGB and/or EMB, after conferring/consulting with each other, may recommend the suspension of the mining/processing operations or cancellation of the Service Contract(s) to the Secretary.

Section 17. Confiscation/Seizure of Illegally Sourced Ores and Mill Tailings and Apprehension of Violators. The DENR/MGB and its deputies are empowered to confiscate, seize and dispose in accordance with existing rules and regulations illegally sourced ores and mill tailings, apprehend the violators in accordance with existing laws, and rules and regulations and file the appropriate charges in the proper court, if warranted.

Section 18. Sale of Gold. All gold produced by the Service Contractors from the Diwalwal Mineral Reservation shall be sold to the Bangko Sentral ng Pilipinas or its duly authorized representatives, at prices competitive with those prevailing in the world market regardless of volume or weight.

Section 19. Share of Government. The NRDC is authorized to collect as share of Government not more than twenty per cent (20%) of the ore produced by a Service Contractor.

This shall be allocated for the payment of excise tax and royalties due the Government from a mineral reservation and the Indigenous Peoples concerned as provided by law, as well as for management fee of NRDC, provision for the social and environmental fund, among others.

The NRDC is likewise authorized to collect the appropriate service fees from Service Contractors for mineral processing.

Section 20. Multipartite Monitoring Team. The Diwalwal Multipartite Monitoring Team (MMT) created pursuant to DENR Special Order No. 2002-955 shall be maintained to pursue their functions but this time, in connection with the compliance of Service Contractors with the terms and conditions of their Service Contracts.

Section 21. Service Providers. The Service Contractors may avail of the services of Service Providers under terms and conditions that shall not be disadvantageous to the interest and welfare of said Service Contractors: Provided, That the pertinent contract or agreement between a Service Contractor and Service Provider shall be subject to review and approval by the MGB Director, upon the recommendation of the MGB Regional Director concerned/Diwalwal Technical Working Group.

Section 22. Reportorial Requirements and Fines. NRDC and all the Service Contractors are required to submit the necessary monthly, quarterly, semi-annual, and annual reports, particularly production and sales, in accordance with Sections 270 and 271 of DAO No. 96-40, as amended.

Section 23. Arbitration. Any mining dispute within the Diwalwal Mineral Reservation shall be settled by a tribunal of Arbitrators, to be constituted as follows: each of the opposing parties to appoint one Arbitrator and the MGB Director or his representative to act as Chairman. Such arbitration shall be conducted pursuant to R.A. No. 876, otherwise known as the "Arbitration Act."

Section 24. Transitory Provision. All existing Service Contractors operating in the Diwalwal mining areas pursuant to the pertinent provisions of DAO No. 2002-18 shall immediately comply with the provisions of this Administrative Order. Mineral processing plants and related facilities and structures situated in the Diwalwal mining areas, which are compliant with the existing requirements of law, may still be utilized by the Service Contractors until such time that the Mabatás Area becomes operational.

Section 25. Separability Clause. If any part or section of this Order is declared unconstitutional or invalid by a competent court, such declaration shall not affect the other parts or Sections of this Order.

Section 26. Repealing Clause. All orders, rules and regulations inconsistent with this Order are deemed repealed or modified accordingly.

Section 27. Effectivity. This Order shall take effect immediately.


HEHERSON T. ALVAREZ

Secretary

DEC 05 2002



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel. Nos. (632) 920-4301 * (632) 928-0691 to 93
924-2540 * 928-8592
929-6626 loc. 2012 - 2014

DENR ADMINISTRATIVE ORDER
No. 2002- 36

DEC 09 2002

**SUBJECT: IMPLEMENTING RULES AND REGULATIONS
(IRR) OF REPUBLIC ACT NO. 9176,
EXTENDING THE PERIOD UNTIL DECEMBER
31, 2020 FOR THE FILING OF APPLICATIONS
FOR ADMINISTRATIVE LEGALIZATION (FREE
PATENT) AND JUDICIAL CONFIRMATION OF
IMPERFECT AND INCOMPLETE TITLES**

1. For the information and guidance of all concerned, reiterated hereunder are the salient provisions of **Republic Act No. 9176**, approved on November 13, 2002 by the President of the Philippines and shall take effect on January 1, 2001, granting a period of filing applications for administrative legalization (Free Patent) and Judicial Confirmation of Imperfect and Incomplete Titles pursuant to Republic Act No. 9176:
 - a. Sec. 1. Section 45, Chapter VII, CA 141, as amended

"x x x The time to be fixed in the entire archipelago for the filing of applications under this Chapter shall not extend beyond December 31, 2020. Provided, that the period shall apply only when the area applied for does not exceed twelve (12) hectares. X x x"
 - b. Sec. 2. Section 47, Chapter VIII, of CA 141, as amended

"The persons specified in the next following section are hereby granted time not to extend beyond December 31, 2020 within which to avail the benefits of this Chapter".
 - c. "Sec. 3. All pending applications filed before the effectivity of this amendatory Act shall be treated as having been filed in accordance with the provisions of this Act".

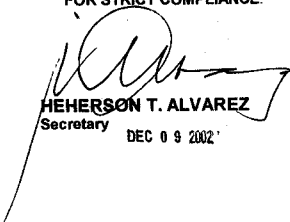
This Order shall cover applications for free patent and judicial confirmation of imperfected titles filed since January 1, 2001 up to December 31, 2020.

2. Further, the provisions of Section 44, Chapter VII of Commonwealth Act 141, as amended, shall be followed and made a part of this Order, to quote:

Section 44. Any natural born citizen of the Philippines who is not the owner of more than twelve (12) hectares and who, for at least thirty (30) years, prior to his application with the Department, has continuously occupied and cultivated either by himself or through his predecessors-in-interest, a tract or tracts of public agricultural lands subject to disposition, who shall have paid the real estate tax thereon while the same has not been occupied by any person shall be entitled under the provisions of this law, to have free patent issued to him for such tract or tracts of land not to exceed twelve (12) hectares;

3. The filing, investigation and processing of free patent application in the Community Environment and Natural Resources (CENROs), shall be in accordance with existing rules and regulations and shall fall under the operations of the "Handog Titulo" Program.
4. This Order shall take effect immediately.

FOR STRICT COMPLIANCE.



HEHERSON T. ALVAREZ
Secretary

DEC 0 9 2002

PUBLICATION:

MANILA STANDARD - DECEMBER 13, 2002



Republic of the Philippines
Department of Environment and Natural Resources

Visayas Avenue, Diliman, Quezon City
Tel. Nos. (632) 920-4301 * (632) 928-0691 to 93
924-2540 * 928-8592
929-6626 loc. 2012 - 2014

DEC 27 2002

DENR ADMINISTRATIVE ORDER

No. 2002-37

**SUBJECT : SUSPENDING THE EFFECTIVITY OF DAO 2002-27
DATED 20 NOVEMBER 2002**

In the interest of the service and pending a thorough review on the matter, the effectivity of DENR Administrative Order No. 2002-27 dated 20 November 2002 is hereby suspended. As such, all offices shall maintain the status quo and all officers affected shall continue discharging their respective functions until further instruction or a subsequent order is issued by the undersigned.

The exception is the provision of Section I pertaining to Region IV-A and IV-B, Aurora Province, Lanao del Norte, Iligan City, Basilan, Marawi City and Compostela Valley which shall continue to be in effect.

This Order shall take effect immediately.

Elisea G. Gozun
ELISEA G. GOZUN
Secretary