

SUBJECT : GUIDELINES ON THE ASSESSMENT OF ALL ISSUED
COMMUNAL FORESTS NATIONWIDE

Section 1. Rationale. Pursuant to the provisions of Republic Act (RA) 7160, otherwise known as the Local Government Code of 1991; the guidelines for the transfer and implementation of certain functions of the DENR to the LGUs, under the DENR Administrative Order (DAO) No. 30, Series of 1992; the forestry regulations outlined in Presidential Decree (PD) 705, or the Revised Forestry Code of 1975; the mandates and responsibilities of the DENR, as enumerated in Executive Order (EO) No. 192; the procedures for DENR-DILG-LGU partnership on devolved and other forest management functions, as comprehensively discussed in the DENR-DILG Joint Memorandum Circular (JMC) No. 98-01, which are further strengthened and institutionalized by DENR-DILG JMC No. 2003-01, and finally, the full devolution of certain functions of the executive branch to the LGUs, as required by EO No. 138, Series of 2021, these guidelines are hereby promulgated.

Section 2. Policies.

1. It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;
2. It is the policy of the State to ensure the autonomy of local governments.
3. Local governments shall be entitled to an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas, in the manner provided by law, including sharing the same with the inhabitants by way of direct benefits.

Section 3. Objectives. The objective of these guidelines is to provide a harmonized and systematic set of procedures, on how the Regional and Field Offices, in collaboration with concerned local government units, will evaluate the present status of all the communal forests that were devolved to the latter, and thereafter, update the database and records of the DENR on that matter.

Section 4. Scope and Coverage. This Circular covers the entire forest lands nationwide that are within the boundaries of communal forests, as identified in the official land classification maps, and in the archived documents of the National Mapping Information and Resource Information Authority (NAMRIA), including the process to be followed through which they will be assessed.

Section 5. Definition of Terms.

- Alienable and Disposable Land** is an agricultural land of the public domain, which has been further classified and declared as such and available for disposition.
- Communal Forest** refers to a tract of forest land set aside by the Secretary of the DENR upon the recommendation of the concerned LGU for the use of the residents of a municipality or city. Said residents may cut, collect and remove forest products for their personal *use in accordance with existing laws and regulations* and subject to the provision that utilization of resources therein shall be in accordance with sustainable development.
- Devolution** refers to the act by which the national government confers power and authority, upon the various LGUs to perform specific functions and responsibilities.
- Encroachment** is the act or action of using forest land contrary to the provisions provided for in forestry laws and regulations with regard to forest land uses.
- Forest** is a land with an area of more than 0.5 hectare and tree crown cover (or equivalent stocking level) of more than 10%. The trees should be able to reach a minimum height of 5 meters at maturity in situ. It consists of either of closed forest formations where trees of

various storeys and undergrowth cover a high proportion of the ground or open formations with a continuous vegetation cover in which tree crown cover exceeds 10%. Young natural stands and all plantations established for forestry purposes, which have yet to reach a crown density of more than 10% or tree height of 5 meters are included under forest.

f) **Land Use** is the manner of utilizing the land, including its allocation, development and management.

g) **Stand and Stock Table** shows the summary list of species recorded within the sample plots which shall be arranged into species groups and diameter classes. It likewise shows the total number of trees for each species recorded and its corresponding volume for each diameter class and species group.

h) **Tenure** is guaranteed peaceful possession and use of specific forest and land area and the resources found therein, covered by an agreement, contract or grant which cannot be altered or abrogated without due process.

Section 6. Assessment of Existing Communal Forests

(a) The DENR, through its CENRO or Implementing PENRO, and the concerned LGU shall jointly undertake the actual identification and assessment of existing communal forests. The assessment shall determine the suitability of the existing communal forests for the purpose it was issued or devolved. For this purpose, a resource inventory of all communal forests nationwide shall be conducted. The volume of timber available therein should be assessed and properly presented in a stand and stock table and the present land uses within them shall also be properly documented.

(b) Should these communal forests be found no longer suitable for its purpose, the same shall be disestablished, in accordance to the provisions of Section 8 hereunder. The Approval for disestablishment shall be by the Secretary, in the form of DAO, upon the recommendation of the RED concerned, while those communal forests found to be still suitable for the purpose it was established shall be maintained.

(c) All Regional Offices shall submit an updated list of communal forests within their respective area of jurisdiction, following the results of the suitability analysis conducted by the PENROs and CENROs, to the DENR Central Office including their categorical recommendations, twelve (12) months after the issuance of this Circular.

(d) Within twelve (12) months from the effectivity of this Order, the ground survey, delineation and fencing of the boundaries of the remaining suitable communal forests, will be conducted by the team from the Joint DENR – LGU Assessment Team, in order to prevent the prohibited entry thereat.

Section 7. Areas to be Deducted from the Existing Communal Forests. These parcels of forestlands within a certain communal forest are all removed from its aggregate area:

7.1. Areas that are now lawfully being utilized by private entities who have been granted with a particular forest management agreement, such as but not limited to, CBFMA, IFMA, SIFMA, FLGMA, FLAg, FLAgT, and SLUP, among others;

7.2. Forest lands that are lawfully devoted to other land uses, other than agriculture or agroforestry (i.e., mining, industrial, residential, etc.);

7.3. Areas being occupied by indigenous communities whose rights over the land are formally recognized by the State upon the issuance of an ancestral domain title over the affected parcel of the communal forest;

7.4. Portions of land within the communal forests which have been reclassified into alienable and disposable agricultural land, whether or not the same is in the possession of an individual, and whether or not said parcel is already registered or titled in the name of its occupant;

7.5. Parcels of land within the communal forests which are already part of a legislated protected area or national park.

Section 8. Disestablishment of Communal Forests. The DENR Secretary, through the enactment of a DAO for that purpose, may disestablish an unsuitable communal forest, as endorsed by the concerned RED, supported by the submission of validation and investigation reports from the concerned Regional Office, through its PENRO or CENRO, confirming the execution of any of the following:

8.1. Failure of the LGU to provide for the necessary protection of the area;

8.2. Failure to perform the obligations imposed upon the LGU in various laws, rules and regulations, decrees, letters of instructions and policies affecting the administration and sustainable management of resources from the forest;

8.3. Complete abandonment of the area thereby allowing the entry of *kaingineros*, wildlife poachers and unlawful occupants inside the communal forest;

8.4. Total conversion of the land into another land cover, allowing the previous forestland to be devoted to other land uses;

8.5. Failure of the LGU to maintain a minimum volume of 60 cubic meter per hectare (m³/ha) for every parcel of communal forest devolved unto them;

8.6. Commission of any other acts that pertinent environmental laws, and other DENR administrative issuances on the matter prohibit;

8.7. When the welfare of the public and the interest of the nation so requires.

Section 9. Transitory Provisions. The validity of all forest tenurial instruments, mining tenements, ancestral domain titles, certificates of stewardship, and all other vested rights in whatsoever legal form, over certain portions of communal forests, shall be dealt with according to existing statutes, rules and regulations.

Section 10. Miscellaneous Provisions. The provisions of this Order are subject to the existing relevant laws, policies, guidelines and instructions as well as to those that may be promulgated hereafter.

Section 11. Separability Clause. If any provision 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 12. Repealing Clause. All other administrative orders, memorandum circulars and memorandum orders inconsistent herewith are hereby repealed, modified, or amended accordingly.

Section 13. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgement of receipt of a copy thereof by the Office of the National Administrative Register (ONAR) of the U.P. Law Center.

MARIA ANTONIA YULO LOYZAGA
Secretary