



30 JAN 2023

MEMORANDUM

Legal Opinion 01-30-23 No. 036 Republic of the Philippines DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Visayas Avenue, Diliman, Quezon City
Tel. Nos. (632) 929-66-26 to 29 (632) 929-62-52
Website: <http://www.denr.gov.ph/>
Email: web@denr.gov.ph



FOR : The Regional Executive Director
DENR – MIMAROPA Region

FROM : The Director
Legal Affairs Service

SUBJECT : CLARIFICATION RE: DENR ADMINISTRATIVE ORDER NO. 2022-09 (MANUAL OF AUTHORITIES ON HUMAN RESOURCES MATTERS) AND DENR ADMINISTRATIVE ORDER NO. 2022-10 (REVISED DENR MANUAL OF AUTHORITIES ON TECHNICAL MATTERS)

This refers to your memorandum regarding the above subject. Below are these Office's comments and opinion on the matter:

After careful review, this Office finds that the recommending approving authorities for donations/grants, and MOU/A remain to be in accordance with Sec. IV, of DAO No. 2014-03, or the Manual of Authorities on Human Resources Development and Administrative Matters. Further, the disposition of confiscated forest products through public auction will still apply pursuant to Sec. VI, page 37, of DAO No. 2016-07, or the Manual of Authorities on Technical Matters.

This Office previously issued legal opinions on MOA signing authority where we opined that, Sec. IV on MOU/A of DAO No. 2014-03 was not superseded by DAO 2022-09, or the Manual of Authorities on Human Resources Matters. DAO 2022-09 provides only for human resources matters, and is silent on administrative and other matters, including donations/grants, and MOU/A. Nothing in DAO 2022-09 is inconsistent with the provisions on donations/grants, and MOU/A under DAO 2014-03. Thus, DAO 2022-09 should be interpreted to have "superseded"¹ only the provisions on human resources in DAO 2014-03.

In addition, DAO 2022-10, or the Manual of Authorities on Technical Matters, provides only for the disposition of confiscated forest products for infrastructure thru donation and the disposition of confiscated tools, equipment and conveyances. DAO 2022-10 is silent on the disposition of forest products through public auction and is not inconsistent with the provisions on the disposition of forest products/equipment under DAO 2016-07, thus these DAO 2016-07 provisions cannot be interpreted to have been superseded by the latter issuance.

Further, the Supreme Court has held that "the law abhors a vacuum and that a provision not violative of any enactment or the constitution is to be read into an act to supply the omission."

For your consideration.


NORLITO A. ENERAN, LL.M, CESO III

Copy furnished:
The Undersecretary
Legal and Administration
The Assistant Secretary
Legal Affairs

¹ DAO No. 2022-09, or the Manual of Authorities on Human Resources Matters, provides that it supersedes DAO No. 2014-03 and all other issuances inconsistent with the former involving delegated authority.

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Department of Environment and Natural Resources
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SUBJECT: OTHERS			SECTION V
TOPIC: ACCEPTANCE OF DONATIONS / GRANTS <small>Note:</small>			Page 49 of 50
DESCRIPTION	RECOMMENDING APPROVAL	APPROVING AUTHORITY	LEGAL BASIS
Central Office	USEC AIS	Secretary/COS	
Bureau S	ABD	BD	
Bureau L	ABD	BD	
EMB/MGB Regional	Chief AO	RD	
Region	ARD MS	RD	
PENRO /CENRO	PENRO / ARD MS	RD	
Note: All donations and grants must be recorded in the DENR Books of Accounts in accordance with the provisions of Government Accounting and Auditing Manual (GAAM) and PD 1445			

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SUBJECT: OTHERS TOPIC: MEMORANDUM OF UNDERSTANDING (MOU) / MEMORANDUM OF AGREEMENT (MOA) <small>Note 1&2:</small>			SECTION V Page 50 of 50 Ref.: A11
DESCRIPTION	RECOMMENDING APPROVAL	APPROVING AUTHORITY	LEGAL BASIS
Central Office	Concerned ASEC / USEC	Secretary/COS	
Bureau S*	ABD	BD	
Bureau L*	ABD	BD	
EMB/MGB Regional	Chief AO	RD	
Region	ARD MS	RD	
PENRO / CENRO	PENRO / ARD MS	RD	
* MOA/MOU which requires financial/material/resource commitment from DENR shall be cleared by the Secretary/COS			
Notes: 1. Memorandum of Understanding / Agreement with funding should be Certified as to the Availability of Funds (CAF) by the concerned Accountant as stipulated in the GAAM 2. All MOU/MOAs shall be reviewed by the Director Legal Service/Chief Legal Division			

ant
X

MANUAL OF AUTHORITIES

SUBJECT: ENFORCEMENT		
Forestry Related (Disposition of Forest Products/Equipment)		
ACTIVITY	LIMITS OF AUTHORITY	APPROVING AUTHORITY
1. Disposition of Confiscated Forest Products thru Public Auction	- More than 500 cu.m.	Secretary
	- 50.01 cu.m. to 500 cu.m.	Regional Director With clearance from USEC for Field Operations
	- 30.01 cu.m. to 50.00 cu.m.	PENRO
	- Less than 30.00 cu.m.	CENRO
2. Disposition of Confiscated Forest Products for Public Infrastructure thru Donation	- More than 100 cu.m	Secretary
	- 30.01 cu.m. to 100 cu.m.	Regional Director With clearance from USEC for Field Operations
	- 10.01 cu.m to 30 cu.m	PENRO
	- Less than 10 cu.m.	CENRO
3. Disposition of Confiscated Equipment/s or Apprehended Vehicle/s		Secretary

out

MANUAL OF AUTHORITIES

SUBJECT: ENFORCEMENT		
Disposition of Forest Products/Tools/Equipment/Conveyances		
ACTIVITY	LIMITS OF AUTHORITY	APPROVING/ISSUING AUTHORITY
1. Disposition of Confiscated Forest Products for Public Infrastructure through Donation	- More than 100 cu.m. - 30.01 cu.m. to 100 cu.m. - 10.01 cu.m. to 30 cu.m. - Less than 10 cu.m.	Secretary Regional Executive Director (RED) with clearance from the Undersecretary for Field Operations PENRO CENRO RED
2. Disposition of Confiscated Tools/Equipment and Conveyance/s		
3. Disposition of Confiscated Tools/Equipment and Conveyance/s for appealed cases		Undersecretary for Legal Affairs

