



**MEMORANDUM**

**TO : ALL REGIONAL EXECUTIVE DIRECTORS**

**FROM : THE UNDERSECRETARY**  
Field Operations and Environment

**SUBJECT : INVENTORY OF ALL STRUCTURES INSIDE THE CLASSIFIED  
FOREST LANDS AND THE ISSUANCE OF APPROPRIATE  
TENURIAL INSTRUMENTS THEREOF**

**DATE : SEP 21 2021**

This has reference to your compliance to the following Memoranda (copies attached) issued by this Office relative to the inventory of structures built inside classified forest land, to wit:

1. Memorandum to all Regional Directors from former OIC Undersecretary for Field Operations dated 17 March 2017 with the subject ***“CONDUCT OF INVENTORY OF TELECOMMUNICATION PLATFORMS/ FACILITIES BUILD WITHIN PUBLIC FOREST OR TIMBER LAND AREAS”***; and
2. Memorandum to all DENR Regional Directors from the Undersecretary for Field Operations dated 19 April 2018 with the subject ***“INVENTORY OF BATHING ESTABLISHMENTS, HOTEL SITES INCLUSIVE OF RESORT FACILITIES, CAMPSITE AND ECOTOURISM SITES BUILT WITHIN FOREST LAND”***.

Relative thereto, the above-mentioned Memoranda are hereby reiterated and you are instructed to conduct inventory **all structure and development** inside classified forest lands other than telecommunication and ecotourism facilities using attached template. Further you are hereby advised to coordinate with these occupants for the issuance of appropriate tenurial instrument, should there be none, based on existing rules and regulations. However, the processing and issuance of any tenurial instrument within the Boracay Island should be in accordance with existing regulations including the Memorandum of DENR Secretary Roy A. Cimatu dated 24 February 2020 (copy hereto attached) and standing instruction of Boracay Inter Agency Rehabilitation Management Group (BIARMG) that all applicants for tenurial instruments within Boracay Island should be first evaluated and deliberated prior to issuance of clearance from Boracay Inter Agency Task Force (BIATF).

Submit status report of your compliance in Completed Staff Work (CSW) format to this Office copy furnished the Forest Management Bureau within fifteen (15) days upon receipt of this Memorandum.

FOR STRICT COMPLIANCE.

  
ATTY. JUAN MIGUEL T. CUNA, CESO I

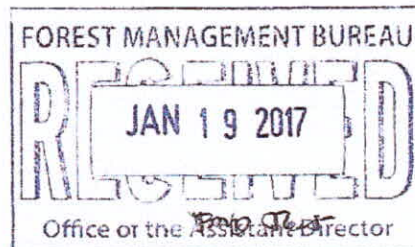
**Inventory of Structures Inside the Classified Forestlands**

Region/P/CENRO	Occupant/Holder/ Name of Establishment	Location (Sitio, Barangay, Municipality)	Structures	Nature/Purpose	Year Established	Approximate area occupied (ha.)	Forest Tenure Instrument issued	Relative Location (Coordinates)		Pictures (attached as annex)	Remarks
								Northing	Easting		
Example											
Region 6											
Negros Occidental											
CENRO Kabankalan City											
	Valentin Capillanos (Tinagong Dagat Resort)	So. Campoquino, Brgy. VI, Sipalay City	Hotel Buildings; Cottages; Swimming Pools	Resort/Bathing Establishment	2010	0.1	none	433729	1075390		With business permit from the LGU; with ECC No. R6-1010-3175010 issued on 11/09/2010
Aklan											
CENRO _____											
	Globe Telecom, Inc.	Brgy. Regador, Ibajay, Aklan	Tower, Antenna, guard house	Cell Site and Antenna Facilities	2014	0.4	FLAg 03-2014	433729	1075390		Issued with FLAg 03- 2014 on 06/20/2014 and to expire on 06/20/2039 - compliant

\* Note

Kindly fill-out the above matrix and provide all of the necessary/required information regarding the Inventory of Structures Inside the Classified Forestlands





## MEMORANDUM

TO : All Regional Directors

FROM : The OIC, Undersecretary for Field Operations

SUBJECT : **CONDUCT OF INVENTORY OF TELECOMMUNICATION PLATFORMS/FACILITIES BUILT WITHIN PUBLIC FOREST OR TIMBER LAND AREAS**

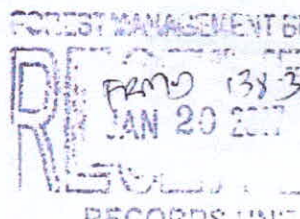
DATE : MAR 16 2017

This is line with the DENR thrust to uphold the legal special uses of Public Forest or Timber Land (PFTL) areas such as site for telecommunication platforms/facilities and with reference to the initiative of DENR Region 6 regarding the inventory of telecommunication facilities within the said areas under their jurisdiction as contained in the memorandum dated 04 April 2016 issued by the concerned Regional Director to the PENROs/CENROs in the subject Region. The initiative was applauded by the Undersecretary for Field Operations per his memorandum dated 17 June 2016. The said inventory uncovered issues/concerns pertinent to the use of forest lands vis-à-vis relevant guidelines of the Department, to wit:

1. Currently, some of the cellphone towers built within PFTL areas are operational without the necessary permit from the DENR and only the document, e.g. permit or clearance issued by the Local Government Units (LGUs) is being assumed by the telecommunication companies as a legal manifestation that warrants their operation.

Such act or deed of the LGUs is deemed inconsistent with the existing forestry laws/DENR rules and regulations governing the special uses of the PFTL areas, e.g. PD No. 705, as amended, otherwise known as the *Forestry Reform Code of the Philippines*; DAO No. 2004-59 dated 31 August 2004, prescribing the *Rules and Regulations Governing the Special Uses of Forest Lands*; DENR Memorandum No. 148 dated 10 April 2006, regarding *25-Year Forestry Leases, Permits, Contracts and Related Agreements*.

Section 4 of the Executive Order No. 192 dated 10 June 1987, *Providing for the Reorganization of the Department of Environment, Energy and Natural Resources, renaming it as the Department of Environment and Natural Resources, and for other purposes* states 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, specifically forest and grazing lands, mineral resources, including those in reservation and watershed areas, and lands of the public domain, as well as the licensing and regulation of all natural resources *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*".





2. Several Special Land Use Permits/Other Lawful Purposes Permits (SLUPs/OLPPs) issued to telecommunication companies, e.g. Globe, Smart, GMA Network that enables the operation of their cellphone towers and broadcast relay stations within PFTL areas have already expired, however, some of these companies are continuously operating without permit/lease issued by DENR.
3. There are instances that the provisions of DENR Memorandum No. 537 issued by the Undersecretary for Field Operations on 29 November 2013 regarding non-renewal of SLUPs/OLPPs and conversion of the same to Forest Landuse Agreement (FLAg) was also disregarded.

Considering the preceding premises, it is thus proper to conduct a national inventory of these facilities, e.g. television and radio broadcast relay stations and cellphone towers because of the growing concern treating said infrastructures as public utilities or projects of national interest.

The proposed inventory shall aim to:

- I. Establish firm database of the DENR Regional and Field Offices on telecommunication facilities;
- II. Generate appropriate revenue from the companies engaged in the special use of PFTL areas for telecommunication facilities; and
- III. Strengthen the existing partnership among and between the DENR and LGUs in terms of forest management as provided for under RA No. 7160 or the "*Local Government Code of 1991*"; DENR-DILG-LGU Joint Memorandum Circular No. 1998-01, prescribing the *Manual of Procedures for DENR-DILG-LGU Partnership on Devolved and Other Forest Management Functions*; DENR-DILG-LGU Joint Memorandum Circular No. 2003-01, *Strengthening and Institutionalizing the DENR-DILG-LGU Partnership on Devolved and Other Forest Management Functions*; and DAO No. 2010-07 dated 12 March 2010 prescribing the *Guidelines on the Continuing/Phased Devolution of Environment and Natural Resources Functions to LGUs*.

To operationalize/realize the objectives of said inventory, you are hereby instructed to facilitate coordination/collaboration with the concerned telecommunication companies and LGUs in order to:

- A) Update the status of telecommunication facilities built within the PFTL areas;
- B) Advise the LGUs to refrain from issuing inappropriate document such as permit/clearance to any telecommunication companies for the use of the PFTL areas. Presently, the permit/clearance issued by the LGUs to various telecommunication companies are being assumed by these companies as their legal basis to operate within PFTL areas;
- C) Appropriately inform the LGUs that the processing and approval of permit and tenurial instruments to enable the legal use of the PFTL areas by any individual or groups should be consistent with the existing forestry laws/DENR rules and regulations; and



- D) As the case warrants, impose penalty to telecommunication companies on their violations against the legal use of PFTL areas pursuant to existing forestry laws/DENR rules and regulations.

Moreover, should there be SLUPs/OLPPs issued for the legal operation of telecommunication companies within your respective jurisdictions that expired beyond 29 November 2013 and not yet converted to FLAg, subsequently, you are strictly enjoined to expedite the issuance of FLAg to the concerned telecommunication companies. In addition, you shall provide an explanation for the failure to act concerning the prompt conversion of such permits to FLAg consistent with DENR Memorandum No. 537 dated 29 November 2013.

The documents to be submitted relevant to the inventory shall include:

- a) Geo-tagged photos of the telecommunication facilities with caption.
- b) Point location of the telecommunication facilities within PFTL areas per CENRO jurisdiction plotted on a map (A0 size) using the WGS 84 datum. The map scale may vary depending on the extent of the area covered by each CENRO.
- c) Shapefile of the maps/inventory result.

A matrix is attached hereto for the inventory team to compile the relevant information elicited during the inventory. All the required documents and maps shall be submitted to this Office, copy furnish the Director of the Forest Management Bureau (FMB) upon completion of the said inventory which shall be conducted within a period of not more than thirty (30) days.

**FOR INFORMATION AND STRICT COMPLIANCE.**

  
**PHILIP G. CAMARA** 

# Matrix for the Inventory of Telecommunication Platforms/Facilities

Region :  
PENRO :  
CENRO :

No.	Name of Permit or Agreement Holder	Type of Telecommunication Facility	Type of Permit or Agreement	Permit or Agreement No.	Date of Issuance	Date of Expiration	Area (has)	Annual Rental/ha. (PhP)	Location	Geographical Coordinates (WGS 84 Datum)	Remarks
1.	Globe	Cellphone tower	SLUP	R05-2010-13	10 Dec. 2010	10 Dec. 2013	.05	3,000.00	Bacon-Manito, Sorsogon	16°15'21"N 121°8'47"E	Converted to FLAG on 16 Jan. 2014

Inventoried as of : \_\_\_\_\_

Inventoried by : 1. \_\_\_\_\_  
2. \_\_\_\_\_

Noted by:

The CENR Officer

Note: The signatures of the personnel involved in the inventory and the CENR Officer shall be affixed above his/her name.





Republic of the Philippines  
**Department of Environment and Natural Resources**  
Visayas Avenue, Diliman, 1100 Quezon City  
Tel. Nos. 929-6626 to 29; 929-6633 to 35  
929-7041 to 43; 929-6252; 929-1669  
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**MEMORANDUM**

**TO :** All DENR Regional Directors

**FROM :** The Undersecretary for Field Operations

**SUBJECT :** **INVENTORY OF BATHING ESTABLISHMENTS, HOTEL SITES  
INCLUSIVE OF RESORT FACILITIES, CAMPSITES, AND  
ECOTOURISM SITES BUILT WITHIN FOREST LANDS**

**DATE :** 19 APR 2018

Presidential Decree No. 705, as amended, or the "Revised Forestry Code of the Philippines" provides that forest lands may be occupied and utilized under permit or lease, and corresponding rentals or fees for the occupation and utilization of forest lands will be set. The following provisions of Presidential Decree No. 705, as amended, explicitly allows the issuance of permit and lease, occupation and utilization, and the collection of rentals or fees vis-à-vis the occupation and utilization of the forest lands and its resources:

1. Section 20 provides that no person may utilize, exploit, occupy, possess or conduct any activity within any forest and grazing lands, unless he has been authorized to do so under a license agreement, lease, license, or permit;
2. Section 57 provides that forest lands may be leased for a period not exceeding twenty-five (25) years, renewable upon the expiration thereof for a similar period, or held under permit, for the establishment of, among others, bathing establishments, camps, or other beneficial purposes which do not in any way impair the forest resources therein; and
3. Section 64 of PD No. 705, as amended, provides that the Department Head, upon recommendation of the Director, shall fix the amount of charges, rentals, bonds and fees for the different kinds of utilization, exploitation, occupation, possession, or activity inside forest lands, the filing and processing of applications therefor, the issuance and renewal of license agreements, licenses, leases and permits, and for other services.

Subsequently, the DENR issued several policies and regulations governing the special uses of forest lands for tourism purposes, as follows:

- A. DENR Administrative Order No. 2004-28 dated 24 August 2004. The DAO provides the rules and regulations governing the use of forest lands for tourism purposes;
- B. DENR Memorandum No. 148 dated 10 April 2006. The Regional Executive Directors were authorized to approve 3-years Special Land Use Permits, subject to existing rules and regulations;
- C. DENR Administrative Order No. 2009-16 dated 25 November 2009. The DAO amended certain provisions of DAO No. 2004-28; and

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D. DENR Memorandum Order No. 2011-02 dated 15 March 2011 which requires the submission of Tourism Development Plan (TDP) duly approved by the Department of Tourism (DOT) and Comprehensive Development and Management Plan (CDMP) for FLaGT applicants.

Currently, based from the existing records of the Forest Management Bureau, there are only five (5) regions (3, MIMAROPA, 5, 6, and 7) that host bathing establishments, hotel sites inclusive of resort facilities, and other tourism related facilities covered by 33 Forest Land Use Agreement for Tourism (FLaGT). These FLaGT areas may have been previously covered by Special Land Use Permit (SLUP) for tourism purposes and eventually converted into FLaGT, or the proponents were directly issued with FLaGT.

It is worthy to note that beginning 01 January 2010, the issuance of SLUP for tourism purposes is no longer allowed pursuant to the provision of DAO No. 2009-16 dated 25 November 2009. Hence, all potential applicants for forest tenure instrument for tourism purposes were advised to directly apply for FLaGT.

In view thereof and the current trends in the tourism industry in the country as affected by the situation in Boracay island, it is thus proper that a nationwide inventory of structures/facilities built within forest lands for bathing establishments, hotel sites inclusive of resort facilities, and other tourism related facilities be conducted.

The inventory aims to: a) determine the actual number of bathing establishments, hotel sites inclusive of resort facilities, and other tourism related facilities built within forest lands covered by FLaGT and those establishments/facilities that are operating without authority from the DENR; and b) appropriately address the issue on unlawful occupation within forest lands subject to existing laws and regulations.

An inventory matrix is attached hereto for the inventory teams to compile the information relevant to the bathing establishments, hotel sites inclusive of resort facilities, and other tourism related facilities built within forest lands.

Further, you are advised to submit a report (in a CSW format) to the undersigned within 15 days upon completion of your undertaking on the matter.

**FOR STRICT COMPLIANCE.**

  
ATTY. JUAN MIGUEL T. CUNA

cc: Agcs - FD  
L, V, M



**Matrix for the inventory of bathing establishments, hotel and resort facilities, camp sites, ecotourism related facilities built within forest/timber lands**

Region : \_\_\_\_\_  
 PENRO : \_\_\_\_\_  
 CENRO : \_\_\_\_\_

No.	Owner/Name of establishment	Type of establishment/facility	Area (Has.)	Forest tenure instrument SLUP/FLAgT	Date issued	Date of expiration	Address	Location [Geographical coordinates]	Remarks
1	e.g. Mr. Mike Leamsi ABC Leisure Park	e.g. Hotel and Resort	e.g. 2.13	e.g. FLAgT	e.g. March 10, 2005	e.g. March 10, 2030	e.g. San Antonio, Palawan		Not paying its annual rental on time
2	e.g. Mr. Val Wag-uy Green Dives	e.g. Bathing establishment	e.g. 4	e.g. none			e.g. Villa Nera, Palawan		No permit from DENR

Inventoried by :

Attested by :

\_\_\_\_\_  
 Signature above name

\_\_\_\_\_  
 Signature above name

\_\_\_\_\_  
 CENRO or his duly representative

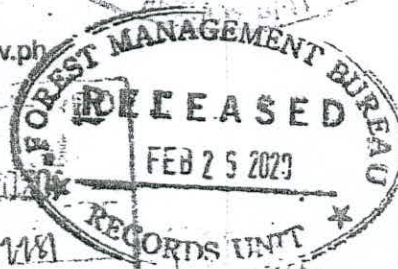
Date : \_\_\_\_\_



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MAR 06 2020

06-1190-20



# MEMORANDUM FROM THE SECRETARY

TO: **THE REGIONAL EXECUTIVE DIRECTOR**  
DENR Region VI  
Pepita Aquino Street, Port Area, Iloilo City

SUBJECT: **COMPUTATION OF PENALTIES AND CHARGES FOR THE OCCUPATION OF CROWN REGENCY AND CONVENTION CENTER RELATIVE TO THEIR APPLICATION FOR FLAGT WITHIN FORESTLAND AREAS LOCATED IN BARANGAYS MANOC-MANOC AND BALABAG, BORACAY ISLAND, MALAY, AKLAN**

DENR  
LPPD  
RECEIVED

MAR 09 2020  
DATE

FEB 25 2020

This pertains to the application Forest Landuse Agreement for Tourism (FLAgT) purposes of Crown Regency Resort and Convention Center (CRRCC) for bathing establishment vis-à-vis computation of penalties and charges for the occupation of forest lands covering an aggregate area of 2.7029 hectares situated in Barangays Balabag and ManocManoc, Boracay Island, Malay, Aklan.

In this regard, you are hereby directed to accept and process the application for Forest Landuse Agreement for Tourism (FLAgT) purposes of CRRCC for bathing establishment, subject to submission of all documentary requirements pursuant to existing rules and regulations, and payment of annual government share (back rentals) from CYs 2010-2019 amounting to Forty-Five Million Eight Hundred Thirty- Three Thousand and Twenty Pesos (Php45,833,020.00), computed as follows:

YEAR	Brgy. Balabag			Brgy. Manoc-Manoc			Total
	Zonal Value	Area(sq.m.)	AR	Zonal Value	Area(sq.m.)	AR	
2010-2011	1,000.00	10,477	523,850.00	300.00	16,552	248,280.00	772,130.00
2011-2012	1,000.00	10,477	523,850.00	300.00	16,552	248,280.00	772,130.00
2012-2013	1,000.00	10,477	523,850.00	300.00	16,552	248,280.00	772,130.00
2013-2014	1,000.00	10,477	523,850.00	300.00	16,552	248,280.00	772,130.00
2014-2015	10,000.00	10,477	5,238,500.00	4,000.00	16,552	3,310,400.00	8,548,900.00
2015-2016	10,000.00	10,477	5,238,500.00	4,000.00	16,552	3,310,400.00	8,548,900.00
2016-2017	10,000.00	10,477	5,238,500.00	4,000.00	16,552	3,310,400.00	8,548,900.00
2017-2018	10,000.00	10,477	5,238,500.00	4,000.00	16,552	3,310,400.00	8,548,900.00
2018-2019	10,000.00	10,477	5,238,500.00	4,000.00	16,552	3,310,400.00	8,548,900.00
Total			28,287,900.00			17,545,120.00	45,833,020.00

Note: AR = Annual Rental in Pesos

Further, you are instructed to seek clearance first to this Office before accepting and processing other applications for FLAgT or tenure instrument for that matter.

**FOR STRICT COMPLIANCE.**

ROY A. CIMATU  
Secretary

cc: The Director, Forest Management Bureau

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REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES



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