



MEMORANDUM

FOR : FELIX S. MIRASOL, JR. CESO IV
OIC - Regional Executive Director, DENR MIMAROPA Region

FROM : OIC - EXECUTIVE DIRECTOR

**SUBJECT : INQUIRY ON THE DEPUTATION OF DENR PERSONNEL
PARTICULARLY IN THE ISSUANCE OF CERTIFICATE OF
COMPLIANCE ON ALLOWABLE EASEMENT OR
EXEMPTION ON LEGAL EASEMENT**

DATE : 10 October 2023

This refers to the letter of DENR MIMAROPA Region dated 19 September 2023 and received on 3 October 2023 inquiring on the deputation of DENR personnel for the issuance of Certificate of Compliance on allowable easement or from exemption thereof.

Pursuant to Article 80 of the Water Code of the Philippines¹, *the council may deputize any official or agency of the government to perform any of its specific functions or activities.*

Currently, there is an existing NWRB Resolution No. 15-1116² deputizing DENR Regional Offices, specifically the Water Resources Utilization Section (WRUS), to perform certain functions relative to regulation of water use, to wit:

1. Accept/ verify water permit applications (WPAs);
2. Conduct continuing inventory of water users;
3. Identify water sources and make a water sources inventory map;
4. Conduct information, education and communication (IEC) campaign on the Water Code of the Philippines and its Implementing Rules and Regulations (IRR) to key stakeholders in collaboration with NWRB;
5. Conduct re-echo training for PENROs and CENROs and coordination meeting with other deputized agents in the area; and
6. Perform such other related activities as may be specifically assigned to it in accordance with the Water Code that may be agreed by the parties.

The said Resolution is presently under the process of review in order to include other functions which may be further delegated to WRUS.

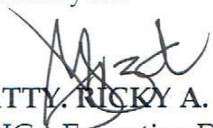
¹ P.D. No. 1067

² Deputation of DENR Regional Offices on Certain Functions of Water Use Regulation

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Nonetheless, DENR Administrative Order No. 2021-07³ provided the guidelines on the establishment of easements. Stated therein is the provision that "the DENR Regional Offices, through their Enforcement Division shall monitor the establishment of easements in accordance with provisions of this Order. In case the area concerned is within a National Park/ Protected Areas, the Protected Area Management Board (PAMB) shall be included in the monitoring."⁴ Furthermore, "all violators shall be notified by the Region to comply with the rules. xxx The enforcement of legal easements within Protected Areas shall be guided by the provisions of Section 24 of DAO No. 2019-05."⁵

Thank you.


ATTY. RICKY A. ARZADON
OIC - Executive Director

³ Guidelines on the Establishment of Legal Easements along the Seas, Rivers, Lakes, Esteros, and Creeks

⁴ Id. Section 7.

⁵ Id. Section 8.



MEMORANDUM

FOR : THE EXECUTIVE DIRECTOR
NATIONAL WATER RESOURCES BOARD
8th Floor, NIA Bldg., EDSA, Diliman 1101
Quezon City

FROM : THE OIC, REGIONAL EXECUTIVE DIRECTOR

SUBJECT : INQUIRY ON THE DEPUTATION OF DENR PERSONNEL
PARTICULARLY IN THE ISSUANCE OF CERTIFICATE OF
COMPLIANCE ON ALLOWABLE EASEMENT OR
EXEMPTION ON LEGAL EASEMENT



ESADT

DATE : SEP 19 2023

This pertains to the numerous letters which were received by this Office from private individuals requesting for a certification/clearance on their compliance with existing easement rule and the on-going project of the DENR supported with implementing guidelines pursuant to DENR Administrative Order (DAO) No. 2017-08 for "Green Economy Models" (GEM).

In line with the administration of Waters and Enforcement of the Provisions of the Water Code of the Philippines (P.D. 1067), it was stated in Article 80 that "*The Council may deputize any official or agency of the government to perform any of its specific functions or activities.*" In this regard, may we seek guidelines on the deputation of DENR personnel particularly in the issuance of certificate of compliance on allowable easement as well as personnel involved in the implementation of the said GEM projects located in Puerto Galera, Oriental Mindoro and in the municipalities of Coron and El Nido, in Palawan.

For consideration, please.

FELIX S. MIRASOL, JR., CESO IV



Department of Environment
and Natural Resources
MIMAROPA Region



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*For and in the absence of the
Regional Executive Director:*

ED/blt/08/08/23

MAXIMO C. LANDRITC
OIC, Assistant Regional Director
for Technical Services