



Republic of the Philippines
Department of Environment and Natural Resources
FOREST MANAGEMENT BUREAU
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E-mail Address: fmb@denr.gov.ph

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FAX MESSAGE	Date <u>APR 14 2023</u>
FOR: The Regional Executive Directors All Regions except NCR	FROM: ARLEIGH J. ADORABLE, CESO III The OIC - Assistant Secretary for Field Operations-Western Mindanao, and Director, in concurrent capacity
Phone: _____ Fax phone: _____	Phone: _____ Fax phone: _____

REMARKS: [x] Urgent [] For your review [] Reply ASAP [] Please Comment

THIS HAS REFERENCE TO FMB FAX MESSAGE DATED 9 MARCH 2023 (COPY ATTACHED) REQUESTING FOR PARTICIPANTS RELATIVE TO THE UPCOMING CONSULTATIVE WORKSHOP ON THE DRAFT POLICY PROPOSALS REGARDING THE DENR FUNCTIONS DEVOLVED TO THE LOCAL GOVERNMENT UNITS (LGUs).

RELATIVE THERETO, PLEASE BE INFORMED THAT THE AFOREMENTIONED WORKSHOP WILL NOW BE HELD ON **22 TO 26 MAY 2023 IN REGION 3**. THIS OFFICE WILL IMMEDIATELY PROVIDE YOU OF THE CORRESPONDING DENR SPECIAL ORDER ONCE SIGNED. REST ASSURED THAT YOU WILL BE INFORMED AHEAD OF ANY OTHER ANNOUNCEMENTS/ADVISORIES REGARDING THE SAID WORKSHOP.

FURTHER, WE ARE PROVIDING YOU OF THE ADVANCE COPY OF THE DRAFT POLICIES ENTITLED 1). *Guidelines on the Execution of Memorandum of Agreement (MOA) for the Co-Management of Forestlands by and between the Department of Environment and Natural Resources (DENR) and the Local Government Units (LGU)*; 2). *Guidelines on the Assessment of Existing Communal Forests in the Philippines*, FOR YOUR INITIAL REVIEW.

IF YOU HAVE FURTHER QUERIES AND CONCERNS RELATIVE TO THE MATTER, PLEASE DO NOT HESITATE TO CONTACT THE FOREST LAND USE AND ALLOCATION SECTION (FLUAS) UNDER THE FOREST RESOURCES MANAGEMENT DIVISION (FRMD) OF THE FOREST MANAGEMENT BUREAU (FMB) AT EMAIL ADDRESS: frmd.fluas@fmb.denr.gov.ph AND TELEPHONE NUMBERS (02) 8332-3056 OR (02) 8927-8127.

FOR INFORMATION AND CONSIDERATION.

ARLEIGH J. ADORABLE, CESO III



OD Records Unit <records@fmb.denr.gov.ph>

D-34152- FAX MESSAGE- This has reference to FMB Fax Message dated 09 March 2023 (copy attached) requesting for participants relative to the upcoming Consultative Workshop on the Draft Policy Proposals regarding the DENR Functions Devolved to the Local Government Units (LGUs)

1 message

OD Records Unit <records@fmb.denr.gov.ph>

Mon, Apr 17, 2023 at 10:03 AM

To: denr1ored <denr1ored@yahoo.com>, DENR Region 1 <r1@denr.gov.ph>, DENR Region 2 <r2@denr.gov.ph>, DENR Region 3 <r3@denr.gov.ph>, recordsunitdenr3@yahoo.com, DENR CALABARZON <r4a@denr.gov.ph>, DENR Mimaropa Region <mimaroparegion@denr.gov.ph>, recordsectionmimaroparegion@gmail.com, "DENR Regional Office No. 5" <red_reg5@yahoo.com>, Records DENR V <recordsdenr5@gmail.com>, DENR Region 6 <r6@denr.gov.ph>, recordsunit.denr.r6@gmail.com, DENR-7 <red7@denr.gov.ph>, Records Unit <r7.recordsunit@gmail.com>, DENR R8 ORED <ored8@yahoo.com>, DENR Region 8 <r8@denr.gov.ph>, DENR Region 9 <r9@denr.gov.ph>, RPAO DENR 9 <rscig.denr9@gmail.com>, denr9recordsunit@yahoo.com, "DENR-10 RED HENRY A. ADORNADO, PhD" <r10@denr.gov.ph>, r10.recordsunit@gmail.com, DENR XI <oredenrxi@yahoo.com.ph>, "DENR-XI, Records Unit" <denrecordsxi@gmail.com>, "Atty. Felix Alicer" <red.region12@gmail.com>, DENR CARAGA ORED <ordcaraga@gmail.com>, denrcaragarecords@gmail.com, DENR Cordillera Administrative Region <denr_baguio@yahoo.com.ph>, denrcarrecords@gmail.com

Cc: FRMD Forest Resources Management Division <frmd@fmb.denr.gov.ph>, FRMD-FLUAS Forest Land Use and Allocation Section <frmd.fluas@fmb.denr.gov.ph>, Ildefonso Quillooy <ilquillooy@fmb.denr.gov.ph>, Amie Rabang <arabang@fmb.denr.gov.ph>

Sir

Ma'am

Good day

Attached file is a Memorandum for All REDs dated April 14, 2023 RE: FAX MESSAGE- This has reference to FMB Fax Message dated 09 March 2023 (copy attached) requesting for participants relative to the upcoming Consultative Workshop on the Draft Policy Proposals regarding the DENR Functions Devolved to the Local Government Units (LGUs)

Thankyou

**Records Unit**

Forest Management Bureau

Phone : (63-2) 8925-2141

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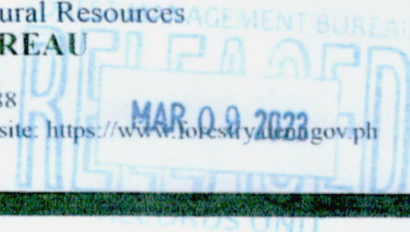
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4-14-23- D-34152- FAX MESSAGE- This has reference to FMB Fax Message dated 09 March 2023 (copy attached).pdf
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FAX MESSAGE	Date <u>MAR 09 2023</u>
FOR: The Regional Executive Directors All Regions except NCR	FROM: ARLEIGH J. ADORABLE, CESO III The OIC - Assistant Secretary for Field Operations-Western Mindanao, and Director, in concurrent capacity
Phone: Fax phone:	Phone: Fax phone:

REMARKS: [x] Urgent [] For your review [] Reply ASAP [] Please Comment

THIS HAS REFERENCE TO UPCOMING CONSULTATIVE WORKSHOP RELATIVE TO THE DRAFT POLICIES ON CO-MANAGEMENT AGREEMENT (CMA) AND COMMUNAL FOREST (CnF) TO BE HELD ON 24 to 28 APRIL 2023 IN CALABARZON REGION. THE SAID ACTIVITY AIMS TO DISCUSS, PRESENT AND GATHER COMMENTS AND RECOMMENDATIONS FROM DENR REGIONAL FIELD OFFICES.

IN THIS REGARD, WE WOULD LIKE TO REQUEST YOUR OFFICE TO NOMINATE TWO (2) PARTICIPANTS FROM EACH REGIONS (REGIONAL OFFICE AND/OR PENRO) PREFERABLY THE CONCERNED DIVISION/SECTION CHIEFS OR /FOCAL PERSONS INVOLVED/ASSIGNED IN THE IMPLEMENTATION OF CMA AND CnF.

WE WOULD APPRECIATE RECEIVING THE NAMES OF PARTICIPANTS FROM YOUR OFFICE ON OR BEFORE **10 MARCH 2023** THRU FASTEST MEANS AT EMAIL ADDRESS: frmd.fluas@fmb.denr.gov.ph. IF YOU HAVE FURTHER QUERIES AND CONCERNS RELATIVE TO THE MATTER, PLEASE DO NOT HESITATE TO CONTACT THE FOREST LAND USE AND ALLOCATION SECTION (FLUAS) UNDER THE FOREST RESOURCES MANAGEMENT DIVISION (FRMD) OF THE FOREST MANAGEMENT BUREAU (FMB) AT THE ABOVE-CITED EMAIL ADDRESS AND TELEPHONE NUMBERS (02) 8332-3056 OR (02) 8927-8127.

FOR INFORMATION AND CONSIDERATION, PLEASE.


ARLEIGH J. ADORABLE, CESO III

DENR Administrative Order

No. 2022-_____

SUBJECT: GUIDELINES ON THE EXECUTION OF MEMORANDUM OF AGREEMENT (MOA) AND RELATED ACTIVITIES FOR THE CO-MANAGEMENT OF FOREST LANDS BY AND BETWEEN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) AND THE LOCAL GOVERNMENT UNITS (LGU)

In view of the extent of certain forest lands within the territorial jurisdictions of the various city/municipal LGUs across the country not enclosed with appropriate tenure instrument executed by the DENR and pursuant to the pertinent provisions of the Presidential Decree (PD) No. 705, as amended; Executive Order (EO) No. 192, Series of 1987; Book I, Chapter 1, Section 3 (i), Section 17 (b) (3) (iii), Section 17 (b) (2) (ii) of the Local Government Code (RA No. 7160); EO No. 503, Series of 1992; DENR Administrative Order (DAO) No. 1992-30 dated 30 June 1992; DENR-DILG Joint Memorandum Circular (JMC) Nos. 98-01 and 2003-01; EO No. 318, Series of 2004; DAO No. 2010-07 dated 12 March 2010; and EO No. 138 dated 02 June 2021, the following guidelines are hereby issued as guidance for the co-management of such forest lands among the DENR and the concerned LGUs.

Section 1. Basic Policy.

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.

Section 2. Objective. This Order aims to provide guidelines to the DENR regional/field offices (as the First Party) and partner LGUs (as the Second Party) on the execution/implementation of a MOA and related activities for the effective partnership of the two Parties for the proper management, development, use, conservation, and protection of forest lands, grazing lands and watershed forest areas within the territorial jurisdictions of the concerned LGUs.

Section 3. Scope and Coverage. This Order shall cover, among others, all forest resources management related activities geared for the appropriate management of forest lands (including mangrove forest), grazing lands and watershed forest areas currently not covered with a tenure instrument executed by the DENR, and such lands/areas are within the ambit of the territorial jurisdictions of the concerned various city/municipal LGUs nationwide.

Section 4. Considerations to facilitate the execution of the MOA for the co-management of the untenured forest lands, grazing lands and watershed forest areas. The following shall be strictly observed as substantial stipulations of the DENR and LGUs co-management activities for the appropriate implementation of the functions or projects devolved by the DENR to the latter:

4.1 The area to be co-managed should have been identified and form part of the LGUs Forest Land Use Plans (FLUP) and duly integrated within the LGUs Comprehensive Land Use Plans (CLUP);

4.2 The integration of climate change adaptation and disaster risk reduction initiatives shall be given due emphasis in the management strategies to be implemented by the both Parties over the co-managed area/s;

4.3 The pertinent provisions of Section 4 of EO No. 138 should be duly observed, wherein only those applicable forest management functions or projects devolved by the DENR to the LGUs that were stated in the JMC Nos. 98-01 and 2003-01, and applicable activities enumerated in this Order shall be the subject of a MOA.

Section 5. The forest management functions or projects devolved by the DENR to the LGUs not eligible to be covered with a MOA to be executed by and between the DENR and LGU. The projects or functions not eligible for co-management activities are the following:

5.1 All activities/projects within forest lands, grazing lands and watershed forest areas covered with tenure instrument or permit;

5.2 Development and management of communal forests within production forests; and

5.3 Development and management of community watershed areas as sources of water supply for specific communities.

The preceding projects shall no longer be covered with MOA since the operationalization of such projects are being governed by specific DENR guidelines which governs/authorizes certain individuals/entities or groups to engage in people-oriented forestry projects/programs and relevant endeavors for communal benefits.

Section 6. Definition of Terms. The succeeding terms relevant in this Order as enumerated below shall be defined as follows:

6.1 Agroforestry - Sustainable management of land, which increases their productivity by properly combining agricultural crops with forest crops simultaneously or sequentially over time through the application of management practices which are compatible with the local climate, topography and slope. *[Proposed Sustainable Forest Management Act. 1999.]*

6.2 Assisted Natural Regeneration (ANR) - The process of rehabilitating denuded forest lands by taking advantage of trees already growing in the area. This usually involves the following activities: locating and releasing indigenous trees, maintenance, and augmentation planting and protection. *[DAO 1991-31. Revised Guidelines for Contract Reforestation. 1991.]*

6.3 Brushland - An area characterized by discontinuous cover of shrubby and non-wood vegetation including grasses. DENR Environmental Management Bureau. 1992. Philippine Forestry Statistics. Manila

6.4 Collaborative management or co-management is the sharing of responsibilities, rights and duties between the primary stakeholders, in particular, local communities and the nation state; a decentralized approach to decision-making that involves the local users in the decision-making process as equals with the nation-state. It is a situation in which two or more social actors negotiate, define and guarantee amongst themselves a fair sharing of the management functions,

entitlements and responsibilities for a given territory, area or set of natural resources. [The WB, 1999: 11; Borrini-Feyerabend et al. 2000:1]

6.5 Community-Based Forest Management Agreement (CBFMA) - An agreement entered into by and between the government and the local community, represented by people's organization, as forest managers, which has a term of twenty-five (25) years, renewable for another twenty-five (25) years. DAO 2004-29. [Revised Rules and Regulations fir the Implementation of Executive Order 263 or Community Based Forest Management Strategy. 2004]

6.6 Ecotourism - All nature-based forms of tourism in which the main motivation of the tourists is the observation and appreciation of nature as well as the traditional cultures prevailing in natural areas. It contains educational and interpretation features. It supports the maintenance of natural areas which are used as ecotourism attractions by:

- o Generating economic benefits for host communities, organizations and authorities managing natural areas with conservation purposes;
- o Providing alternative employment and income opportunities for local communities;
- o Increasing awareness towards the conservation of natural and cultural assets, both among locals and tourists. [The British Ecotourism Market, UN world Trade Organization-UNWTO, 2002]

6.7 Enrichment Planting (EP) - The introduction of valuable species in forest areas, where economical species are lacking. [Agpaoa, A. et.al. 1976. Manual of Reforestation and Erosion Control for the Philippines, Manila]

6.8 Forest Land Use Plan – is a plan that: a) provides clear and common direction (vision, mission, goals, objectives, strategies) to the LGU with assistance of the DENR, and other stakeholders in protecting and managing forest and forest land within its political jurisdiction; b) provides how the LGU will organize, mobilize, and use resources (budget, staff, network, linkages) to achieved defined FFL governance and management objectives; and c) provides how the LGU and DENR will monitor improvements of FFL assets over time based on key performance indicators. [FLU Planning TG December 2012]

6.9 Forest Resources - includes soil and all elements found on it, above and below the ground in an area classified as forest land. [DAO. 2000-65 – Guidelines Governing the Creation of Sub project Sites Management Office and Its Institutionalization in the forestry Sector Project Implementation. 2000.]

6.10 Forest Resources Management - the application of integrated and sustainable development, regulation, production and conservation strategies for each of the different forest resources. [DAO. 2000-65 – Guidelines Governing the Creation of Sub project Sites Management Office and Its Institutionalization in the forestry Sector Project Implementation. 2000]

- 126 6.11 Grazing Land - portion of the public domain which has been set aside, in view of
 127 its topography and vegetation, for the raising of livestock. [PD 1559. *Further*
 128 *Amending PD 705, Otherwise Known as The Revised Forestry Code of the*
 129 *Philippines. 1978]*
- 130 6.12 Indigenous Species - means any native species of plant vegetation, fish, or
 131 wildlife that occurs naturally on a particular site. [RA 8371. *Indigenous Peoples*
 132 *Rights Act. 1997]*
- 133 6.13 Mangrove Forest - forested wetland growing along tidal mudflats and along
 134 shallow water coastal areas extending inland along rivers, streams and their
 135 tributaries where the water is generally brackish and composed mainly of
 136 Rhizophora, Bruguiera, Ceriops, Avicenia, and Aegicera spp. [(1) *Center for*
 137 *International Forestry Research. (2) PD 705 Revising PD 389, Otherwise Known*
 138 *as The Revised Forestry Code of the Philippines. Section 2. 1975]*
- 139
- 140 6.14 Permit – is a short-term privilege or authority granted by the State to a person to
 141 utilize any limited forest resources or undertake a limited activity within any
 142 forest land without any right of occupation and possession therein. [PD No. 705,
 143 *as amended]*
- 144 6.15 Rainforestation Farming – is a concept in forest restoration, wherein only
 145 indigenous and endemic tree species are used as planting materials which include
 146 but not limited to dipterocarp species, premium tree species, etc. It is a kind of
 147 reforestation whose aim is to preserve biodiversity and expand Philippine forests
 148 and simultaneously sustain human food production. [DENR Memorandum
 149 Circular No. 2004-06, entitled, “Guidelines in the integration of rainforestation
 150 farming strategy in the development of open and denuded areas within protected
 151 areas and other appropriate forest lands”. August 2004]
- 152 6.16 Reforestation - the establishment of forest plantations on temporarily unstocked
 153 lands that are considered as forest. Also called as artificial regeneration. [FAO.
 154 2001. *Global Forest Resources Assessment 2000. Main Report. FAO Forestry*
 155 *Paper No. 140. Rome.]*
- 156 6.17 Shelterbelt - strip of trees or shrubs maintained mainly to alter wind flow and
 157 microclimates in the sheltered zone, usually agricultural fields. [Helms, John A.
 158 1998. *The Dictionary of Forestry. Society of American Foresters.]*
- 159 6.18 Tenure - guaranteed peaceful possession and use of specific forest and land area
 160 and the resources found therein, covered by an agreement, contract or grant which
 161 cannot be altered or abrogated without due process. [DAO 1996-29 - *Rules and*
 162 *Regulations for the Implementation of Executive Order 263, Otherwise Known as*
 163 *the Community Based Forest Management Strategy. 1996]*

164

165 **Section 7. Extent of the areas eligible to be covered with MOA and the administering**
 166 **DENR Officers for the purpose.** Consistent to the provisions of the Section 4 of the DENR-DILG
 167 JMC No. 2003-01 and Section 3 of this Order, the following are the extent of the areas eligible to

168 be co-managed by the DENR and LGU and the corresponding DENR Officers that will administer
169 such areas, in partnership with the LGUs:

Extent of the Area	Administering DENR Officer
Less than 1 hectare up to 1,000 hectares	CENRO or Implementing PENRO
More than 1,000 hectares up to 5,000 hectares	Implementing PENRO or PENRO
More than 5,000 hectares up to 15,000 hectares	Regional Executive Director
More than 15,000 hectares up to 30,000 hectares	Undersecretary for Field Operations
More than 30,000 hectares	Secretary

170 **Section 8. Eligible projects or activities to be covered with MOA by and between the**
171 **DENR and the LGU.** The DENR and LGU's co-management endeavors within a production
172 forest and/or protection forest shall be limited on the following projects or activities:

- 173 a) Implementation of reforestation projects (inclusive of seedling production activities and
174 indigenous species shall be the primary species to be considered);
- 175 b) Establishment of agroforestry activities with at least 60% tree component; and 40%
176 agricultural commodities;
- 177 c) Introduction of relevant soil and water conservation techniques
- 178 d) Conduct of enrichment planting (with emphasis on rainforestation farming, planting stock
179 may be sourced out from the seedling production activities under the reforestation
180 modality);
- 181 e) Conduct of Assisted Natural Regeneration (by locating and releasing indigenous tree
182 species, maintenance, and augmentation planting and protection of the same);
- 183 f) Establishment of fuelwood plantation with controlled utilization activities (for communal
184 sustainable fuelwood utilization but not for revenue generation aspect, no instant stand of
185 timber within the co-managed area should considered as source of fuelwood but a
186 plantation for fuelwood should be established for the purpose);
- 187 g) Establishment of bamboo plantation with controlled utilization activities (for communal
188 sustainable bamboo utilization and no revenue generation aspect, no instant stand of
189 bamboo within the co-managed area should considered as source of bamboo but a there is
190 a need for the LGU to establish plantation of bamboo for the purpose);
- 191 h) Establishment of forest or tree parks within forest land, grazing land, and watershed forest
192 areas but without revenue generation aspect;
- 193 i) Implementation of forest protection activities using eco-engineering methods (but not
194 limited to greenbelt, shelter belt, fire break, and fire line establishments, and water
195 conservation measures); and
- 196 j) Conduct of appropriate forest and ENR law enforcement activities.

197 **Section 9. Procedure of implementing the DENR-LGU co-management endeavors for the**
198 **eligible projects or activities under the MOA.** It is very important to consider that such

eligible projects or activities shall only be implemented over forest lands, grazing lands and watershed forest areas not duly covered with tenure instrument and/or permit.

9.1 All the projects/activities mentioned in Section 8 above to be implemented within the co-managed areas shall at all times constitute any applicable forest protection modality. Any of the projects mentioned above shall, at the minimum, be implemented in combination with forest protection activities. A combination of the other given project modalities may be allowed to be implemented as warranted by relevant circumstances, and again, any applicable forest protection activities shall always form part of the combined project modalities.

9.2 Indigenous tree species shall be the major planting stock for the reforestation project. Agricultural crops (part of the agroforestry modalities) may be intercropped with the stand of trees on suitable areas within the ambit of the co-managed area, however, clearing of new planting site for agricultural production shall not be allowed.

9.3 Areas presently covered with tenure instrument/permit but not limited to Individual Certificate of Stewardship Contract, CBFM Agreement, IFMA, SIFMA, FLAg, FLAgT, SLUP, and GSUP shall not form part of the areas to be covered with MOA.

Section 10. Application requirements to facilitate the execution of MOA by and between the DENR and LGU. The relevant requirements, among others, to be submitted by the LGU and the DENR to enable the co-management endeavors over a certain forest land, grazing land and watershed forest areas within the LGUs territorial jurisdictions are as follows:

10.1 Letter of Intent (to signed by the Municipal Mayor/LCE/whichever applicable)

10.2 Sanggunian endorsement (in the form of Sanggunian Resolution authorizing the LCE to sign on all pertinent documents pertaining to the MOA and related endeavors)

10.3 Certified copy of the proof that the area to be co-managed is identified and indicated in the LGUs FLUP and duly integrated in its Comprehensive Land Use Plan (CLUP). It is important that the LGUs FLUP was affirmed by the PENRO. As a matter of proof, the MOA executed by and between the DENR and the LGU for the joint implementation of the FLUP, or the approved LGU's approved zoning map, or the certification from the Municipal Planning and Development Officer may suffice the subject requirement.

10.4 Integrated Management and Investment Plan (IMIP). A draft indicative version of the IMIP but containing relevant information/statements that were conceptualized by the LGU through a transparent, accountable and participatory approach may already suffice the requirement, and such should be submitted as part of the application requirements. Within six (6) months upon execution of the MOA, the final IMIP which was jointly prepared and approved shall be used by the both Parties as the legitimate plan for the co-management of the area. A template of the IMIP is appended hereto as **Annex**

10.5 Certified copy of the appropriate NCIP Clearance (Certification Precondition or Certificate of Non-Overlap, whichever is applicable). Within six (6) months upon execution of the MOA, such certification shall be secured by the both Parties from the NCIP.

10.6 Certified copy of the Certificate of Non-Coverage/Environmental Compliance Certificate [whichever is applicable and to be secured by the both Parties from the EMB within six (6) months upon execution of the MOA]

10.7 Certified copy of the proof of financial capability to develop the co-managed area. A certified copy of the document manifesting the approved budget of the LGU may suffice the subject requirement. (i.e, annual investment plan), [and the DENR shall contribute applicable assistance to the LGU]

10.8 Map of the area to be co-managed. A digital and printed map (with technical descriptions) of the area to be co-managed with a 1:25,000 scale shall be submitted by the LGU. Said map shall be jointly prepared by the concerned DENR Office and the LGU and the same may be printed in a mylar or applicable printing material (i.e., A3 size). The printed form of the map shall bear the name/office/designation and signature of the concerned CENRO/Implementing PENRO and the LCE (whichever is applicable), and the preparers of the map.

Section 11. Approval of the map and the IMIP. The map of the area and the IMIP for the area subject for co-management shall be jointly approved by the LCE and the corresponding administering DENR officer (refer to Section 7) over the area to be co-managed.

Upon conduct of further joint review/evaluation on the prepared map by the concerned LGU and DENR technical staff, and if found in order, the authorized LCE and DENR officer will jointly approve the map. Both Parties shall kept a copy of the jointly approved map of the MOA covered area.

Upon conduct of further joint review/deliberation on the IMIP by the authorized review/deliberation joint committee tasked to review and deliberate such plan, and if found in order, the Chairman of the joint committee shall endorse/submit the copy of the IMIP to the authorized LCE and administering DENR officer over the co-managed area for their approval. The approved IMIP shall be presented to the concerned Sanggunian for information and reference purposes.

Section 12. Preparation and the fundamentals of the terms and conditions of the MOA. Basically, the MOA shall be jointly prepared and reviewed by the concerned DENR office and the LGU consistent to the provisions of the 1991 Local Government Code [(i.e, Sec. 17 (b) (3) (iii); Sec. 17 (b) (2) (ii)]. The terms and conditions or stipulations of the MOA shall not run contrary with the various relevant statutes and national policies and such provisions of the MOA shall emphasize that the applicable activities over and relative to the area to be covered by the MOA are subject to the supervision, control and review of the DENR. A template of the terms and conditions (TC) that will substantiate the form and context of the MOA which contain minimum provisions is appended hereto as **Annex** _____. The concerned DENR offices and LGUs may integrate relevant provisions of existing statutes, rules and regulations that are peculiar within their territorial jurisdictions.

Section 13. Roles of the LGUs. In coordination with the DENR and subject to the provisions of this Order, the LGUs shall adopt suitable measures to develop, manage, conserve, protect forest lands, mangrove areas, watershed forest areas and other environment and natural resources (ENR) within their territorial jurisdiction. Further, the LGU shall:

284 13.1 Provide the necessary financial, technical, manpower and other relevant
285 resources to ensure efficient and effective implementation of the MOA's terms and
286 conditions and related activities as mentioned in the DENR-DILG JMC Nos. 98-01
287 and 2003-01;

288
289
290 13.2 Ensure close coordination with the DENR in the preparation of relevant ENR-
291 related documentations, reports, and implementation of the terms and conditions of
292 the MOA and related activities and concerns.

293
294 **Section 14. Roles of the DENR.** The DENR, subject to the provisions of Section 17, (b)
295 (2) (ii); and Section 17, (b) (3) (iii) LGC or pursuant to national policies and its inherent
296 supervision, control and review mandates on the devolved forest management functions
297 and other ENR-related management functions as provided for in the DENR-DILG JMC
298 Nos. 98-01 and 2003-01, shall:

299 14.1 Strengthen the policy-making, planning, monitoring and evaluation at the central,
300 regional and field offices to ensure efficient and effective enforcement of pertinent rules
301 and regulations on environment and natural resources and delivery of services, including
302 the implementation of the terms and conditions manifested in the MOA and relevant
303 activities;

304 14.2 Conduct periodic monitoring and evaluation and reporting relative to the
305 implementation of the MOA's terms and conditions and related forest and ENR
306 management activities. Subsequently, the regional offices shall enhance the reporting
307 capability of the field offices.

308 14.3 Alter or modify or nullify or set aside certain decisions or actions of the LGUs or their
309 Chief Executives which, in the implementation of the MOA's terms and conditions and
310 related activities, are inconsistent with national policies;

311 14.4 Conduct investigation, and when necessary, cause the administrative prosecution of
312 erring DENR personnel in the implementation of the MOA's terms and conditions and
313 related activities.

314 14.5 Through its regional, provincial and community environment and natural resources
315 offices, provide the LGUs technical assistance packages for the development of technical
316 capabilities but not limited to the following:

317 a) Enforcement of forestry related laws, pollution and other environmental laws, rules and
318 regulations;

319 b) Implementation of reforestation and other people-oriented forestry projects;

320 c) Ecosystems research and related activities and other researches;

321 d) Watershed management and forest land use planning; and

d) Other applicable activities related to the devolved functions as indicated in the MOA (refer to Section 8 of this Order).

Section 15. Creation of a Steering Committee and Technical Working Group and their functions relative to the co-management activities. There shall be a Steering Committee (SC) at the Regional Levels and Technical Working Group (TWG) at the Provincial and Municipal Levels to be created purposely to administer the activities pertaining to co-management of ENR and related undertakings of the DENR and the LGU within their respective territorial jurisdictions.

Supervision and Monitoring Bodies	Composition	Functions
DENR-DILG-LGU Joint Regional Steering Committee (RSC)	-Regional Executive Director of DENR (as the Chair) -Regional Director of DILG (as Co-Chair) Members: -Assistant RD for Technical Services of DENR -Asst. RD of DILG -Chief, Planning and Management Division, DENR and DILG -All Chiefs, Technical Divisions at the regional office, DENR -Conservation and Development Division of DENR as Secretariat	-Jointly oversee and monitor the implementation of the co-management activities as documented through a MOA among the DENR and the LGU, wherein such MOA provides the implementation procedures vis-à-vis the forest management and other ENR-related functions devolved by the DENR to the LGUs. -Convene periodic meeting -Document periodic report and relevant recommendation/s and submit to the DENR Central Office/DILG Central Office to effectively carry out the objectives of this Order. -The RSC shall serve as the Steering Committee for all MOAs to be executed by and between the DENR and the LGU (at the municipal, provincial level), and the DENR to serve as the Chair in every Regional Steering Committee wherein the RSC will serve as an oversight committee for all the activities and concerns related to the MOA. -The RSC functions shall be applicable to all MOA for the co-management of forest land, grazing land and watershed forest areas under this Order and may form part to all or to any of the provisions of the MOA to be executed, be it to be executed by and between the

		Secretary and the Governor; or by and between the Undersecretary for Field Operations and the Governor; or by and between the PENRO and the Governor or by and between the CENRO and the Mayor.
Provincial Technical Working Group	-The PENR Officer (as the Chair) -The Governor (as Co-Chair) Members: -The Chief, PENRO Technical Services, DENR -The Provincial ENRO (LGU) -The Chief, Conservation and Development Section, PENRO -Relevant technical and GIS personnel of the DENR and LGU (provincial level) -Secretariat (competent DENR and LGU staff at the provincial level)	-Jointly conceptualize, document strategies and recommend the same to the RSC on how to carry out efficiently and effectively the stipulations of this Order. -Monitor the implementation of the co-management activities documented through a MOA among the DENR and the LGU, wherein such MOA provides the implementation procedures vis-a-vis the forest management and other ENR-related functions devolved by the DENR to the LGUs. -Submit periodic report and relevant recommendations to the RSC to effectively carry out the objectives of this Order. -Convene periodic meeting
Municipal Technical Working Group	-The CENR Officer (as the Chair) -The Mayor (as Co-Chair) Members: -The Chief, _____ CENRO, DENR -The Municipal ENRO or applicable representative (LGU) -The Chief, _____ Section, CENRO -Relevant technical and GIS personnel of the DENR and LGU (municipal level)	-Jointly conceptualize, document strategies and recommend the same to the RSC on how to carry out efficiently and effectively the stipulations of this Order. -Monitor the implementation of the co-management activities documented through a MOA among the DENR and the LGU, wherein such MOA provides the implementation procedures vis-a-vis the forest management and other ENR-related functions devolved by the DENR to the LGUs. -Submit periodic report and relevant recommendations to the RSC to effectively carry out the objectives of this Order.

	-Secretariat (competent DENR and LGU staff at the municipal level)	-Convene periodic meeting
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Section 16. Prohibited acts relative to the DENR and LGU’s MOA for the co-management of activities within forest land, grazing land and watershed forest areas. The following acts shall be prohibited in view of the relevant statutes, policies and guidelines on the matter:

16.1 Execution or forging of sub-agreements under the umbrella of the MOA. The MOA for the co-management of activities within forest land, grazing land and watershed forest areas is a two (2) Party contract only, the DENR as the First Party and the LGU as the Second Party, thus, no sub-agreement shall be executed/forged by and between the DENR and any private individual or group, or no sub-agreement shall be forged by and between the LGU and any private individual or group, or no sub-agreement shall be forged among and between the DENR, LGU and a Third Party [i.e., tripartite agreement, individual property right (IPR) agreement] for the implementation of any activity which will takes place within the ambit of the area covered with a MOA by and between the DENR and LGU. The law provides that the DENR shall be the principal government agency accountable for the preservation, management, protection, development and appropriate use of the country’s environment and natural resources. The execution or forging of sub-agreement under the umbrella of the DENR and LGU’s MOA is not tenable considering that no existing law, policy or guidelines allows the same.

16.2 Operationalization of Tourist Attraction Area deemed as Other Special Uses of Forest Land with the intention to generate income thereof. It shall be prohibited to establish and operationalize tourist attraction area purposely to generate income within the area covered with the DENR and LGU’s MOA considering that a specific guideline for tourism purposes/activities over forest lands was issued on 31 August 2004 denominated as DAO No. 2004-28, entitled, “*Rules and Regulations Governing the Use of Forest Lands for Tourism Purposes*”. Such DAO has deemed repealed the provisions of the Section 6 of the JMC No. 98-01 regarding tourist attraction areas within forest lands. Should the LGU wish venture into tourism related activities over forest lands, the same shall comply with the pertinent provisions of the succeeding various tourism-related statutes, policies, rules and regulations such as the PD No. 705, as amended, DAO No. 2004-28, DAO No. 2009-16 and DMO No. 2011-02.

Section 17. Preparation and approval of the Integrated Management and Investment Plan (IMIP) for the area covered with the DENR and LGU’s MOA. The LGU (at any applicable level) through its MENRO or any authorized office thereof catering forest lands and other ENR-related concerns, shall coordinate with the DENR for the joint preparation of the IMIP in harmony with the template for the purpose which is appended hereto as **Annex** . The IMIP shall provide, among others, appropriate schemes, arrangements, or activities therein, which are compatible with the contracting Parties perspectives for the development, utilization, management, conservation, and protection of the forest land, grazing land, watershed forest areas and other ENR within the MOA covered area. The IMIP shall benefit the general public.

The IMIP shall be jointly formulated and to be approved jointly by the concerned LCE and the corresponding administering DENR officer over the MOA covered area after review

and deliberation by a Review Committee composed mainly of technical staff of the DENR and the partner LGU. The approved IMIP shall be the plan for the MOA covered area and such plan should exist coterminous to the MOA. It shall be reviewed periodically, and to be calibrated as the need arises by the concerned DENR and LGU to efficiently achieve the objectives of the DENR-LGU co-management of activities on forest management and other relevant functions devolved by the DENR to the LGU.

Section 18. Validity of the MOA. The validity of the MOA shall not exceed the constitutional limitation wherein such agreement may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years. The renewal shall be subject to the compliance of the LGU with the pertinent provisions of the MOA, as well as to the relevant existing statutes, policies and guidelines and to those rules and regulations that may be promulgated hereafter. Any MOA executed by and between the DENR and LGU for the co-management of activities within forest land, grazing land and watershed forest areas with a validity of twenty-five years and such twenty-five years validity has been completed prior to the approval of this Order shall only have another twenty-five years of validity or it can only be renewed once.

Section 19. Conduct of periodic Monitoring and Evaluation (M&E), and reporting relative to the stipulations of the DENR and LGU's MOA. The concerned personnel of the DENR and LGU administering the co-managed area shall conduct periodic joint monitoring and evaluation or assessment on the implementation processes employed by the LGU and the DENR over the MOA covered area to track the changes or improvements relative to the MOA's provisions on socio-economic, ecological and institutional perspective. Other stakeholders or civil society organizations may be invited to participate in the periodic M & E activity. Consistent to existing relevant guidelines, aside from the pertinent provisions of the MOA, a specific M & E template and a set of performance indicators shall be jointly developed by the DENR and LGU within one (1) year from the approval of this Order. Such M & E reports shall be jointly prepared, validated and be kept by the Parties for record and reference purposes.

Annual accomplishment reports shall be prepared jointly by the Parties consistent to the prescribed template appended hereto as **Annex ____**. Subsequently, the annual accomplishment report shall be jointly validated by the Parties and to be submitted by the same to their respective offices having jurisdiction of the MOA covered area, through proper channels, for information and record purposes.

The provincial and municipal TWGs shall submit the appropriate M & E and annual accomplishment reports to the RSC through proper channels, and the RSC to endorse/submit the same to the DENR Central Office.

Allocation of specific funds for the periodic joint M & E and reporting activities shall be considered by the DENR and LGU.

Section 20. Transitory Provisions. All the existing Individual Property Rights (IPR) Agreements or sub-agreements under the umbrella of a MOA which were issued starting from January 1998 by the concerned Steering Committees (i.e., LGU-DENR) across the country who administered the DENR and LGU co-management activities over certain forest lands and watershed forest areas documented through a MOA up to the approval of this Order shall only be revoked consistent with the provisions of the Article 1390 of the

419 New Civil Code of the Philippines. An IPR Agreement is deemed a voidable/rescindable
420 contract and it cannot be revoked simply, instead, only the proper court can revoke it.
421

422 **Section 21. Miscellaneous Provisions.** The provisions of this Order are subject to the
423 existing relevant statutes, policies, guidelines, rules and regulations and instructions, as
424 well as to those that may be promulgated hereafter.

425
426 **Section 22. Separability Clause.** If any provision of this Order shall be held invalid or
427 unconstitutional, the other portions or provisions hereof which are not affected shall continue in
428 full force and effect.

429 **Section 23. Repealing Clause.** All other administrative orders, memorandum circulars and
430 memorandum orders inconsistent herewith are hereby repealed, modified, or amended
431 accordingly.

432 **Section 24. Effectivity.** This Order shall take effect fifteen (15) days after its publication
433 in a newspaper of general circulation and upon acknowledgement of receipt of a copy thereof by
434 the Office of the National Administrative Register (ONAR) of the U.P. Law Center.

435
436
437 **MARIA ANTONIA YULO LOYZAGA**

438 Secretary

DENR Memorandum Circular

No. 2023 – _____

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.

- a) **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.
- b) **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.
- c) **Devolution** refers to the act by which the national government confers power and authority, upon the various LGUs to perform specific functions and responsibilities.
- d) **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.
- e) **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

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

55
56 f) **Land Use** is the manner of utilizing the land, including its allocation, development and
57 management.

58
59 g) **Stand and Stock Table** shows the summary list of species recorded within the sample
60 plots which shall be arranged into species groups and diameter classes. It likewise shows
61 the total number of trees for each species recorded and its corresponding volume for each
62 diameter class and species group.

63
64 h) **Tenure** is guaranteed peaceful possession and use of specific forest and land area and the
65 resources found therein, covered by an agreement, contract or grant which cannot be altered
66 or abrogated without due process.

67 **Section 6. Assessment of Existing Communal Forests**

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

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

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

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

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

89 7.1. Areas that are now lawfully being utilized by private entities who have been granted
90 with a particular forest management agreement, such as but not limited to, CBFMA, IFMA,
91 SIFMA, FLGMA, FLAg, FLAgT, and SLUP, among others;

92 7.2. Forest lands that are lawfully devoted to other land uses, other than agriculture or
93 agroforestry (i.e., mining, industrial, residential, etc.);

94 7.3. Areas being occupied by indigenous communities whose rights over the land are
95 formally recognized by the State upon the issuance of an ancestral domain title over the affected
96 parcel of the communal forest;

97 7.4. Portions of land within the communal forests which have been reclassified into
98 alienable and disposable agricultural land, whether or not the same is in the possession of an
99 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 (m^3/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