



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenroroxaspalawan@denr.gov.ph

16 February 2022

Hon. SUE S. CUDILLA

Municipal Mayor
Araceli, Palawan

Dear Mayor,

Greetings!

Just in time while this Office has become weary of finding a legal basis upon which to found the presidential proclamation desired of the forest land the Municipality of Araceli has identified as badly needed for a settlement project in Bgy. Poblacion, DENR Administrative Order Numbered 2022-01 granting government agencies gratuitous permits for the special uses of forest lands issued out, a print of which is hereto attached inviting attention to Section 6 thereof for compliance. While settlement is not among those specified therein, we shall be happy to help you justify.

Rest assured, efforts exerted towards completing documents required under MC 97-02 shall not go to waste in that Section 9 of DAO 2022-01 provides for presidential proclamation within a year from the issuance of GSUP.

Please be guided and thank you for bearing with issues associating the real intent of land classification provided for under the constitution.

Very truly yours,


PABLO L. CRUZ
CENR Officer

DENR-CENR ROXAS
RELEASED

DATE: 02/01/2022

BY: [Signature]

DOC NO. 2022-02-0223

Copy: The RED
The PENR Officer
file



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
Website: <http://www.denr.gov.ph> / E-mail: web@denrgov.ph

JAN 11 2022

DENR ADMINISTRATIVE ORDER
No. 2022 - 01

SUBJECT : GUIDELINES IN GRANTING GOVERNMENT AGENCIES GRATUITOUS PERMITS FOR THE SPECIAL USES OF FOREST LANDS

In view of the various government agencies exigent use of forest lands through special forest land uses modalities to cater public infrastructure projects or utility systems towards a more balanced economic, environmental and social development and pursuant to the provisions of Section 4 Item C, sub item c2 of Forestry Administrative Order No. 8-3 dated 01 July 1941 and Sections 19, 20, 49, 57 and 64 of Presidential Decree No. 705, as amended, the following guidelines are hereby issued as guidance in granting government agencies a gratuitous permits for the special uses of forest lands.

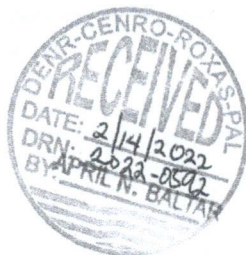
SECTION 1. Basic Policy. It is the policy of the State to sustainably manage the country's forest resources and to protect and advance the rights of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

SECTION 2. Objective. The objective of this guidelines is to ensure that government agencies partaking in the development of government-managed projects of national interest and infrastructures for public use within forest lands are appropriately granted with a permit which is gratuitous in concept and in conformity to government plans and standards.

SECTION 3. Scope and Coverage. This order shall cover all Gratuitous Special Use Permit (GSUP) applications for special land uses or projects that are non-profit and of national interest, as well as the infrastructures for public service and use to be implemented and/or being managed by National government agencies and local government units.

SECTION 4. Definition of Terms. For the purpose of this Order, the following terms shall be used in, and understood to mean as follows:

- 4.1. Environmental Compliance Certificate (ECC) – the document issued by the Secretary, or the Director or Regional Director of the Environmental Management Bureau (EMB), certifying that based on the representations of the proponent and the preparers, as reviewed and validated by the Environmental Impact Assessment (EIA) Review Committee, the proposed project or undertaking will not cause a significant negative environmental impact; that the proponent has complied with the requirements of the EIA system and that the proponent is committed to implement its approved Environmental Management Plan in the Environmental Impact Statement or mitigation measures in the Initial Environmental Examination.
- 4.2. Environmental Impact Statement (EIS) – the document(s) of studies on the environmental impacts of a project including the discussions on direct and indirect consequences upon human welfare and ecological and environmental integrity. The EIS may vary from project to project but shall contain in every case all relevant information and details about the proposed project or undertaking including the environmental impacts of the project and the appropriate mitigating and enhancement measures.



- 4.3. Gratuitous Special Use Permit – a 5-year permit authorizing a head of a government agency and/or local chief executive to use certain portions of forest lands free of charge for the development of government-managed projects of national interest and infrastructures for public service and use, and non-commercial projects of GOCCs.
- 4.4. Initial Environmental Examination (IEE) – 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.
- 4.5. Infrastructures for public service and use - shall refer to infrastructure projects intended for public service and use such as roads, bridges, schools, hospitals, health centers, flood control facilities, water reservoir or impounding dam and its related facilities, air strip, landing site, harbor, public market, public plazas, and evacuation site.
- 4.6. Projects of national interest- refers to identified priority projects that are to be implemented and/or being managed by the government.

SECTION 5. Qualification of Applicants. The following are qualified to apply for GSUP:

- 5.1. Head of government agency or its duly authorized representative; and
- 5.2. Local chief executive at the municipal, city or provincial level duly authorized by the local legislative bodies. *eg. N. Council*
How? Brgy?

SECTION 6. Application requirements. The following requirements shall be submitted by the applicant together with the duly accomplished application form (Annex A):

- a. Letter of Intent
- b. Certification as to the land classification of the area being applied for GSUP to be issued by DENR
- c. GIS-generated map of the area
- d. Appropriate certification from the National Commission on Indigenous Peoples
- e. Indicative Management Plan (Annex B)
- f. Proof of budget allocation for the development and management of the project
- g. Agency resolution or authorization designating the authorized representative of the national government agency/ies and other relevant agencies to officially apply with the DENR regarding gratuitous permit acquisition.
- h. Local Government Unit (LGU) endorsement (in case the applicant is an NGA)
- i. Resolution authorizing the local chief executive to apply for gratuitous special use permit (in case the applicant is an LGU)
- j. In case of LGUs, a proof that proposed project is indicated in the Forest Land Use Plan (FLUP) and within the ambit of the approved Comprehensive Land Use Plan (CLUP)
- k. Appropriate clearance from the Palawan Council for Sustainable Development (if the project is located in Palawan).

SECTION 7. Submission of application, processing, and approval of GSUP. For the purpose of this Order, the following procedures are hereby issued for the processing and approval of GSUP applications. The process flows are attached as Annex C.1 and Annex C.2 herein.

- 7.1. Government agencies and LGUs must file the duly accomplished application form with the corresponding documentary requirements prescribed by the Department at the CENRO/Implementing PENRO and the proponent to pay the amount of P3,000.00 per application to cover administrative costs.

- 7.2. The CENRO/Implementing PENRO shall conduct an assessment and evaluation of the area being applied.
- 7.3. The CENRO/Implementing PENRO shall prepare a GIS-generated map of the area based from the map submitted by the applicant, and subsequently, will serve as reference of the region in preparing the final map to be approved by the Regional Executive Director.
- 7.4. The CENRO/Implementing PENRO shall prepare a Completed Staff Work (CSW) report indicating the findings and recommendations based on Items 7.2 and 7.3 hereof for endorsement at the PENRO and subsequently to the Regional Office.
- 7.5. The Licenses, Patents and Deeds Division and Survey and Mapping Division of the Regional Office shall prepare the GSUP (Annex D.1) and its corresponding terms and conditions and the final map of the same, respectively.
- 7.6. The Regional Executive Director (RED) shall approve the corresponding map of the GSUP area.
- 7.7. The GSUP and its terms and conditions shall be approved by the RED. In case the project traverses two (2) or more regions, the GSUP (Annex D.2) and its terms and conditions shall be approved by the Undersecretary for Field Operations.

The proponents, who will implement such projects, shall jointly file the GSUP application and submit the corresponding documentary requirements to the concerned Regional Office with jurisdiction over the majority of the area to be covered by the project. A joint-review of the application and its supporting documents shall be conducted to be chaired by the concerned REDs. The REDs shall endorse the same for the approval/disapproval of Undersecretary for Field Operations.

SECTION 8. Duration of the GSUP. The GSUP shall have a maximum non-renewable term of five (5) years for the (a) construction of roads and bridges and (b) construction and operation of schools, hospitals, health centers, flood control facilities, water reservoir or impounding dam and its related facilities, air strip, landing site, harbor, public market, public plazas and evacuation site.

SECTION 9. Application for Presidential Proclamation. All national government agencies and LGUs with approved GSUP for the construction and operation of infrastructure projects or facilities for public service and use specified in Section 4.5 herein, other than roads and bridges, shall apply for the issuance of Presidential Proclamation within one (1) year from the issuance of GSUP to ensure effective management and sustainability of the infrastructure and facilities and its long-term use of the area where the infrastructure or facilities exists. In case of failure to secure a Presidential Proclamation within the duration of the GSUP, the Permittee shall apply for FLAg pursuant to DENR Administrative Order No. 2004-59 and other related policies on special uses of forest lands.

SECTION 10. Environmental Impact Assessment (EIA) requirement. The permit holder, within three (3) months or based on prescribed schedule of EMB upon issuance of the GSUP, shall secure an ECC from the EMB, copy of which shall be submitted to the DENR Regional Office.

SECTION 11. Terms and Conditions of the GSUP. The GSUP issued in consonance with this regulations (Annex E) shall be subject to the following provisions:

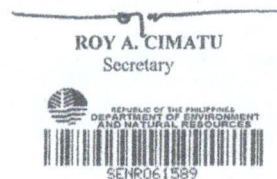
- 11.1 The area granted in this Permit is a public forest land based on existing records, and shall not be involved in any private transactions;
- 11.2 The annual government share or user's fee is waived in favor of the Permittee;
- 11.3 The Permittee shall: (a) comply with the laws, rules and regulations and instructions now or hereinafter enforced for the proper use of the land; (b) respect any legal prior claims; (c) conserve the corners and boundary lines of the area; (d) protect any wetlands such as spring, waterfalls, peatlands, swamps, lake, and marshes or natural/ historical/ archeological sites in the area; (e) report to the nearest local forest officer(s) all forest violations in the area and adjacent lands; and (f) submit a year-end report, not later than March 30 of the succeeding year, to the concerned RED thru the CENRO/PENRO the kind, number and value of improvement(s) introduced in the area, among others;
- 11.4 The area granted in this Permit shall be for public service and use. As such, the Permittee shall: (a) not appropriate for himself/herself exclusive use of public trails traversing or adjoining the area or impede the use thereof by the public; (b) not sublease the area or any portion thereof; and (c) protect and conserve threatened wildlife identified under existing rules and regulations;
- 11.5 A separate permit shall be secured by the Permittee should tree cutting be necessary. However, no tree, regardless of species, shall be cut in the permitted area if found within forty (40) meters from banks of rivers, creeks or streams, buffer strips and shorelines. In case the said 40-meter strip is bereft of trees, the same shall be rehabilitated by the Permittee;
- 11.6 The Permittee shall strictly observe the terms and conditions of the ECC. In case the Permittee will conduct periodic rehabilitation of the infrastructures or introduce new appurtenances within the GSUP area, the same shall secure an appropriate clearance from the EMB for the purpose and submit the clearance to the concerned DENR Regional Office prior to such undertakings thereof;
- 11.7 The Permittee shall protect the permitted area from forest fires and other forms of forest destruction and eventualities;
- 11.8 Non-use of the area within six (6) months after it is granted will result in the cancellation of the Permit except in cases of force majeure or fortuitous events;
- 11.9 In case the area no longer serves the purpose as warranted under the said Permit, the Permit shall be cancelled and the subsequent management and administration of the affected area shall be assumed by the DENR; and
- 11.10 Violation or non-compliance of any of the terms and conditions of the Permit or any environment and natural resources management laws, policies, rules and regulations shall be sufficient grounds for the cancellation of the GSUP without prejudice to whatever legal action that may be taken.

SECTION 12. Transitory Provision. All national government agencies and LGUs with existing Special Land Use Permits (SLUPs) and FLAgs covering non-profit government-managed projects and infrastructure projects for public service and use as enumerated in Section 4.5 of this Order may opt to apply for GSUP, provided that, only the SLUPs and/or FLAgs deemed necessary to be transformed into GSUP may be considered. Provided further, that upon approval of GSUP application, the said SLUP or FLAg shall automatically be deemed cancelled. Similarly, the GSUP to be issued shall contain the terms and conditions stipulated in this Order.

SECTION 13. Separability Clause. If any provisions of this Order shall be held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue in full force and effect.

SECTION 14. Repealing Clause. All Orders and similar issuances inconsistent herewith are hereby revoked, amended or modified accordingly.

SECTION 15. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgement of receipt of the copy thereof by the Office of the National Administrative Register (ONAR).



Publication: Manila Standard
February 12, 2022

Acknowledgement: U.P. Law Center
February 14, 2022

ANNEX A. Application Form

Application for Gratuitous Special Use Permit

Application No. _____

The **CENRO/PENRO/RED**
Department of Environment and Natural Resources
Region _____

Sir/Madam:

Pursuant to the provisions of DENR Administrative Order No. _____ dated _____, and other relevant laws, policies and regulations, I/We hereby apply for a Gratuitous Special Use Permit (GSUP), the particulars of which are as follows:

Type of special forest land use or project: _____

Approximate area (ha.): _____

Location: Province _____
Municipality/City _____
Barangay _____
Sitio/s _____

Geographic coordinates (UTM): Easting _____
Northing _____

I/We understand that the filing of this application does not convey the right to enter, occupy or develop the area applied for, until the GSUP has been issued to me/us by the Department of Environment and Natural Resources through its concerned Regional Executive Director in this region.

All application requirements as stipulated in the guidelines on the matter are enclosed together with the required non-refundable application fee in the amount of P _____.

Very truly yours,

Applicant (Signature over printed name)

Postal address

Contact number/s

Republic of the Philippines
Province of _____
Municipality of _____

SUBSCRIBED AND SWORN to before me this _____ day of _____
Affiant exhibited to me his/her government issued identification card bearing the code _____

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

INDICATIVE MANAGEMENT PLAN

I. INTRODUCTION

Description of the area

II. OBJECTIVES

General
Specific

III. PROJECT SCHEDULE

IV. TECHNICAL ASPECT

Project activity
Description of production/development
Site development

V. MANAGEMENT ASPECTS

Organization
Management strategies/policies

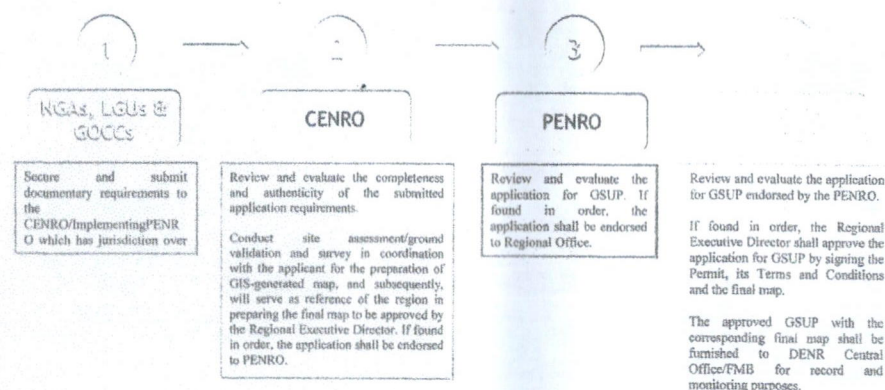
VI. FINANCIAL ASPECTS

Project cost
Sources of funds
Financial projection

Prepared and submitted by:

Signature above name
(The proponent's name)

PROCESSING AND APPROVAL OF GRATUITOUS SPECIAL USE PERMIT (GSUP) [For Projects within one (1) Region]



ANNEX D.1. (Sample GSUP for projects within one (1) region)

Republic of the Philippines
Department of Environment and Natural Resources
Region _____

GRATUITOUS SPECIAL USE PERMIT
GSUP Code: Region Number- Year Issued- Permit Number (RV-2021-01)

of

Department of Public Works and Highways Region V
(Proponent)

Bulan, Sorsogon
(Location of the Project Area)

Road Right-of-Way
(Type of Special Use or Project)

Date of Approval: 26 February 2021

In accordance with DENR Administrative Order No. _____ dated _____ this PERMIT is hereby granted to the Department of Public Works and Highways Region V with business/postal address at Rawis, Legazpi City to occupy 3.5 hectare/s of public forest lands situated in Bulan, Sorsogon and the same is depicted on the attached map which forms part of this permit.

The Permittee's occupation and utilization of the area as Road Right-of-Way shall be free of charge.

The privilege granted under this PERMIT for the use of the area solely by the above-named Permittee is for Road Right-of-Way only.

This PERMIT is subject to existing forestry laws, policies, rules and regulations as well as those that may hereinafter be promulgated and to the additional terms and conditions and instructions stipulated in the attached sheet which forms part of this PERMIT.

This PERMIT is NON-TRANSFERRABLE and NON-NEGOTIABLE and EXPIRES on 26 February 2026.

Approved by:

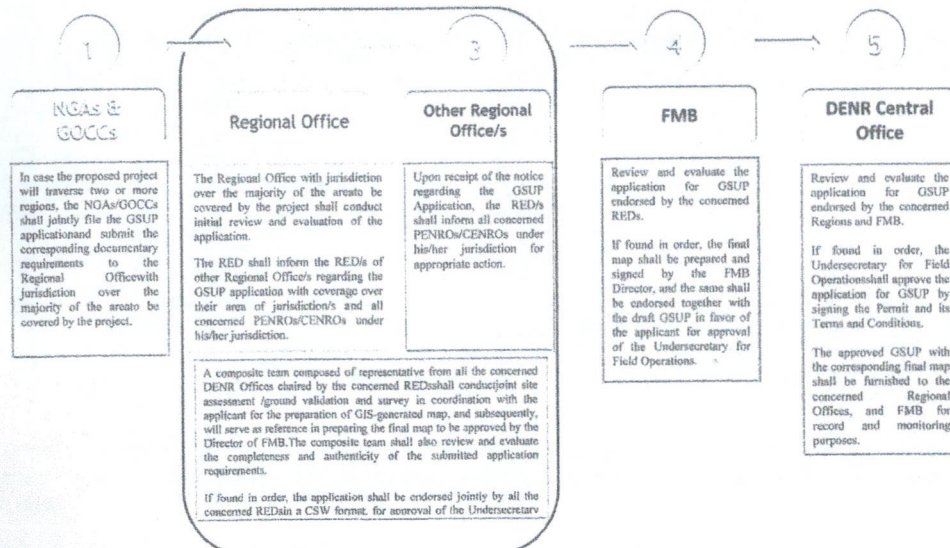
Regional Executive Director

Notes:

1. The agency's dry seal or barcode (whichever is applicable) should be stamped/attached on this Permit.
2. Disregard or delete this notation in finalizing the Permit

ANNEX C.2

PROCESSING AND APPROVAL OF GRATUITOUS SPECIAL USE PERMIT (GSUP)
[For Projects within two (2) or more Regions]



ANNEX D.2. (Sample GSUP for projects within two (2) or more regions)

Republic of the Philippines
Department of Environment and Natural Resources
Region _____

GRATUITOUS SPECIAL USE PERMIT
GSUP Code: Region Number- Year Issued- Permit Number (RI-RIII-2021-01)

of

Department of Public Works and Highways Region I and III
(Proponent)

(Municipalities covered by the project)
(Location of the Project Area)

(Type of Special Use or Project)

Date of Approval: 26 February 2021

In accordance with DENR Administrative Order No. _____ dated _____ this PERMIT is hereby granted to the Department of Public Works and Highways Region I and III with business/postal address at _____ and _____, respectively, to occupy 3.5 hectare/s of public forest lands situated in _____ and the same is depicted on the attached map which forms part of this permit.

The Permittee's occupation and utilization of the area as (Type of Special Use or Project) shall be free of charge.

The privilege granted under this PERMIT for the use of the area solely by the above-named Permittee is for (Type of Special Use or Project) only.

This PERMIT is subject to existing forestry laws, policies, rules and regulations as well as those that may hereinafter be promulgated and to the additional terms and conditions and instructions stipulated in the attached sheet which forms part of this PERMIT.

This PERMIT is NON-TRANSFERRABLE and NON-NEGOTIABLE and EXPIRES on 26 February 2026.

Approved by:

Undersecretary for Field Operations

Notes:

1. The agency's dry seal or barcode (whichever is applicable) should be stamped/attached on this Permit.
2. Disregard or delete this notation in finalizing the Permit

ANNEX E. Additional Terms and Conditions

Republic of the Philippines
Department of Environment and Natural Resources
Region _____

GSUP Code: _____
Date of Approval : _____

ADDITIONAL TERMS, CONDITIONS AND INSTRUCTIONS UNDER THE
GRATUITOUS SPECIAL USE PERMIT

1. The area granted in this Permit: (a) is a public forest land based on existing records; and (b) shall not be involved in any private transaction.
2. The annual government share or user's fee is waived in favor of the Permittee.
3. The Permittee shall: (a) comply with the laws, rules and regulations and instructions now or hereinafter enforced for the proper use of the land; (b) respect any legal prior claims; (c) conserve the corners and boundary lines of the area; (d) protect any wetlands such as spring, waterfalls, peatlands, swamps, lake, and marshes or natural/historical/archeological sites in the area; (e) report to the nearest local forest officer(s) all forest violations in the area and adjacent lands; and (f) submit a year-end report, not later than March 30 of the succeeding year, to the concerned Regional Executive Director thru the CENRO/PENRO the kind, number and value of improvement(s) introduced in the area, among others.
4. The Permittee shall: (a) not appropriate for himself/herself exclusive use of public trails traversing or adjoining the area or impede the use thereof by the public; (b) not sublease the area or any portion thereof; and (c) protect and conserve threatened wildlife identified under existing rules and regulations.
5. A separate permit shall be secured by the Permittee should tree cutting be necessary. However, no tree, regardless of species, shall be cut in the permitted area if found within forty (40) meters from banks of rivers, creeks or streams and buffer strips. In case the said 40-meter strip is bereft of trees, the same shall be rehabilitated by the Permittee.
6. The Permittee shall strictly observe the terms and conditions of the ECC. In case the Permittee will conduct periodic rehabilitation of the infrastructures or introduce new appurtenances within the GSUP area, the same shall secure an appropriate clearance from the EMB for the purpose and submit the clearance to the concerned DENR Regional Office prior to such undertakings thereof.
7. The Permittee shall protect the permitted area from forest fires and other forms of forest destruction.
8. Non-use of the area within six (6) months after it is granted will result in the cancellation of the Permit except in cases of force majeure or fortuitous events.
9. In case the area no longer serves the purpose as warranted under the said Permit, the Permit shall be cancelled and the subsequent management and administration of the affected area shall be assumed by the DENR.
10. Violation or non-compliance of any of the terms and conditions of the Permit or any environment and natural resources management laws, policies, rules and regulations shall be

sufficient grounds for the cancellation thereof without prejudice to whatever legal action that may be taken.

11. The GSUP for the construction of roads and bridges shall have a maximum non-renewable term of five (5) years and similarly, the GSUP for the construction and operation of schools, hospitals, health centers, flood control facilities, water reservoir or impounding dam and its related facilities, air strip, landing site, harbor, public market, public plazas and evacuation sites shall have a maximum non-renewable term of five (5) years. The GSUP and its additional terms and conditions shall be approved by the RED. In case the project traverses two or more regions, the GSUP and its terms and conditions shall be approved by the Undersecretary for Field Operations.
12. Except the agencies permitted to construct roads and bridges, the other agencies permitted to construct and operate infrastructure projects or facilities for public service and use shall apply for the issuance of Presidential Proclamation within one (1) year from the issuance of GSUP to ensure effective management and sustainability of the infrastructure and facilities and its long-term use of the area where the infrastructure exists.
13. In case of failure to secure a Presidential Proclamation within the duration of the GSUP, the Permittee shall apply for FLAG pursuant to DENR Administrative Order No. 2004-59 and other related policies on special uses of forest lands.

Approved by:

*Regional Executive Director (within one region)/
Undersecretary for Field Operations (for projects within
two or more regions)*

Notes:

1. The (bond paper) first page of the terms and conditions (TC) should bear the DENR logo (Regional Style), the succeeding page/s bear no more logo.
2. Both pages of the terms and conditions should bear the signature of the approving authority, and the agency's dry seal or barcode (whichever is applicable) should be stamped/attached on the permit and its corresponding TC.
3. The page number is necessary (e.g., 1 of 2 ; 2 of 2)