

**MEMORANDUM OF AGREEMENT FOR THE IMPLEMENTATION
OF THE FOREST LAND USE PLAN (FLUP) OF THE
MUNICIPALITY OF SANTA CRUZ
PROVINCE OF MARINDUQUE**

This **MEMORANDUM OF AGREEMENT** made and executed by and between:

The **Department of Environmental and Natural Resources of MIMAROPA Region**, with office address at 1515 L&S Building, Roxas Boulevard, Ermita, Manila, herein represented by Regional Executive Director **HENRY A. ADORNARDO, Ph. D.**, and hereinafter referred to as **DENR MIMAROPA**; and

The **MUNICIPAL GOVERNMENT of SANTA CRUZ**, with office address at Barangay Pag-asa, Santa Cruz, Marinduque, herein represented by Municipal Mayor **HON. ANTONIO L. UY, JR., MD**, and herein referred to as **LGU Santa Cruz**.

WITNESSETH

WHEREAS, under Executive Order No. 192 (1987), the Department of Environmental and Natural Resources (DENR) is the primary government agency responsible for the sustainable development and management of the country's environment and natural resources;

WHEREAS, under RA 7160 (Local Government Code of 1991). Certain forest management functions of DENR are devolved to the Local Government Units (LGUs) and are mandated to share with the national government the responsibility for maintaining the ecological balance within their territorial jurisdiction;

WHEREAS, the DENR MIMAROPA and the LGU-Santa Cruz agreed to formulate and legitimate a forest Land Use Plan (FLUP) at the municipal level following transparent, accountable and participatory process involving local stakeholders;


WHEREAS, the FLUP defines technical and governance strategies to conserve forests, water and biodiversity resources; increase food production; direct and focus public and private investments; eliminate or significantly reduce conflicts among various stakeholders and protect lives, settlements and public infrastructure;

WHEREAS, the Sangguniang Bayan of Santa Cruz adopted & approved the Forest Land Use Plan through a SB Resolution No. 199 S. 2019 dated November 15, 2019.


NOW THEREFORE, the DENR MIMAROPA and the LGU-Santa Cruz, being the government agencies responsible for the protection and management of the forest and forest lands of Santa Cruz.

Hereby enter into this Memorandum of Agreement for the joint implementation of the Municipal Forest Land Use Plan under the following terms and conditions;

A. The legitimized and approve Municipal Forest Land Use Plan of Santa Cruz as the Basis for Protecting, Managing, Utilizing and Developing Forest and Forestlands.

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1. The parties agree that the allocation of forest in Santa Cruz, their protection, management, development and utilization shall be jointly implemented by the DENR and Municipal Government of Santa Cruz in accordance with the FLUP legitimized by the Sangguniang Bayan and approved by DENR MIMAROPA;
 2. The parties agree to apply transparent, accountable and participatory processes in reviewing and issuing tenure instruments, declaring reservations and proclamations of forest and forestlands for certain purposes;
 3. The parties agree to conduct planning and budgeting, financial and logistical support for the joint planning, implementation and monitoring of the Municipal Forest Land Use Plan;
 4. The parties agree to review environmental impact statement and issue required environmental compliance certificate (ECC) or certificate of Non-Coverage (CNC) of all public and private environmentally-sensitive infrastructures such as major roads, establishment of mono-culture plantations in the context of the Municipal Forest land Use Plan of LGU Santa Cruz;
 5. The parties agree that any changes in the approved land use allocation in forests and forest lands and in areas for granting of tenure and allocation instruments shall be done through amendments in the FLUP and through transparent, accountable, and participatory process.; and
 6. The parties agree that the enforcement of forestry laws and regulations shall be consistent with the approved FLUP.


B. General Principle in Reviewing and Processing Tenure Instrument and in Declaring or Proclaiming Allocation Instruments in Forest and Forestlands

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1. The grant of tenure including renewal or existing tenure, allocation and utilization instruments permits and ECCs or CNCs inside the forestlands of Santa Cruz shall be in accordance with the legitimized and approved FLUP and shall follow the basic principles of good environmental governance. The tenure including renewal of existing tenure, ECCs or CNCs, allocation and utilization instruments/permits shall be issued by DENR (CENRO, PENRO, RED and DENR Secretary) pursuant to the powers granted to it by existing laws, but the issuance of the same shall be done only after endorsement of the LGU shall have been obtained within the period of two weeks;
 2. Based on consultation with the concerned local stakeholders, the LGU shall expedite the review of all tenure/ allocation/ ECCs/ CNCs instruments referred to it by the DENR; and
 3. Said endorsement by the concerned LGU shall be seriously considered by DENR in issuing tenure and renewal of tenure, resource use rights, permits, proclaiming reservations and ECCs/CNCs.


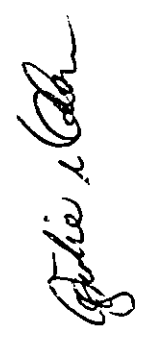
C. Role and Responsibilities of DENR MIMAROPA and the Municipal Government of Santa Cruz

C.1. DENR MIMAROPA shall:



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1. Provide technical assistance to LGU-Santa Cruz in developing the annual works and financial plan for implementing its legitimized and approved FLUP especially in developing and implementing its enforcement and forest protection and activities;
 2. Together with LGU-Santa Cruz, develop key indicators, standards, schedules and protocols for the multi-sectoral annual evaluation of the FLUP implementation;
 3. Review and approved applications for tenure instruments, reservations subject for proclamation, and other allocation in forest and forestland based on the legitimized and approved FLUP and assist LGU-Santa Cruz in facilitating the requirements for the various tenure instruments.
 4. Review and issue utilization permits, resource using rights, ECCs or CNCs to qualified applicants only after said applications have been endorsed by the LGU;
 5. Provide advice and technical assistance to LGU-Santa Cruz in the preparation and implementation of the management plan for the allocated areas within the jurisdiction of the Municipality of Santa Cruz;
 6. Upon the request from the LGU, design and conduct training and capability building activities in support of the LGU's FLUP implementation;
 7. Provide policy updated and IEC/ Advocacy materials to the LGU; and
 8. Identify and assign focal person tasked to assist the LGU in the implementation of FLUP.

C. 2 LGU Santa Cruz shall:

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1. In consultation with DENR MIMAROPA, develop, provide budgetary support and implement annual work plan for implementing its FLUP based on agreed targets, standards, schedules, protocols and indicators of performance. The annual work and financial plan should clearly specify strategies for closing the open access areas, protection and management of natural forests, facilitating resolution of conflicts, enforcement of forestry regulations, investments, capacity building, extension services, monitoring and evaluation and other key areas;
 2. Consistent with the legitimized and approved FLUP and in close consultation with DENR MIMAROPA, facilitate the processing of tenure applications or of proclamations and reservations to close the open access forests and forestlands of Santa Cruz;
 3. Review and provide the necessary recommendations and endorsements to DENR MIMAROPA on applications for tenure, allocation and utilization instruments, permits and ECCs/CNCs in forestlands of Santa Cruz;
 4. Mandate the Municipal Environment and Natural Resources Office to be the main responsibility center for implementing FLUP in close collaboration with the Municipal Planning and Development Office and PENRO_LGU which will coordinate all development activities and extension services that will be implemented in forest and forestlands by concerned LGU;
 5. Pass the necessary resolutions and ordinances for the effective and timely implementation of the legitimized approved FLUP and enforcement of forestry regulations in the municipality;
 6. As part of the implementation of the FLUP, initiate and institutionalize an extensive information, education and communication (IEC) campaign for effective protection, management and development of forestry regulations in the Municipality;
 7. In support of community forest and community-based forestry initiatives, develop and implement an extension, incentive and in support system for upland farmers, indigenous

- people, schools, volunteer groups and other local stakeholders to encourage planting of tree crops and other high-value perennial crops;
8. Plan, design and rehabilitate farm-to-market roads in forest and forestlands with the least environmental damage and in support of economic initiatives for increased food and fiber production among upland farmers. IP and other local stakeholders;
 9. Together with the DENR MIMAROPA, private sector, civil society groups and other stakeholders, organize and conduct investment in support of the FLUP implementation;
 10. Initiate resolution or mitigation of conflicts arising from forestlands protection, management and development activities especially with respect to those arising from boundary claims in the municipality except for protection activities;
 11. Ensure that there will be no development activities within the disputed and overlapping boundary claims in the municipality except for protection activities;
 12. The MENR Office as part of the FLUP implementations will set-up and establish an area where regular updates, information, schedules, expenditures, targets, responsible persons and other data could easily be seen and accessed by local stakeholders who want to know about the FLUP implementation of LGU-Santa Cruz.

D. Amendment

This Memorandum of Agreement may be amended by mutual agreement of both parties five (5) years after its effectivity.

E. Effectivity

This Memorandum of Agreement (MOA) shall take effect upon signing of the parties hereto.


In witness whereof, we have hereunto set our hands and affix our signatures this DEC 17 2019
day of _____ at MANILA.

**DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES-MIMAROPA**

**MUNICIPAL GOVERNMENT OF
SANTA CRUZ, MARINDUQUE**

BY:

BY:


HENRY A. ADORNADO, Ph.D.
Regional Executive Director


HON. ANTONIO L. UY, JR., MD
Municipal Mayor

WITNESSES

IMELDA M. DIAZ
OIC, PENR Officer


AGUSTINA F. PALOMARES
Municipal Planning & Development Coordinator

ACKNOWLEDGEMENT

Republic of the Philippines)

Province of)

Municipality of **MANICA**)

BEFORE ME, a Notary Public for and in **MANICA** this **DEC 17 2019** day of _____
at **MANICA**

HON. ANTONIO L. UY, JR., MD

GSIS ID NO.

PRC ID No. 0082258

HENRY A. ADORNADO, Ph. D.

Employee No.

DENR

OSEC-DENR

DIR4-10-1998

Know to me and to me known to be the same person who executed the foregoing instrument and acknowledged to be the same is their free and voluntary act and deed and those of the offices they represent.

This instrument consisting of _____ pages, including this page, refers to the Memorandum of Agreement among the DENR MIMAROPA and the Municipal Government of Santa Cruz, and has been signed by the parties and their witnesses on each and every page thereof,

IN WITNESS WHEREOF, I hereby affix my signature and notarial seal on the date and at place above written.

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Book No. **W** :

Series of **2019** :

ATTY. HENRY D. ADASA
NOTARY PUBLIC
PASADENA STREET, BAY CITY
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IBP NO. 047427 - 01/03/19 PASIG
PTR NO. 582667 - 01/03/19 R.C.
MCLE COMPLIANCE NO. VI-0002880 - 4/14/2022
ROLL NO. 29679