

**DENR Administrative Order
No. 2001 – 28
October 12, 2001**

SUBJECT : Implementing Rules and Regulations on the Protection and Preservation of the Environment during VFA-Related Activities in the Country.

Pursuant to the Visiting Forces Agreement (VFA) between the Government of the Philippines and the United States of America, and in order to minimize, if not eradicate the adverse environmental impacts in the implementation of the agreement, the following rules and regulations on the matter are herewith established.

Section 1. Basic Policy

Military exercises and related activities undertaken under the VFA shall be in accordance with the country's existing environmental rules and regulations such as the National Integrated Protected Areas System Act (RA 7586), Solid Waste Management Act (RA 9003), Clean Air Act (RA 8749), Indigenous Peoples Rights Act (RA 8371), Wildlife Act (RA 9147), Cave Management Act (RA 9072), Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 (RA 6969) and other related environmental laws, rules and regulations.

Sec. 2 Areas Allowed for the Conduct of Exercises

VFA exercises/activities can be undertaken within military reservations and other areas as may be designated for the purpose, except in the following areas:

- a. Protected areas which must be used consistent with the principles of biological diversity and sustainable development as provided for in RA 7586. These areas are identified portions

of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human activities.

- b. Ancestral domains areas subject of valid claims of Indigenous Peoples. Their rights to such domains are protected under RA 8371, to ensure their economic, social and cultural well-being.
- c. Critical watersheds and forest areas covered by existing tenurial instruments such as Community Based Forest Management Agreement (CBFMA), Industrial Forest Management Agreement (IFMA), Timber Licenses Agreement (TLA), Private Land Timber Permit (PLTP), and Forest Land Grazing Management Agreement (FLGMA).

Sec. 3 Limitations and Prohibitions

3.1 Exercise/activities under the VFA must be undertaken only where these shall result to minimal/least damage to the following:

- a. existing forest stands and/or natural vegetation
- b. soil
- c. water bodies

3.2 Activities that shall involve or result to the following are prohibited in the exercises:

- a. generation of toxic and hazardous wastes
- b. use of nuclear materials
- c. substances that result to permanent pollution to air and water bodies

This is in accordance with RA 6969 which restrict or prohibit the use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment; and prohibit the entry, even in transit, of hazardous

and nuclear wastes and their disposal into the Philippine territorial limits.

Sec. 4 Compensation and Rehabilitation

Any adverse effects to individuals and/or properties of the exercises are subject to claims or compensation. In cases where damage to existing vegetation, soil and water bodies shall occur during and/or after the conduct of exercises, the concerned parties shall be responsible for the rehabilitation of the damaged ecosystem.

This Order takes effect immediately.

(Sgd.) HEHERSON T. ALVAREZ
Secretary