



Republic of the Philippines
Department of Environment and Natural Resources
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MEMORANDUM

TO : THE REGIONAL EXECUTIVE DIRECTORS
DENR – CAR, NCR and Regions I – VIII

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

SUBJECT : REQUEST FOR ASSISTANCE TO FACILITATE NATIONAL POWER CORPORATION'S PENDING APPLICATION FOR CERTIFICATE OF LAND CLASSIFICATION FOR POWER-RELATED PROJECTS

DATE : NOV 14 2023

This pertains to the subject request from the President and CEO of National Power Corporation (NPC), regarding on pending applications for tenurial rights, licensing/permitting concerns and other compliances, which was discussed during the NPC-DENR coordination meeting last 28 July 2023.

Relative to this, you are hereby requested to facilitate on the concern raised, particularly on Item No. 1, regarding the issuance of Certificate of Land Classification for NPC's power-related projects. Directly reply to the parties concerned and copy furnish this Office of the action taken on the matter for record and monitoring purposes.

For consideration.


ATTY. JUAN MIGUEL T. CUNA, CESO I

cc: **The Undersecretary**
Finance and Information Systems and Climate Change

National Power Corporation
NPC Bldg., Quezon Ave., corner BIR Road
Diliman, Quezon City

The Director
Land Management Bureau

The Undersecretary
Field Operations – Mindanao



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN

MEMORANDUM

FOR / TO : THE UNDERSECRETARY
Legal and Administration

ATTENTION : THE DIRECTOR
Land Management Bureau

FROM : THE UNDERSECRETARY
Finance, Information Systems and Climate Change

**SUBJECT : STREAMLINING AND STANDARDIZATION OF
REQUIREMENTS FOR THE ISSUANCE OF CERTIFICATE OF
LAND CLASSIFICATION**

DATE : 18 October 2023

This refers to the letter dated 3 August 2023 of Mr. Fernando Martin Y. Roxas, President and CEO of National Power Corporation (NPC), pertaining to NPC's concern on pending applications for tenurial rights, licensing/permitting concerns and other compliances, which was discussed during the NPC-DENR coordination meeting last 28 July 2023.

One of the concerns raised therein, particularly on Item Number 1, is regarding the issuance of Certificate of Land Classification. In view of the urgency of the implementation of power – related projects, NPC is requesting to streamline and standardize the requirements for the issuance of Certificate of Land Classification.

May we request your assistance in formulating a policy / guideline to standardize and facilitate the requirements for the issuance of Certificate of Land Classification for NPC's power-related projects. Kindly coordinate directly with NPC on any action taken on the matter, copy furnish this office for our information.

ATTY. ANALIZA REBUELTA – TEH

CC: THE UNDERSECRETARY
Policy, Planning and International Affairs

THE UNDERSECRETARY
Field Operations – Luzon, Visayas and
Environment

THE UNDERSECRETARY
Field Operations – Mindanao

THE UNDERSECRETARY
Special Concerns and Legislative Affairs

ALL REGIONAL EXECUTIVE DIRECTORS
DENR Regional Offices

MR. FERNANDO MARTIN Y. ROXAS
President and CEO
National Power Corporation (NPC)
NPC Building, Quezon Ave, corner BIR Road
Diliman, Quezon City



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN

MEMORANDUM

FOR / TO : **THE UNDERSECRETARY**
Field Operations – Luzon, Visayas and Environment

THE UNDERSECRETARY
Field Operations – Mindanao

ATTENTION : **THE DIRECTOR**
Land Management Bureau

FROM : **THE UNDERSECRETARY**
Finance, Information Systems and Climate Change

SUBJECT : **REQUEST FOR ASSISTANCE TO FACILITATE NATIONAL POWER CORPORATION'S PENDING APPLICATION FOR CERTIFICATE OF LAND CLASSIFICATION FOR POWER-RELATED PROJECTS**

DATE : 18 October 2023

This refers to the letter dated 3 August 2023 of Mr. Fernando Martin Y. Roxas, President and CEO of National Power Corporation (NPC), pertaining to NPC's concern on pending applications for tenurial rights, licensing/permitting concerns and other compliances, which was discussed during the NPC-DENR coordination meeting last 28 July 2023.

One of the concerns raised therein, particularly on Item Number 1, is regarding the issuance of Certificate of Land Classification.

In view of the urgency of the implementation of power – related projects, may we request your assistance in facilitating/ processing the issuance of Certificate of Land Classification for NPC's power-related projects. Kindly coordinate directly with NPC on any action taken on the matter, copy furnish this office for our information.

ATTY. ANALIZA REBUELTA – TEH

CC: **THE UNDERSECRETARY**
Policy, Planning and International Affairs

THE UNDERSECRETARY
Special Concerns and Legislative Affairs

MR. FERNANDO MARTIN Y. ROXAS
President and CEO
National Power Corporation (NPC)
NPC Building, Quezon Ave, corner BIR Road
Diliman, Quezon City



NATIONAL POWER CORPORATION

3 August 2023

Hon. MARIA ANTONIA YULO-LOYZAGA

Secretary

Department of Environment & Natural Resources
Visayas Avenue, Diliman, Quezon City



THRU: Undersecretary ANALIZA REBUELTA-TEH
Finance, Info Systems and Climate Change
DENR Representative to NPC Board

Undersecretary IGNATIUS LOYOLA A. RODRIGUEZ
Special Concerns and Legislative Affairs
DENR Alternate Representative to NPC Board

**SUBJECT: NPC-DENR COORDINATION MEETING ON PENDING
APPLICATIONS FOR TENURIAL RIGHTS, LICENSING/
PERMITTING CONCERNS AND OTHER COMPLIANCES**

Dear Secretary Yulo-Loyzaga:

The National Power Corporation (NPC) expresses its appreciation for the invaluable assistance rendered by the Department of Environment and Natural Resources (DENR), through its representatives, headed by Usec. Analiza Rebuelta-Teh and the Regional officials of DENR and EMB during the 28 July 2023 meeting on various NPC concerns.

NPC and DENR identified feasible solutions and reached significant agreements to resolve issues affecting NPC's tenurial applications, ECC requirements, water discharge permits, and other environmental compliances. Summarized below are the concerns and key agreements/proposals reached during the said meeting:

Concerns	Agreements/Proposals
1. Request to streamline and standardize the requirement for the issuance of Certificate of Land Classification	DENR-Head Office to issue a Memorandum for the standardization of requirements.
2. DENR's imposition of Annual Fees instead of Development Fee which is the subject of NPC's request for exemption from fees and charges per letter dated 9 December 2021	Information was relayed that the DENR-HO through its LAHRLA issued a legal opinion finding that 1) NPC is not exempted from payment of SAPA User Fee or Development Fees; 2) one-time payment of Annual Fee under DAO 2019-05 is not applicable to NPC and 3) there is no legal basis to exclude the value of the improvements in the computation of User Fee or Development Fee due from NPC.



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	NPC seeks reconsideration or appeal on the said legal opinion.
3. The requirement for SLUP conversion to FLAg and Site Expansion to be consolidated to avoid duplicity of submission	<p>The SLUP conversion to FLAg is not an automatic conversion. NPC still has to apply for FLAG and may include the additional area for site expansion. The procedure on SLUP and all other tenorial apps and permits need to be streamlined and considered to align with the EVOSS mechanism. List of requirements and procedures will be revisited.</p> <p>On the matter concerning issuance of provisional agreement under DAO 2021-27 involving SLUP and FLAg applications, NPC requests that it may also be allowed to proceed with the construction of the power plant considering the urgency of the project. Thus, said guidelines needs to be reviewed and to include policy on SAPA.</p>
4. The proof of NPC Authority to be a conditional requirement in the approval of ECC and other permits	<p>CENRO or EMB Regional Office concerned to issue Certification of Application indicating that land is public as proof of NPC's authority for SPUG plants with pending tenorial applications.</p> <p>Issuance of provisional ECC and other permits pending processing of tenorial applications to address delay in securing permits from NCIP, among others, and to fast-track project completion and commissioning.</p> <p>To furnish DENR-HO of all tenorial applications to be filed at CENROs or EMB Regional Offices as well as the list of the yet-to-be filed applications with project locations for advance evaluation.</p>
5. Emergency deployment/transfer of NPC Power Barges/ Generating Sets	Issuance of 30-days prior Notice by NPC to DENR for the deployment/transfer of NPC Power Barges/GenSets to different locations in the country to address power shortages except in emergency situations that will require less than 30-days prior Notice (e.g. calamities necessitating immediate provision of electricity).
6. Difficulty in complying with the required analysis of water effluent to BOD and Coliform, a requirement for Water Discharge Permit (WDP) due to long travel	Certain time sensitive parameters will no longer be tested due distance and travel constraints, but NPC is required to desludge/siphon wastewater (only in areas where there are DENR-

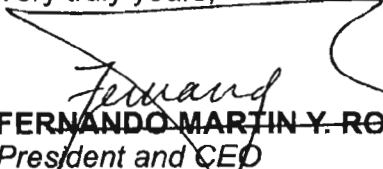
time to the nearest accredited laboratory	accredited services) and to provide water-tight septic tank in other areas.
7. Non-issuance of WDP and imposition of penalty for SPUG Plants with non-water tight septic tanks	For those with existing non-water tight septic tanks, the same should be proven sealed or build containment tanks.
8. Difficulty in complying the required septic tanks desludging, a requirement for WDP renewal for SPUG Plants located in areas without desludging services	
9. Requirement of 40-hrs Basic PCO Re-Training for Accreditation Renewal or transfer of PCO to another SPUG Plant	DENR-Head Office to issue a Memorandum to EMB to further review EMB MC 2020-28 and to standardize requirements particularly to recognize prior accreditation.
10. ECCs and WDPs were held in abeyance due to non-payment of penalties for previous non-compliances. Non-issuance of ECCs and WDPs further lead to non-issuance of Certificate of Compliance by the Energy Regulatory Commission, thus resulting to further penalties.	DENR to review the penalties and consider issuing a provisional ECC and other permits. May also need to clarify and layer the requirements or provide alternative requirements. Compliance action on the part of NPC may include, in lieu of penalties, tree-planting programs.

In addition, a Technical Working Group (TWG) and designation of focal persons from NPC and DENR per regions were also agreed and thus, we respectfully submit the attached list (Annex "A") for DENR's information and designation of counterparts. Regular TWG quarterly meeting will also be scheduled and conducted.

Since the proposals could entail review of and amendments to various DENR policies, we respectfully request the Honorable Secretary's critical support in this endeavor. We hope to further strengthen our collaboration to expedite the government's objective of total electrification of SPUG areas reiterated during the President's latest SONA.

Thank you and more power!

Very truly yours,


FERNANDO MARTIN Y. ROXAS
 President and CEO

Encl.: Copy of the Presentation Material during the 28 July 2023 Meeting
 Annex A re List of NPC Focal Persons