

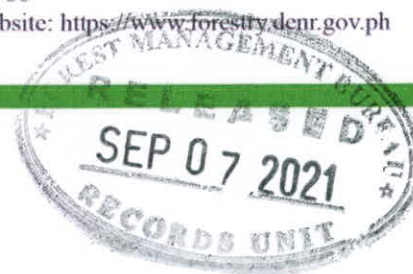


Republic of the Philippines  
Department of Environment and Natural Resources

**FOREST MANAGEMENT BUREAU**

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**MEMORANDUM**

**FOR** : All Regional Executive Directors  
DENR Regions 1-13 and CAR (Except NCR)

**ATTENTION** : All Assistant Regional Directors for Technical Services  
All Regional Division Chiefs

**FROM** : The Assistant Secretary for Policy, Planning and Foreign Assisted  
and Special Projects, and Director, in concurrent capacity

**SUBJECT** : **REQUEST FOR COMMENTS/INPUTS ON DRAFT FMB  
TECHNICAL BULLETIN ENTITLED "PROCEDURES IN  
THE RENEWAL AND NON-RENEWAL OF COMMUNITY-  
BASED FOREST MANAGEMENT AGREEMENT FOR  
ANOTHER TWENTY-FIVE (25) YEARS"**

**DATE** : **SEP 07 2021**

This refers to the draft FMB Technical Bulletin entitled "Procedures in the Renewal and Non-Renewal of Community-Based Forest Management Agreement (CBFMA) for Another Twenty-Five (25) Years".

With the first issuance of CBFMA in 1996, the effectivity of the tenure instrument reaches its initial 25-year period this year. In view of this significant milestone in the implementation of CBFM, the responsibility to evaluate the compliance of the POs with the CBFMA and consequently determine whether the renewal of their tenure instrument is necessary lies within the mandate of the Department of Environment and Natural Resources (DENR). Recently, FMB Technical Bulletin No. 36: Procedural Guide on the Conduct of Participatory Community-Based Forest Management Agreement (CBFMA) Holder Performance Evaluation as a Requirement for the Renewal of Expiring CBFMAs was approved for implementation.

The procedures provided in the proposed subject Technical Bulletin is a follow-through of the participatory CBFMA holder performance evaluation. CBFM People's Organizations, whose level of performance and extent of compliance with their obligations as forest managers were already assessed, will either be recommended to either continue or cease to perform their rights and obligations as tenure holders for another Twenty-Five (25) years.

Please be informed that we have already presented the said Technical Bulletin in the Regional Virtual Training-Orientation on FMB Technical Bulletin No. 36: *Procedural Guide*

on the Conduct of Participatory CBFMA Holder Performance Evaluation as Requirement for the Renewal of Expiring CBFMAs wherein it was recommended that further comments/inputs on the subject Technical Bulletin be solicited from the Regional Offices.

Foregoing considered, may we request to provide your comments/inputs on the attached draft Technical Bulletin and submit it to the Forest Management Bureau, on or before **1 October 2021 (Friday)**. Your contribution will be vital in the enhancement and finalization of the said guideline.

Should you have concern or clarification, the Community Forestry Section (CFS) of our Forest Resources Management Division (FRMD) can be reached through [fmb2cbfm@gmail.com](mailto:fmb2cbfm@gmail.com) and landline number (02) 8-927-72-78.

FOR INFORMATION AND CONSIDERATION, PLEASE.



MARCIAL C. AMARO, JR., CESO III



1 **FMB TECHNICAL BULLETIN**

2 **NO. \_\_\_\_**

3  
4 **SUBJECT: PROCEDURES IN THE RENEWAL AND NON-RENEWAL OF**  
5 **COMMUNITY-BASED FOREST MANAGEMENT AGREEMENT**  
6 **(CBFMA) FOR ANOTHER TWENTY-FIVE (25) YEARS**  
7  
8

9 **I. THE TECHNICAL BULLETIN**

10  
11 This Technical Bulletin provides the procedures in the renewal and non-renewal of Community-  
12 Based Forest Management Agreement (CBFMA) of People's Organizations, which underwent  
13 the participatory performance evaluation process and were recommended by the DENR to  
14 either continue or cease to perform their obligations as tenure holders for another twenty-five  
15 (25) years.  
16

17 Community-Based Forest Management Agreement (CBFMA) is *an agreement entered into by*  
18 *and between the government and the local community, represented by the People's*  
19 *Organization, as forest managers, which has a term of twenty-five (25) years and renewable*  
20 *for another (25) years pursuant to DENR Administrative Order (DAO) 2004-29 (Revised Rules*  
21 *and Regulations for the Implementation of Executive Order 263, Otherwise Known as Adopting*  
22 *the Community-Based Forest Management as the National Strategy to Ensure the Sustainable*  
23 *Development of the Country's Forestlands Resources and Providing Mechanisms for its*  
24 *Implementation).*  
25  
26

27 **II. USERS OF THE TECHNICAL BULLETIN**

28  
29 The users of the Technical Bulletin are the personnel of the DENR, CBFM People's  
30 Organizations (CBFM-POs) or the CBFMA Holders, Local Government Units (LGUs) and  
31 other stakeholders.  
32  
33

34 **III. PROCESSING AND APPROVAL OF RENEWAL AND NON-RENEWAL OF**  
35 **COMMUNITY-BASED FOREST MANAGEMENT AGREEMENT (CBFMA)**  
36

37 The following are the steps and procedures in renewal and non-renewal of CBFMA:  
38

39 **1. Conduct of Participatory Community-Based Forest Management Agreement**  
40 **(CBFMA) Holder Performance Evaluation**  
41

42 In conformity with FMB Technical Bulletin No. 36 (*Procedural Guide on the Conduct of*  
43 *Participatory Community-Based Forest Management Agreement [CBFMA] Holder*  
44 *Performance Evaluation as a Requirement for the Renewal of Expiring CBFMA's*), the  
45 CBFM-PO shall undergo the process of participatory performance evaluation to assess its  
46 compliance as tenure holder based on the Second Party obligations stated in the CBFMA.  
47 The participatory performance evaluation shall be conducted by the Performance  
48 Evaluation Team for CBFM (PET-CBFM), which shall subsequently prepare and submit a  
49 final report to the concerned RED.  
50

51 The final report bearing the categorical recommendation (i.e. renewal or non-renewal of  
52 CBFMA) of the PET-CBFM shall be reviewed and approved by the RED. The RED shall



then direct the CENRO/implementing PENRO to either assist the CBFM-PO in the renewal of the CBFMA or facilitate the process of non-renewal thereof.

## **2. Endorsement and Approval of Application/Request for Renewal or Non-Renewal of CBFMA**

### **2.1. CBFMA Recommended for Renewal**

**2.1.1.** The CENRO/implementing PENRO shall assist the PO, whose CBFMA is recommended for renewal, to comply with the following requirements which shall form part of the application for renewal of the CBFMA:

- i. Copy of the Participatory CBFMA Holder Performance Evaluation Report approved by the RED;
- ii. Letter of Intent for CBFMA renewal signed by the PO President or authorized representative/member;
- iii. Five (5) copies of Community-Based Forest Management Agreement (Annex B) specifying provisions/conditions (as retained and/or modified from the original agreement) agreed into by and between the government and the local community, represented by the People's Organizations, as forest managers, for another twenty-five (25) years. The CBFMA shall bear its original tenure/control number;
- iv. Authenticated/Certified True Copy of the Certificate of Registration of the People's Organization with Securities and Exchange Commission (SEC) or Cooperative Development Authority (CDA);
- v. Updated list of PO officers and members and their respective addresses;
- vi. PO Board Resolution authorizing the PO President or any PO members to apply for CBFMA renewal;
- vii. Authenticated/Certified True Copy of the original CBFM Agreement. If the CBFMA was amended during its first 25 years, the original and amended CBFMA shall be submitted;
- viii. GIS-generated map of the original or amended (if applicable) CBFMA-covered area showing all developmental projects by the CBFM-PO;
- ix. NCIP Certification Precondition or Certificate of Non-Overlap, whichever is applicable, pursuant to Sec. 59 of Republic Act No. 8371 known as the "*Indigenous Peoples Rights Act of 1997*"; and
- x. Certification from Palawan Council for Sustainable Development (PCSD), if the CBFMA-covered area is located in Palawan,

**2.1.2.** The application for the CBFMA renewal, with complete requirements, shall be filed at the CENRO/Implementing PENRO at least one (1) year before the expiration of the tenure instrument. Failure to apply for renewal shall mean disinterest on the part of the CBFMA holder, and shall warrant the DENR to undertake the process of non-renewal of CBFMA (refer to Item 2.2)

**2.1.3.** The CENRO shall review all applications for the CBFMA renewal within ten (10) working days upon receipt thereof and shall endorse, if found in order, to the PENRO. In the case of Implementing PENRO, the said office shall review all renewal applications and shall directly endorse the same, if found in order, to the RED.

**2.1.4.** The PENRO shall review all applications for the CBFMA renewal endorsed by the CENRO within five (5) working days upon receipt thereof and shall endorse, if found in order, to the RED.

**2.1.5.** The RED shall review all applications for the CBFMA renewal endorsed by the PENRO/Implementing PENRO within five (5) working days upon receipt



thereof and shall endorse, if found in order, to the DENR Undersecretary for Field Operations through the Forest Management Bureau (FMB);

2.1.6. The Forest Management Bureau shall review all applications for the CBFMA renewal endorsed by the RED within ten (10) working days upon receipt thereof. After review, same shall be forwarded to the Undersecretary for Field Operations or the designated approving authority for approval, along with the final map of the CBFMA area approved by FMB;

2.1.7. Once approved, the CENRO/Implementing PENRO shall assist the PO in the notarization of the renewed CBFMA. The original copy of the approved and notarized CBFMA shall be provided to the PO, FMB, DENR Regional Office, PENRO and CENRO; and certified photocopy for the LGU for their information and record purposes.

## **2.2. CBFMA Recommended for Non-Renewal**

2.2.1. The CENRO/Implementing PENRO shall notify the PO, through an official letter, on the non-renewal of CBFMA. The rights and responsibilities of the CBFMA holders in the agreement shall remain in effect until the expiration of the tenure instrument, unless cancelled/revoked prior thereto.

2.2.2. The CENRO/Implementing PENRO shall endorse the request for non-renewal of CBFMA with supporting documents, including the Completed Staff Work (CSW) report and copy of the Participatory CBFMA Holder Performance Evaluation Report (recommending the non-renewal of the CBFMA) approved by the RED, to the PENRO. In the case of Implementing PENRO, the said office shall directly endorse the same to the RED.

2.2.3. The PENRO shall review the CSW report endorse by the CENRO within five (5) working days upon receipt thereof and shall endorse, if found in order, to the RED.

2.2.4. The RED shall review the CSW Report endorse by the PENRO/Implementing PENRO within five (5) working days upon receipt thereof and shall endorse, if found in order, to the DENR Undersecretary for Field Operations through the Forest Management Bureau;

2.2.5. The Forest Management Bureau shall review all request for non-renewal of CBFMA endorsed by the RED within ten (10) working days upon receipt thereof. After review, same shall be forwarded to the Undersecretary for Field Operations or the designated approving authority for the non-renewal of CBFMA.

2.2.6. The CBFMA Holder may file a motion for reconsideration (MR) to the RED within fifteen (15) days upon receipt of the notice of non-renewal. If the MR is denied, the CBFMA holder may appeal to the Office of the DENR Secretary within 15 days upon receipt of notice of denial from the RED. Failure to file the MR within the prescribed period shall render the non-renewal of the CBFMA as final and executory.

2.2.7. The CBFMA Holder shall surrender the Agreement to the Regional Executive Director and shall vacate the area within a period of six (6) months upon the expiration of the Agreement. After which, the DENR shall take over the area consistent with the existing laws, rules and regulations.

**2.2.8.** Reports on basic information, which include name of PO, location, CBFMA number, date of issuance, and area, among others, of CBFMAs not recommended for renewal (as approved by the Undersecretary for Field Operations) should be submitted to FMB for record purposes.

**2.2.9.** The DENR Field Offices shall update the Enhanced Forestry Information System (eFIS) and other related CBFMA database subsequent to the renewal and non-renewal of CBFMAs.

### 3. Planning and Implementation of Renewed CBFMA

The development and management of forestlands covered with renewed CBFMAs shall be in conformity with the updated Community Resource Management Framework (CRMF) and Five-Year Work Plan (FYWP) of the POs. The preparation and operationalization of CRMF and FYWP shall be in accordance with DAO 2004-29, FMB Technical Bulletin Nos. 20 and 20-1, and other pertinent laws, rules and regulations.

#### 4. Monitoring and Evaluation

The DENR Field Offices shall conduct regular monitoring and assessment of CBFMA areas based on the terms and conditions of the renewed tenure instrument, and their affirmed CRMF and approved FYWP.

**FOR REFERENCE AND GUIDANCE, PLEASE.**

MARCIAL C. AMARO, JR., *CESO III*