



Republic of the Philippines
Department of Environment and Natural Resources
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MEMORANDUM

TO : ALL REGIONAL EXECUTIVE DIRECTORS (EXCEPT CAR)

FROM : THE UNDERSECRETARY
Field Operations – Luzon, Visayas and Environment

SUBJECT : CLARIFICATION ON THE COLLECTION OF OCCUPATION FEES ON THE FORESHORE AREAS EVEN WITHOUT PERMIT AND APPROVED APPRAISAL

DATE : DEC 12 2022

This refers to the Memorandum of this Office dated January 6, 2021, relative to the collection of occupation fees over foreshore lands that are being utilized for commercial or industrial purposes even without a permit or an approved appraisal (copy attached).

In the said Memorandum, it was clarified that the Regional Offices/CENR Offices may collect occupation fees even without a permit or an approved appraisal pursuant to Section 14 (g) of the Land Administrative Order (LAO) No. 8-3 and Lands General Circular (LGC) No. 58. However, this Office was informed that there were inquiries from the Regional Offices on the collection of occupation fees over foreshore lands that are being utilized for residential purposes.

It is to be emphasized that a foreshore lease application as defined in the DENR Administrative Order (DAO) No. 2004-24 entitled "*Revised Rules and Regulations Governing the Administration and Management of Foreshore Lands*", refers to an application covering foreshore lands for commercial, industrial or other productive purposes other than agriculture.

Thus, based on the above definition of foreshore lease application, it is clear that foreshore lands cannot be leased for residential purposes. Also, considering that our country is vulnerable to the effects of climate change and climate change-related disasters allowing such use would result to negative impact to the coastal environment, and exposure of the inhabitants/ settlers to the tidal force of seawater such as tsunami, tidal waves, storm surges, flooding, etc. Hence, the foreshore areas should be protected for the benefit of the public because it serves as a buffer zone, place for recreational activities, and ecological zone.

Further, in order to address the issues on the settlements over foreshore lands, you are hereby instructed to revisit your approved Provincial Foreshore Development and Management Plan (PFDMP) for the implementation of the proposed initiatives as identified in your proposed programs, projects and activities.

For your information, guidance and strict compliance.


ATTY. JUAN MIGUEL T. CUNA, CESQ I



Republic of the Philippines
Department of Environment and Natural Resources
Document Action Tracking System
Document Routing Slip

Document No: DENRCO - AS RMD-2022-030433

Print Date: Tuesday, November 29, 2022

Sender: Talabis, Emelyne V.

Address: Land Management Bureau
Visayas Avenue, Diliman, Quezon City

Subject: MEMO DTD 11/24/2022 RE: CLARIFICATION ON THE COLLECTION OF OCCUPATION FEES ON THE
FORESHORE AREAS EVEN WITHOUT PERMIT AND APPROVED APPRAISAL

Addressee(s): Office of the Undersecretary for Field Operations and Environment (OUFOE)

CC Addressee(s):

Date/Time Received: 11/28/2022 02:30:00 PM

ROUTING AND ACTION INFORMATION				
FROM	DATE/TIME RECEIVED	FOR/TO	DATE/TIME RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
	11/29/2022 09:11:47 AM	DENRCO - AS RMD		
DENRCO - AS RMD		OUFOE	11/29/2022 09:11:56 AM	

PR

Atty - Henry 12/1/22

Eng. Myla Please prepare Memo to all
Pres. Y 12/1/22

Records 12/1/22 write memo 12/1/22 to all recd
except CAR

Ands-398-1

Encoder: Vallejos, Jhosua E.



Republic of the Philippines
Department of Environment and Natural Resources
LAND MANAGEMENT BUREAU

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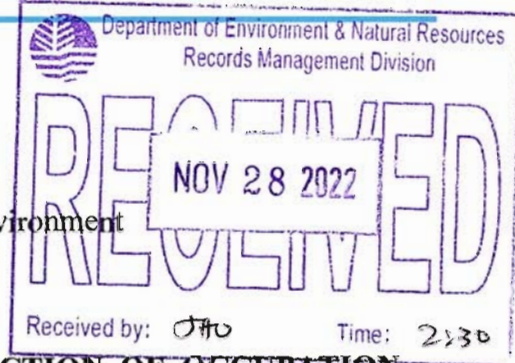
MEMORANDUM

FOR : **The Undersecretary**
Field Operations- Luzon, Visayas and Environment

FROM : The Director

SUBJECT : **CLARIFICATION ON THE COLLECTION OF OCCUPATION FEES ON THE FORESHORE AREAS EVEN WITHOUT PERMIT AND APPROVED APPRAISAL**

DATE : 24 NOV 2022



This refers to your Memorandum addressed to all Regional Executive Directors (except CAR), dated January 6, 2021, relative to the collection of occupation fees over foreshore lands that are being utilized for commercial or industrial purposes even without a permit or an approved appraisal (copy attached).

As stated in the said Memorandum, the Regional Offices/CENR Offices may collect occupation fees even without a permit or an approved appraisal pursuant to Section 14 (g) of the Land Administrative Order (LAO) No. 8-3 and Lands General Circular (LGC) No. 58. However, this Office has been receiving inquiries from the Regional Offices on the collection of occupation fees over foreshore lands that are being utilized for residential purposes.

Please be informed that as defined in the DENR Administrative Order (DAO) No. 2004-24, entitled, "*Revised Rules and Regulations Governing the Administration and Management of Foreshore Lands*", Foreshore Lease Application (FLA) is the type of application covering foreshore lands for **commercial, industrial or other productive purposes** other than agriculture.

Thus, based on the above-cited provisions of DAO 2004-24, it is clear that foreshore lands cannot be leased for residential purposes. Also, considering that our country is vulnerable to the effects of climate change and climate change-related disasters, allowing such use would result to negative impact to the coastal environment, and exposure of the inhabitants or settlers to the tidal force of seawater such as tsunami, tidal waves, storm surges, flooding, etc. Hence, the foreshore areas should be protected for the benefit of the public because it serves as a buffer zone, place for recreational activities, and ecological zone.

Further, in order to address the issues on the settlements over foreshore lands, may we suggest that the Regional Offices be instructed to revisit their approved Provincial Foreshore Development and Management Plan (PFDMP) for the implementation of the proposed initiatives as identified in their proposed programs, projects and activities.

Attached for your consideration and approval is the draft Memorandum on the matter addressed to all Regional Executive Directors.

ATTY. EMELYNE V. TALABIS, CESO IV

RTJ

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