



DENR ADMINISTRATIVE ORDER
No. 2022 - _____

**SUBJECT: REVISED RULES AND REGULATIONS GOVERNING SPECIAL
USE AGREEMENT IN PROTECTED AREAS (SAPA)**

Pursuant to the provisions of Section 10 (a) of the NIPAS Act, as amended, and its Implementing Rules and Regulations, RA 11032 or an Act of Promoting Ease of Doing Business and Efficient Delivery of Government Services, relevant provisions of Executive Order No. 30, s. of 2017 Creating the Energy Investment Coordinating Council in Order to Streamline the Regulatory Procedures Affecting Energy Projects, RA 11234 or an Act Establishing the Energy Virtual One-Stop Shop for the Purpose of Streamlining the Permitting Process of Power Generation, Transmission, and Distribution Projects, RA 9513 or the “Renewable Energy Act of 2008”, and RA 11659 or the Act Amending Commonwealth Act No. 146, Otherwise Known as the Public Service Act, as Amended, the following guidelines is hereby issued:

Section 1. Basic Policy. The policy of the State provides for the conservation of biodiversity in conjunction with sustainable development to maintain essential ecological processes and use-support systems in protected areas.

The necessity of a sustainable source of PA-based financing should encourage cooperation between and among stakeholders to manage and develop the Multiple Use Zone of protected areas through special use agreements.

Section 2. Guiding Principles

Development projects in protected areas should be undertaken in accordance with the principles of biodiversity conservation and sustainable development through the following:

1. Least impact to biodiversity and the environment

Development projects should have low risk or should have the least impact to the environment, biodiversity and the welfare of the local community. The project should be able to provide safeguards to protect and conserve biodiversity including the air, water, and soil through the use of ecologically-friendly and green building technologies, designs and materials. Low impact development technologies, low carbon technologies, and mitigating measures should be adopted.

2. Building infrastructures in harmony with nature

Infrastructure designs and site development designs should complement the site ecosystem and use innovative design elements.

3. Respect for the rights and culture of indigenous peoples and local communities

Cultural sensitivity and safeguarding of local culture and heritage should be considered in the design and implementation of development projects.

4. Resilience to climate change and disasters

Infrastructures should be designed to withstand natural calamities and built away from hydrometeorological and geological hazard zones including easements of water bodies.

5. Transparency and accountability

All available information, especially critical data needed for sound decision-making should be accessed. The openness of data coupled with the vigilance of stakeholders is the basis of transparency and accountability.

6. Carrying Capacity

The development of special-use projects shall be balanced and managed in accordance with carrying capacity.

Section 3. Objectives. This Order shall set forth the guidelines for the processing and issuance of special use agreements within protected areas.

Specifically, this Order shall have the following objectives:

- a. To promote access and sharing of benefits derived from ecosystem services with the indigenous peoples, tenured migrant communities and other stakeholders of protected areas that will contribute to their well-being;
- b. To control and regulate the issuance of special use agreements in protected areas;
- c. To manage special use projects in accordance with the management objectives of protected areas and to the principles of biodiversity conservation and sustainable development;
- d. To ensure that development projects are introduced only in Multiple Use Zone and in appropriate categories of protected areas;
- e. To develop revenue sources that will ensure financial sustainability of protected areas; and
- f. To ensure timely and expeditious processing of SAPA applications.

Section 4. Definition of Terms. For the purpose of this Order, the following terms shall mean as follows:

- a) Comprehensive Development and Management Plan (CDMP) - A more elaborate form of the Project Description (PD), this contains the detailed site development design and maps, structural/engineering designs, operation, management, and maintenance, including demolition and rehabilitation plan, in consideration of the guiding principles as stipulated under Section 2 hereof.
- b) Energy Projects of National Significance (EPNS) - are major energy projects for power generation, transmission, and/or ancillary services including those required to maintain grid stability and security for on and off-grid areas, identified and endorsed by the Department of Energy (DOE) as projects of national significance pursuant to EO 30.
- c) Large scale agriculture
Refers to agriculture or agroforestry plantations located in multiple-use zones managed by organizations of local communities or private companies.
- d) Large Scale aquaculture – c/o CMD

- e) Project Description (PD) - document that describes briefly the nature, configuration, use of raw materials and natural resources, production system, waste or pollution generation and control and the activities of a proposed project. It includes a description of the use of human resources as well as activity timelines, during the preconstruction, construction, operation and abandonment phases (DAO 2003-30).
- f) SAPA Fee or Development Fee - refers to a fixed amount paid by SAPA holders in exchange for the use of land, water, ecosystem resources, or facilities within protected areas.
- g) Special Uses - refers to activities and/or development projects that may be allowed in multiple-use zones of protected areas subject to the payment of user fee and consistent with the Protected Area Management Plan (PAMP).
- h) Special Use Agreement in Protected Areas or SAPA - refers to a binding instrument between the DENR, as the first party, and the project proponent as the second party, relating to the use and/or development of land, resources or facilities within protected areas, pursuant to the NIPAS Act, as amended.
- i) Provisional SAPA – is a form of agreement between the DENR and a project proponent, issued while awaiting the issuance of SAPA, authorizing the use of the project site for certain activities in preparation for a full-blown project development.

Section 5. Scope and Coverage. This guideline shall apply to all legislated and proclaimed protected areas including the remaining initial components of the NIPAS, whether above or below ground, terrestrial, marine, or coastal ecosystem, except in Strict Nature Reserve and in areas that are within or covered by any of the following:

- a) Strict Protection Zone;
- b) Titled lands/properties;
- c) Areas within alienable and disposable lands with pending application for title as verified by the DENR; and
- d) Areas with existing tenurial instruments issued by the DENR and BFAR, unless such instruments are eligible for conversion into SAPA.

Section 6. Allowable Special Use Projects. Special use projects that may be allowed in protected areas shall be under the following categories subject to the issuance of SAPA:

1. **Category A, profit-oriented projects** - private or government managed special use projects that are established to provide paid goods and services, or to serve the economic or vested interest of the project proponent.
 - a.1 Ecotourism development projects such as camp sites, recreational facilities, bathing establishments, and like facilities
 - a.2 Private communication facilities
 - a.3 Power transmission projects
 - a.4 Large scale agriculture, agro-forestry and aquaculture projects, except in natural parks, wildlife sanctuaries, and resource reserves.
 - a.5 Other profit-oriented projects except those that are detrimental to wildlife and welfare of communities such as zoos, animal shelters, ranch, shooting range, fighting cock farms, golf course, subdivisions, cement factories, coal power plants, smelting plants, commercial piggery and poultry, heavy industrial plants, and the like.

2. **Category B, non-profit projects of the government** - special use projects of government agencies and its instrumentalities, except Government-Owned and Controlled Corporations and Government Financial Institutions, that are intended for their own official use.
 - b.1 Satellite offices/site offices including military and police training facilities
 - b.2 Research offices/scientific monitoring stations or facilities
 - b.3 State-owned telecommunication facilities
 - b.4 Other government projects of similar nature falling under the definition of non-profit projects
3. **Category C, bulk water supply and renewable energy generation projects**, including renewable energy generating projects certified as energy projects of national significance (EPNS)

Section 7. Allowable Special Uses Not Covered by SAPA - Projects of the government or the private sector for the protected area or for the use of the local community shall be covered by a MOA, instead of a SAPA, subject to the collection of fees as may be set by the PAMB. For this purpose, the PAMB shall, after the determine which the appropriate

These projects include:

1. Public road improvement
Road improvements may be allowed provided it is not of the usual design. It should employ low impact mechanisms to avoid damage to the natural resources and the environment. The design must not allow dumping of excavated soil that may inflict damage to the surrounding ecosystem.
2. Free public/communal irrigation facilities;
3. LGU facilities existing prior to the effectivity of the IRR of RA 11038;
4. Power and water distribution lines directly serving PA resident communities;
5. Public schools and community learning facilities;
6. Subsistence livelihood projects including microenterprises of qualified tenured migrants;
7. Water use or water extraction projects where the plant facility is outside the PA;
8. Rehabilitation/reforestation projects;
9. Non-profit biodiversity research and training facilities of the academe and PAMB member NGOs;
10. Existing government facilities for the public/common use of the local community (i.e. recreation and sports facilities, waiting sheds, waste management facilities, public cemeteries, drying platforms, barangay facilities, etc.)
11. Hazard warning systems, lighthouses, hazard mitigation structures, navigational aids.
12. Weather and geohazard monitoring facilities.

The MOA shall be issued by the RED subject to the submission of Letter of Intent, PAMB Clearance/Endorsement, ECC/CNC, Project Description, and CNO or CP from NCIP.

Existing benefit-sharing arrangements between the PAMB and other stakeholders shall be formalized through a MOA. The MOA shall stipulate that shares from the income shall be used to fund respective activities of the concerned stakeholder that is related to the protection and conservation of the protected area.

Section 8. Other Provisions in the Issuance of Special Uses in Protected Areas (SAPA).
The issuance of SAPA shall be in consideration of the following:

- a) The protected area has an updated management plan with approved management zone. This is to ensure that no projects are introduced in SPZs;
- b) The project is not detrimental to ecosystem functions and biodiversity, and local cultural practices and traditions;

- c) SAPA may be issued in areas with CADCs subject to fair benefit-sharing scheme to be embodied in a MOA between the proponent and the concerned IPs/ICCs, and the issuance of a Certificate of Precondition by the NCIP, subject to the provisions of the IPRA, and other applicable laws, rules, and regulations;
- d) SAPA shall be issued in portions of alienable and disposable lands without pending application for title;
- e) SAPA shall be issued for existing projects provided they are consistent with the protected area management objectives and has a positive assessment and favorable endorsement from the PAMB;
- f) SAPA is not applicable for projects of the DENR and the PAMB in support of the performance of their management and operational functions;
- g) Public-private partnership (PPP) projects in protected areas shall be subject to SAPA, without prejudice to the application of Republic Act. No. 6957, as amended, or "An Act Authorizing the Financing, Construction, Operation, and Maintenance of Infrastructure Projects by the Private Sector, and for other Purposes", other relevant laws, rules and regulations, and guidelines;
- h) Easements as defined under the NIPAS Act, as amended, and the Water Code may be used for special use projects provided there is no construction of permanent structures, except for erosion control measures;
- i) For corporations, associations, cooperatives and NGOs, the SAPA shall be under the name of the organization as represented by the duly authorized representative;
- j) The computation of the project area shall include access lanes/roads or connecting corridors in cases of scattered facilities.

Section 9. Provisional SAPA. The RED may issue a provisional agreement subject to the recommendation of the PAMB and to existing guidelines.

Section 10. Duration of SAPA. The SAPA shall carry a maximum initial term of twenty-five (25) years, and may be renewed for an additional period not exceeding twenty-five (25) years. In cases where the nature of the project requires less than 25 years for its operation as requested by the proponent, the duration of the agreement may be adjusted accordingly.

Section 11. Who May Apply. Filipino citizens, government agencies and its instrumentalities, as well as Filipino and foreign juridical entities duly registered under Philippine laws such as associations, cooperatives, corporations, partnerships and non-government organizations. Provided that for public service projects not classified as a public utility, the limitation on 40% foreign ownership shall not be imposed pursuant to the provisions of Commonwealth Act No. 146, as amended by RA 11659.

Tenured migrants and indigenous peoples living in the protected area shall be given preference in the granting of SAPA.

Section 12. Requirements. The following are the requirements in applying for SAPA which shall be submitted both in hard and soft copies to the Protected Area Management Office.

General Requirements

- 1) Duly accomplished application form
- 2) Project Description (required for proposed projects only)

- 3) Comprehensive Development and Management Plan (CDMP) with a Rehabilitation Plan (for existing and proposed projects)
- 4) PAMB Clearance (except in PAs with no PAMB)
- 5) Environmental Compliance Certificate (ECC)
- 6) Approved survey plan
- 7) Certification of Precondition from the NCIP and a copy of the MOA of consent issued by the concerned IPs/ICCs containing provision for benefit-sharing, or a Certificate of Non-Overlap from the NCIP for non-IP areas.
- 8) SEP Clearance from the PCSD, if the project is within Palawan

Additional requirements for Individual Applicants

- 8) Any proof of Filipino citizenship such as birth certificate, passport, or any legal document
- 9) Annual income tax return (ITR) for individual, when available
- 10) For tenured migrants, Certificate of Recognition (if records of TMs is not available)
- 11) For IPs living within the protected area but applying for areas outside of ancestral land/domain, a certification from the local tribal chieftain that the applicant is an IP.

Additional requirements for Corporations/Associations/Cooperatives/NGOs

- 12) Copy of SEC/CDA/DOLE registration and Articles of Incorporation
- 13) For corporations, proof of citizenship of incorporators
- 14) Annual income tax return (ITR) or audited financial statement
- 15) A resolution of the governing board designating the authorized representative of the said corporation, association or partnership, to apply or sign documents related to the SAPA application.

For Government Agencies

- 16) For Local Government Unit, copy of the Resolution or Ordinance approved by the respective Sangguniang Panlalawigan/Panlungsod/Bayan. It shall specify that the Local Chief Executive is authorized to enter into a contract and she/he acts for and on behalf of the LGU.
- 17) For other agencies, including attached agencies, authorities and institutions, endorsement from their respective Department Secretary/Head of Agency.

Additional documents to be prepared by the PAMO/DENR

- Map of the management zone with an overlay of the project site
- Site assessment report
- Complete Staff Work

Section 13. Procedures and Timelines in the Processing and Issuance of SAPA. Prior to filing an application for SAPA, the proponent should have already conducted feasibility studies, site selection/map delineation, in coordination with the PAMO.

a) Submission of Project Description (PD) to the PAMO

Within 2 days, the PASu shall review the submitted PD whether the project is allowed under this guideline and the PAMP.

b) Issuance of PAMB Clearance

The PAMB shall review and evaluate the proposal and take corresponding action through the issuance of a PAMB clearance in the form of a resolution. The PAMB clearance shall be used for the application for ECC with the EMB. The RED shall review and approve the Resolution within 7 working days. The issuance of the PAMB Clearance provides the go signal for the proponent to continue with the project documents preparation.

For renewable energy projects, the PAMB Clearance shall be affirmed by the Secretary.

c) *Ground survey*

Following the existing DENR guidelines on land survey, the proponent, in coordination with the PASu, shall effect the ground survey and monumentation of the project site.

d) *Submission and transmission of requirements*

The proponent shall prepare and submit all the applicable requirements as enumerated under Section 12 hereof.

The transmission of the SAPA application to the next higher office shall be both in hard and soft copies. The receipt and acknowledgement of the soft copies should prompt the immediate conduct of review of the SAPA application.

e) *Review of completeness, accuracy and substance of requirements*

All SAPA applications must be submitted to the PASu who shall review the completeness and accuracy of the documentary requirements. Incomplete submissions shall not be accepted and must be returned to the proponent within 3 working days upon receipt of the documents.

f) *PAMB review and Issuance of indorsement*

SAPA applications which passed the review of the PASu shall be deliberated on and approved by the PAMB particularly on the substance of the CDMP and the sufficiency of the rehabilitation plan. For this purpose, the PASu shall promptly schedule a special meeting, as necessary.

Within 7 working days after the deliberation and approval of the PAMB, the PASu shall prepare a CSW and a draft Terms and Conditions of the Special Use Agreement and, together with the complete requirements, transmit the same to the DENR Regional Office, thru channel.

g) *Technical Review (PENRO, Regional Office and BMB)*

The SAPA application shall undergo technical review jointly at the CENRO/PENRO within 7 days, the DENR Regional Office in 12 days, and the BMB in 9 days. All results/recommendations of the review shall be contained in a CSW. The Terms and Conditions of the Agreement shall be finalized by BMB based on the inputs of the PAMB and the field offices.

h) *SAPA approval*

Within 7 working days, the SAPA shall be approved/disapproved by the Secretary, or his duly authorized representative. All approved SAPA shall be indexed/numbered by BMB and transmitted to the concerned Regions within 3 days.

i) *Payment of initial SAPA fee and release of signed SAPA Agreement.*

The concerned PENRO shall issue the Order of Payment to the proponent who shall submit proof of payment of the initial SAPA fee as a precondition for the release of the original signed copy of the agreement. The agreement shall be cancelled upon the failure of the proponent to pay the SAPA fee within 60 calendar days.

j) *Posting of rehabilitation bond*

The rehabilitation bond shall be posted by the holder within 30 working days from the commencement of the project.

For PAs with no PAMB, all the function of the PAMO and the PAMB shall be assumed by the CENRO or the implementing PENRO having jurisdiction over such protected area.

Section 14. Creation of SAPA Technical Working Group. The PAMB may task existing committees or form a new committee to review all SAPA applications before the deliberation of the PAMB en banc. The DENR Regional Office shall create a SAPA Technical Working Group composed of representatives of technical divisions to be Chaired by the Assistant Regional Director for Technical Services (ARD-TS). Resource persons may be invited as necessary.

Section 15. SAPA Applications under EVOSS. SAPA applications for renewable energy projects may be submitted and processed online through the Energy Virtual One-Stop Shop or EVOSS pursuant to RA 11234. SAPA applications for renewable energy projects with complete requirements should be approved within 120 days.

Section 16. SAPA Fee. The annual SAPA Fee per category of uses, which shall be applied for terrestrial, coastal and water-based special-use projects, shall be as follows:

Categories of Special Use Projects	SAPA Rate
Category A Profit-oriented projects	The annual SAPA Fee shall be equivalent to five percent (5%) of the most recent zonal value of the commercial zone in the nearest barangay or municipality where the centroid of the project area is located, multiplied by the size of the area of development, plus one percent (1%) of the value of improvement.
Category B Non-Profit Projects of the Government	The SAPA Fee shall be computed as above but corresponding only to one year. The fee may be paid one-time/lump sum or by staggered payments subject to the approval of the PAMB.
Category C Water supply and renewable energy including EPNS	The proponent shall pay SAPA fee as computed in category 1 for the initial year. For succeeding years from year 2 onwards, the fee shall be equivalent to PhP7,200.00 per hectare per year, or a fraction thereof, to be increased cumulatively by ten percent (10%) every year.

Section 17. Updating of SAPA Fee. The rate of SAPA fee shall be reviewed every five years and shall be adjusted, as necessary, based on the following:

- a. Change in zonal value;
- b. Change in area occupied by the project; and
- c. Change in the value of improvement.

Section 18. Administrative Fee. An administrative fee of Five Thousand Pesos (PhP5,000.00) shall be paid for every new application and renewal application of special use projects to cover the cost of examining, assessing, and processing of SAPA requirements. The fee shall accrue to the IPAF. The fee shall be paid simultaneously with the submission of the complete requirements.

Section 19. Penalties for Failure to Pay the SAPA Fee. Failure of SAPA holders to pay on or before the due date shall be subject to a monthly surcharge of 8.33% of the annual SAPA Fee, or 100% for every year. Provided that a fraction of a year beyond one (1) year shall be counted as a full year. Such non-payment shall also cause the suspension of the SAPA.

Section 20. Grounds for the Revocation or Cancellation of SAPA. The SAPA may be cancelled by the DENR for any of the following:

- a) Misrepresentation, fraud or deliberate omission of fact/s, made in connection with the application for and in the SAPA which may materially alter or affect the facts, terms, and conditions herein set forth;

- b) Failure to comply with applicable laws, rules, regulations and guidelines;
- c) Violation of the terms and conditions of the SAPA, the ECC, the PAMB Clearance, or other permits issued by the government;
- d) Failure, without justifiable cause, to exercise the privilege granted under the SAPA within one (1) year from its issuance;
- e) Non-payment of the annual SAPA Fee for two (2) consecutive years;
- f) Bankruptcy or closure of operations; and
- g) When national interest requires the summary cancellation, as determined by the DENR;

Section 21. Grounds for Suspension of SAPA. The SAPA may be summarily suspended by the DENR for any of the following grounds:

- a) Failure to pay the annual SAPA Fee within six (6) months from the date it is due. Such may be lifted until the fees and applicable surcharges are paid in full; or
- b) In case of imminent danger to life or property, until such danger is removed, or appropriate measures are taken by the proponent. This shall also include threats or danger to wildlife and its habitat.

Section 22. Cancellation, Suspension, Termination and Completion of SAPA. The RED, upon the recommendation of the PAMB, shall issue show cause order why a SAPA should not be suspended or cancelled in cases of violations as provided for under Sections 19, 20, and 21 hereof. The SAPA holder shall be given 30 working days after the receipt of the order to respond. The PAMB en banc shall determine the sufficiency of the response/action of the SAPA holder subject to corrective measures, if necessary. Failure of the SAPA holder to respond within 30 working days, or to comply with the corrective actions, shall automatically cause the PAMB to endorse the suspension or cancellation of the SAPA.

Upon the issuance of cancellation order, which shall be final and executory, the RED shall issue a notice to the SAPA holder to vacate the area within seven (7) days after the receipt of the notice. An inventory of all the improvements introduced or possible damages shall be conducted by the PAMO. In cases where the SAPA holder has unsettled accounts, all assets equivalent to the amount due, including the rehabilitation bond, shall be forfeited in favor of the government in accordance with law.

For completed SAPA, the PAMB through the PAMO shall assess and attest the satisfactory rehabilitation of the area in accordance with the approved rehabilitation plan. After the expiration, non-renewal or cancellation of SAPA, all improvements and infrastructures installed in consideration of the SAPA that were identified to remain under the Rehabilitation Plan shall be transferred in favor of the government and shall be managed by the DENR.

In the case of cancelled or terminated SAPA, the proponent shall undertake rehabilitation measures in accordance with the approved rehabilitation plan. Otherwise, the DENR shall utilize the rehabilitation bond to rehabilitate the area.

Section 23. Transfer and Assignment of Rights. All rights including the attendant obligations thereto may be transferred, provided that the transferee satisfies the qualifications under Section 11 hereof. The assignment or transfer of rights and obligations over the area can only be made after three years after the approval of the SAPA and upon compliance with existing laws, rules and regulations and approved in writing by the DENR Regional Executive Director.

The transferee shall be required to file a new SAPA application in case the transferee refuses to undertake part or all of the obligations of the transferor under the agreement.

Section 24. Conversion of Existing Memorandum of Agreements and Tenure Instruments. Only existing MOAs falling under any of the categories under Section 6 hereof shall be converted into SAPA subject to the recommendation of the PAMB and upon satisfactory compliance of the holder to the terms and conditions of the MOA. In such cases, the consummated term of the MOA shall be deducted from the 25-year term of the SAPA.

Tenure agreements such as Foreshore Lease Agreement, Forest Land Use Agreement, Forest Land Use Agreement for Tourism, and Miscellaneous Lease Agreements shall be renewed into SAPA after the expiry of their term and upon satisfactory compliance with all requirements.

Section 25. Rehabilitation Plan. Proponents shall be required to submit a rehabilitation plan as part of the CDMP with corresponding budgetary allocation. The PAMB shall review and approve the sufficiency of the plan and budget with the assistance of the field offices. The rehabilitation plan should include provision on cleaning and rehabilitating water bodies which may be affected by the project.

SAPAs issued before the effectivity of the ENIPAS Act, shall be required to submit a rehabilitation plan within six (6) months. Failure to submit the plan within the prescribed period shall result in the suspension or non-renewal of the SAPA. The suspension shall be lifted upon the submission of the rehabilitation plan, and other requirements as may be prescribed by the PAMB.

Section 26. Rehabilitation Bond. Within sixty (60) days from the approval of the SAPA, but not more than thirty (30) working days from the commencement of the project, SAPA holders shall be required to post a rehabilitation/performance bond in a form of surety bond or cash bond in an amount equivalent to twenty-five percent (25%) of the rehabilitation cost as reflected in the rehabilitation plan, in the government depository bank of the DENR. For existing SAPA, the bond shall be posted within 60 days from the approval by the PAMB of the Rehabilitation Plan.

The management of the rehabilitation bond shall be vested upon the PAMB. For this purpose, the requirement of rehabilitation bonds for SAPA and the EGF under the PEIS guidelines shall be harmonized to avoid duplication.

The rehabilitation bond shall be used solely for remediation projects and activities and for the compensation of affected individuals and communities. The bond may also be used in cases of the failure of the SAPA holder to implement the rehabilitation plan, or a portion thereof within the agreed time frame. The SAPA holder shall be required to replenish the Rehabilitation bond within 30 days from receipt of notice from the RED. Further, every five (5) years, the PAMB, through the PASu, shall review the sufficiency of the rehabilitation plan and bond, and as necessary, update the amount of the bond.

Within a month from the termination of the SAPA, the bond shall be released to the proponent only after the attestation by the PASu of the satisfactory rehabilitation of affected areas, in accordance with the zones and objectives of the PAMP, and if applicable, the ADSDPP or the CCP of affected ICCs/IPs.

Section 27. Force Majeure. In cases of force majeure resulting to the interruption of operations lasting for more than a year, SAPA holders may request the DENR Secretary within thirty (30) days from the occurrence of such event, subject to PAMB endorsement, for the deferment of fees for the affected time. Provided that such fees shall be paid not beyond 3 years.

Section 28. Periodic Review, Monitoring and Reporting. All SAPAs shall undergo a periodic review and evaluation every five (5) years by the DENR. The PAMB, thru the appropriate committee and the PASu shall be responsible in quarterly monitoring the operations of the project in compliance with the provisions of the SAPA.

The PAMB through the PAMO shall also conduct bi-annual monitoring of the implementation of the rehabilitation plan during its timeline. The monitoring should include the assessment of the success or failure of rehabilitation, which is a requirement for SAPA renewal and termination.

Amendments to the agreement may be undertaken in accordance with the result of the review and subject to the agreements of the PAMB, the DENR and the proponent.

The PASu shall submit a report on the results of monitoring to the Secretary thru the BMB.

Section 29. SAPA Renewal. Application form for renewal, including updated documentary requirements and PAMB endorsement, shall be filed within 60 days before the expiry of the SAPA.

Section 30. Transitory Provisions. All SAPA applications already filed should be reassessed by the PAMB, thru the PASu in accordance with these guidelines.

Section 31. Repealing Clause. This Order revokes DAO 2007-17 or the Rules and Regulations Governing SAPA and its addendum (DAO 2018-05), and amends pertinent provisions of DAO 2019-05. The provisions of all other issuances inconsistent herewith are also hereby repealed and modified accordingly.

Section 32. Separability Clause. In case any portion or provision of this Order is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected shall continue in full force and effect.

Section 33. Effectivity. This Administrative 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).

MARIA ANTONIA YULO LOYZAGA
Secretary