

DEVOLUTION

**EXECUTIVE ORDER
NO. 204**

**ESTABLISHING AN INTER-AGENCY STEERING COMMITTEE
TO ASSIST LOCAL GOVERNMENT UNITS IN THE
PREPARATION AND COMPLETION OF THEIR
COMPREHENSIVE LAND USE PLANS**

WHEREAS, Executive Order No. 72, series of 1993, provides for the preparation and implementation by local government units (LGUS) of Comprehensive Land Use Plans (CLUPS) pursuant to the Local Government Code of 1991;

WHEREAS, the President directed the Department of the Interior and Local Government and the Housing and Land Use Regulatory Board to ensure that the CLUPs of LGUs have been finalized and approved by March 2000;

WHEREAS, some 909 cities/municipalities may not be able to complete or update their CLUPs by March 2000;

WHEREAS, to expedite the completion of all CLUPs by 30 June 2000, there is a need to constitute an inter-agency coordinating body to provide technical assistance to LGUs in the formulation/updating and approval of their CLUPS.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

Section 1. Establishment of the Inter-Agency Steering Committee.
There is hereby established an inter-Agency Steering Committee to assist LGUs in the preparation and completion of their CLUPS.

The Committee shall be composed of the following:

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|---|-------------|
| Secretary, Department of the Interior and Local Government | Chairman |
| Chief Executive Officer, Housing and Land Use Regulatory Board | Co-Chairman |
| Director General, National Economic and Development Authority | Member |
| Secretary, Department of Agriculture | Member |
| Secretary, Department of Agrarian Reform | Member |
| Secretary, Department of Environment and Natural Resources | Member |
| Secretary, Department of Tourism | Member |
| Secretary, Department of Trade and Industry | Member |
| Secretary, Department of Transportation and Communications | Member |
| Secretary, Department of Budget and Management | Member |

Section 2. Functions. The Committee shall have the following functions:

- a. Provide technical assistance to, LGUs in the preparation and approval of their CLUPS. Technical assistance shall be in the form of provision of planning guidelines and standards, consultation on all phases of plan formulation, training on planning techniques/methodologies, and institutionalization of planning at the local level.
- b. Ensure that the CLUPs of LGUs are consistent with the Medium-Term Philippine Development Plan (1999-2004) for Shelter and Urban Development and other national policies, plans and programs.
- c. Organize Local Planning Teams to be composed of city/municipal development staff, which shall be responsible for the actual preparation of the CLUPS.

d. Prepare implementing guidelines as may be necessary.

Section 3. Technical Working Groups. The Committee may create technical working groups (TWGS) at the national or regional level as may be necessary in the performance of its functions.

Section 4. Administrative Support. The DILG and the HLURB shall provide secretariat support to the Committee and the TWGS.

Section 5. Funding. The DBM is hereby directed to identify sources of funding for the operations and activities of the Committee.

Section 6. Reporting Requirements. The Committee shall prepare monthly reports to the President, through the Presidential Management Staff, on the status of its activities.

Section 7. Repealing Clause. All issuances, orders, rules and regulations or parts thereof which are inconsistent herewith are hereby repealed or modified accordingly.

Section 8. Effectivity. This Executive Order shall take effect immediately.

Done in the City of Manila, this 20th day of January, in the Year of our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

**Republic Act
No. 7160
1972**

**SUBJECT : LOCAL GOVERNMENT CODE
(Section 17 only)**

Section 17. Basic Services And Facilities. — (a) Local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities enumerated herein.

(b) Such basic services and facilities include, but are not limited to, the following:

- (1) For Barangay:
 - (i) Agricultural support services which include planting materials distribution system and operation of farm produce collection and buying stations;
 - (ii) Health and social welfare services which include maintenance of barangay health center and day-care center;
 - (iii) Services and facilities related to general hygiene and sanitation, beautification, and solid waste collection;
 - (iv) Maintenance of katarungang pambarangay;
 - (v) Maintenance of barangay roads and bridges and water supply systems;

- (vi) Infrastructure facilities such as multi-purpose hall, multipurpose pavement, plaza, sports center, and other similar facilities;
 - (vii) Information and reading center; and
 - (viii) Satellite or public market, where viable;
- (2) For a Municipality:
- (i) Extension and on-site research services and facilities related to agriculture and fishery activities which include dispersal of livestock and poultry, fingerlings, and other seedling materials for aquaculture; palay, corn, and vegetable seed farms; medicinal plant gardens; fruit tree, coconut, and other kinds of seedling nurseries; demonstration farms; quality control of copra and improvement and development of local distribution channels, preferably through cooperatives; interbarangay irrigation system; water and soil resource utilization and conservation projects; and enforcement of fishery laws in municipal waters including the conservation of mangroves;
 - (ii) Pursuant to national policies and subject to supervision, control and review of the DENR, implementation of community-based forestry projects which include integrated social forestry programs and similar projects; management and control of communal forests with an area not exceeding fifty (50) square kilometers; establishment of tree parks, greenbelts, and similar forest development projects;
 - (iii) Subject to the provisions of Title Five, Book I of this Code, health services which include the implementation of programs and projects on primary health care, maternal and child care, and communicable and non-

communicable disease control services, access to secondary and tertiary health services; purchase of medicines, medical supplies, and equipment needed to carry out the services herein enumerated;

- (iv) Social welfare services which include programs and projects on child and youth welfare, family and community welfare, women's welfare, welfare of the elderly and disabled persons; community-based rehabilitation programs for vagrants, beggars, street children, scavengers, juvenile delinquents, and victims of drug abuse; livelihood and other pro-poor projects; nutrition services; and family planning services;
- (v) Information services which include investments and job placement information systems, tax and marketing information systems, and maintenance of a public library;
- (vi) Solid waste disposal system or environmental management system and services or facilities related to general hygiene and sanitation;
- (vii) Municipal buildings, cultural centers, public parks including freedom parks, playgrounds, and other sports facilities and equipment, and other similar facilities;
- (viii) Infrastructure facilities intended primarily to service the needs of the residents of the municipality and which are funded out of municipal funds including but not limited to, municipal roads and bridges; school buildings and other facilities for public elementary and secondary schools; clinics, health centers and other health facilities necessary to carry out health services; communal irrigation, small water impounding projects and other similar projects; fish ports; artesian wells, spring development, rainwater collectors and water supply systems; seawalls, dikes,

drainage and sewerage, and flood control; traffic signals and road signs; and similar facilities;

- (ix) Public markets, slaughterhouses and other municipal enterprises;
- (x) Public cemetery;
- (xi) Tourism facilities and other tourist attractions, including the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities; and
- (xii) Sites for police and fire stations and substations and municipal jail;

(2) For a Province:

- (i) Agricultural extension and on-site research services and facilities which include the prevention and control of plant and animal pests and diseases; dairy farms, livestock markets, animal breeding stations, and artificial insemination centers; and assistance in the organization of farmers and fishermen's cooperatives, and other collective organizations, as well as the transfer of appropriate technology;
- (ii) Industrial research and development services, as well as the transfer of appropriate technology;
- (iii) Pursuant to national policies and subject to supervision, control and review of the DENR, enforcement of forestry laws limited to community-based forestry projects, pollution control law, small-scale mining law, and other laws on the protection of the environment; and mini-hydroelectric projects for local purposes;
- (iv) Subject to the provisions of Title Five, Book I of this Code, health services which include hospitals and other tertiary health services;
- (v) Social welfare services which include programs and projects on rebel returnees and evacuees; relief operations; and population development services;

- (vi) Provincial buildings, provincial jails, freedom parks and other public assembly areas and similar facilities;
 - (vii) Infrastructure facilities intended to service the needs of the residence of the province and which are funded out of provincial funds including, but not limited to, provincial roads and bridges; inter-municipal waterworks, drainage and sewerage, flood control, and irrigation systems; reclamation projects; and similar facilities;
 - (viii) Programs and projects for low-cost housing and other mass dwellings, except those funded by the Social Security System (SSS), Government Service Insurance System (GSIS), and the Home Development Mutual Fund (HDMF): Provided, That national funds for these programs and projects shall be equitably allocated among the regions in proportion to the ratio of the homeless to the population;
 - (ix) Investment support services, including access to credit financing;
 - (x) Upgrading and modernization of tax information and collection services through the use of computer hardware and software and other means;
 - (xi) Inter-municipal telecommunications services, subject to national policy guidelines; and
 - (xii) Tourism development and promotion programs;
- (4) For a City:

All the services and facilities of the municipality and province, and in addition thereto, the following:

- (i) Adequate communication and transportation facilities;
 - (ii) Support for education, police and fire services and facilities.
- (c) Notwithstanding the provisions of subsection (b) hereof, public works and infrastructure projects and other facilities, programs and services funded by the national government under the annual General Appropriations Act, other special laws, pertinent executive orders, and those wholly or partially funded from foreign sources, are not covered under this Section, except in those cases where the local government unit concerned is duly designated as the implementing agency for such projects, facilities, programs, and services.
- (d) The designs, plans, specifications, testing of materials, and the procurement of equipment and materials from both foreign and local sources necessary for the provision of the foregoing services and facilities shall be undertaken by the local government unit concerned, based on national policies, standards and guidelines.
- (e) National agencies or offices concerned shall devolve to local government units the responsibility for the provision of basic services and facilities enumerated in this Section within six (6) months after the effectivity of this Code.

As used in this Code, the term "devolution" refers to the act by which the national government confers power and authority upon the various local government units to perform specific functions and responsibilities.

- (f) The national government or the next higher level of local government unit may provide or augment the basic services and facilities assigned to a lower level of local government unit when such services or facilities are not made available or, if

made available, are inadequate to meet the requirements of its inhabitants.

- (g) The basic services and facilities hereinabove enumerated shall be funded from the share of local government units in the proceeds of national taxes and other local revenues and funding support from the national government, its instrumentalities and government-owned or controlled corporations which are tasked by law to establish and maintain such services or facilities. Any fund or resource available for the use of local government units shall be first allocated for the provision of basic services or facilities enumerated in subsection (b) hereof before applying the same for other purposes, unless otherwise provided in this Code.
- (h) Regional offices of national agencies or offices whose functions are devolved to local government units as provided herein shall be phased out within one (1) year from the approval of this Code. Said national agencies and offices may establish such field units as may be necessary for monitoring purposes and providing technical assistance to local government units. The properties, equipment, and other assets of these regional offices shall be distributed to the local government units in the region in accordance with the rules and regulations issued by the oversight committee created under this Code.
- (i) The devolution contemplated in this Code shall include the transfer to local government units of the records, equipment, and other assets and personnel of national agencies and offices corresponding to the devolved powers, functions, and responsibilities.

Personnel of said national agencies or offices shall be absorbed by the local government units to which they belong or in whose areas they are assigned to the extent that it is administratively viable as determined by the said oversight committee: Provided, That the rights accorded to such personnel pursuant

to civil service law, rules and regulations shall not be impaired: Provided, further, That regional directors who are career executive service officers and other officers of similar rank in the said regional offices who cannot be absorbed by the local government unit shall be retained by the national government, without any diminution of rank, salary or tenure.

- (j) To ensure the active participation of the private sector in local governance, local government units may, by ordinance, sell, lease, encumber, or otherwise dispose of public economic enterprises owned by them in their proprietary capacity.

Costs may also be charged for the delivery of basic services or facilities enumerated in this Section.

DENR Administrative Order
No. 2001 – 17
June 13, 2001

**SUBJECT : Guidelines For Delineating/ Delimiting
Municipal Waters**

Pursuant to Article 1 on National Territory of the 1987 Constitution, Presidential Decree No. 1599 dated June 11, 1978, Section 123 of Republic Act 8550, otherwise known as the Philippine Fisheries Code of 1998, and Executive Order No. 192 dated June 10, 1987, the following regulations and guidelines governing the delineation and delimitation of municipal waters of the country is hereby promulgated:

Section 1. Basic Policy

It is the policy of the State to protect the rights of the people, specially the local communities with priority to marginal fisherfolks, in the preferential use of the municipal waters. The delineation/delimitation of municipal waters will define the geographic extent of the city or municipality's taxation or revenue-generating powers, its law enforcement jurisdiction, resource allocation, and general management powers.

Section 2. Definition of Terms:

For the purposes of this manual, the following definition of terms shall be used:

Adjacent municipalities - coastal municipalities sharing a common land boundary point on the coast

Archipelago – a group of lands, including parts of islands, interconnecting waters and other natural features which are so closely related that such islands, waters, and other features form an intrinsic geographical, economic, and political entity, or which historically have been regarded as such

Awash - flush with or washed by waves

Baseline - the line from which the outer limits of municipal waters are projected

Basepoint – a point on land from which baselines are drawn

Cay – a low, flat island of sand, coral, or other material which is awash or dries during low water

Coast – the edge or margin of land next to the sea

Coast terminal point – a boundary point on the coast, common to two adjacent municipalities

Coastline – the line where the shore and water meet

Construction line – a temporary drawing line used in determining a final line, e.g., a boundary line, or points used to determine that final line

Delimitation - the determination of boundaries of municipal waters between adjacent or opposite municipalities where the delineation of their respective waters show that their respective municipal waters overlap

Delineation - the determination of the outer limits of the municipal waters of a municipality

Drying reef - a reef or part of it which dries at low tide

Fringing reef - a reef directly attached to the shore or located in its immediate vicinity

General coastline of the municipality - refers to the coastline of the mainland and offshore and/or fringing islands of the municipality

High water or high tide - refers to highest level reached at a place by the water surface in one oscillation

Island - a naturally formed area of land, surrounded by water, provided that where the island is surrounded by the sea, the same should also always be above the water at high tide

Lateral boundary - the municipal water boundary between two adjacent municipalities

Low water or low tide - refers to lowest level reached at a place by the water surface in one oscillation

Low water line or low water mark - the intersection of the plane of low water with the shore; the line along a coast or beach to which the sea recedes at low water

Mainland of the city or municipality - the land area of the municipality within which the municipal capitol is located

Median line or equidistance line - a line every point of which is equidistant from the nearest points on the coasts of two municipalities

Municipal archipelagic baseline - a baseline used in cases where the municipality is composed of islands or has offshore and/or fringing islands

Normal baseline - the baseline described by the coastline of a municipality, where such coastline is relatively smooth and simple and there are no outlying or fringing islands, reefs, rocks, pinnacles, or other abutting features

Opposite municipalities - municipalities not sharing land boundaries but having coastlines which face each other and are less than thirty (30) kilometers apart

Pinnacle rock - a sharp pointed rock rising from the bottom, which may extend above the surface of the water

Reef - a mass of rock or coral which either reaches close to the sea surface or is exposed at low tide

Rock - a formation of natural origin that constitutes an integral part of the lithosphere, which may or may not always be above high tide

Rock awash - rock awash according to chart datum (usually low water)

Sandbar- a shallow portion of the coast largely made of loose sand that is near the surface of the water

Shoal - an offshore hazard to navigation on which there is a depth of ten (10) fathoms or twenty (20) meters or less, composed of unconsolidated material except coral or rock.

Straight baseline - a baseline used in cases where the coastline is deeply indented or cut into

Tidal water- any water the level of which changes periodically due to tidal action

Section 3. Coverage

The coverage of this administrative order shall be all the municipal waters as defined by Sec. 4(58) of RA 8550, which include, not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under RA 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities. This administrative order shall not be construed to preclude special agencies or offices in exercising their jurisdiction over municipal waters by virtue of special laws creating these agencies such as, but not limited to, the Laguna Lake Development

Authority and the Palawan Council for Sustainable Development, pursuant to Sec. 17 of RA 8550.

Section 4. Role/Responsibility of Agencies

In order to have an efficient and effective flow of activities in the delineation/delimitation of municipal waters, the role of the agencies involved are herein provided:

A. Department of Environment and Natural Resources (DENR)

1. As the mother agency, oversee the activities being conducted by NAMRIA;
2. Provide the implementation mechanism for the delineation/delimitation;
3. Provide assistance/support and participate in the conduct of public hearing through its field offices, units, agencies, programs, and projects.

B. National Mapping and Resource Information Authority (NAMRIA)

1. Delineate or delimit the boundaries of municipal waters on maps or charts of appropriate scale as requested by the local government units;
2. Provide the local government units proposed maps and technical descriptions of the maps before the conduct of the public hearing;
3. Approve the maps, charts, and technical descriptions as a result of delineation/delimitation of municipal waters;
4. Participate in public hearings and consultations conducted in relation to the delineation/delimitation of municipal waters and take note of comments, inputs, suggestions, reactions or objections to the proposed delineation/delimitation;

5. Revise maps, charts, or technical descriptions as a result of the public hearing;
6. Approve an official copy of maps, charts, and technical descriptions and provide the approved maps to the municipality/city concerned;
7. Provide technical assistance relevant to delineation and delimitation of municipal waters;
8. Act as the repository of all technical descriptions and corresponding original maps or charts of all municipal waters;
9. Conduct actual verification of boundary limits as required.

C. Local Government Units

1. Request the NAMRIA to delineate/delimit the boundaries of their municipal waters;
2. Conduct public hearings and consultation in relation to the proposed delineation/delimitation;
3. Settle disputes with adjacent or opposite municipalities arising from the delineation/delimitation through the *Sangguniang Bayang/Panglungsod or Panlalawigan* or in any appropriate body;
4. Enact ordinances setting forth the exact of its municipal waters, incorporating thereof the maps or charts and technical descriptions.

D. Other Agencies and/or Entities

Other agencies and/or entities that are involved in the management and development of municipal waters should assist in the delineation/delimitation of municipal waters. Information (map, technical descriptions, etc.) of areas under their administrative jurisdiction should be provided.

Section 5. Systems and Procedures

A. Requirements to Start, Delineation Process

B. 1. Filing of Request for Delineation

All requests for delineation and delimitation of municipal waters shall be directed to the Administrator of the NAMRIA, through the Director of the Coast and Geodetic Survey Department

A request may be made by any of the following:

- a) a city or municipality individually or jointly with other cities/municipalities with whom common boundaries are shared, through a resolution of *to Sangguniang Panglungsod or Sangguniang Bayan*;
- b) a province on behalf of all of its coastal municipalities, through a resolution of the *Sangguniang Panlalawigan*;
- c) a national government agency on behalf of any city or municipality, through a formal letter/request signed by the head of the agency, but only with the conformity of the affected local government units, expressed in form of a resolution of the *Sanggunian* concerned which shall be attached to the letter/request.

A copy of the resolution or letter/request shall be furnished by the NAMRIA to:

- a) the DENR Community Environment and Natural Resources Office (CENRO) and/or the relevant DENR Regional Office;
- b) the BFAR;
- c) any adjacent or opposite municipality which may be affected by the delineation and/or delimitation;

- d) the Regional Office of the Philippine National Police Maritime Group (PNP-MARIG);
- e) any special agency having jurisdiction over coastal waters which may be excluded from municipal waters in accordance with the Fisheries Code (e.g. the Protected Area Management Board (PAMB) with respect to areas under the NIPAS Act);
- f) any affected private parties or sectors which the city or municipality may deem fit to notify.

2. Basic Technical Requirements for Requesting Entity

The filing of request for delineation must include basic technical requirements such as:

- a) a list of *known* or named islands and maps of said islands under the jurisdiction of the municipality whose municipal waters are to be delineated and delimited; and
- b) a copy of the legislation/proclamation creating the municipality or city.

3. Response

The NAMRIA through the Director of the Coast and Geodetic Survey Department shall schedule the delineation and delimitation of the municipal waters of the municipality. A copy of the response shall also be furnished to any adjacent or opposite municipality, which may be affected by the delineation and/or delimitation.

B. Procedure for Delineation and Delimitation of Municipal Waters

1. Delineation of Municipal Waters

- a) *Use of normal baselines*

- i.* Where to coastline is not deeply indented or cut into, and there are no outlying or fringing islands, reefs, or rocks, the normal baseline shall be the low water line.
- ii.* The normal baseline shall determine the general coastline of the municipality for purposes of delineation and delimitation.
- iii.* The outer limits of the municipal waters of the municipality shall be determined by a line parallel to the normal baselines and fifteen (15) kilometers therefrom.

b) Use of straight baselines

- i.* Where the coastline is deeply indented and/or there are outlying or fringing reefs or rocks, the outermost points of the coastline may be connected by straight baselines, provided that the length of such baselines does not exceed thirty (30) kilometers.
- ii.* In such cases, the straight baselines shall determine the general coastline of the municipality for purposes of delineation and delimitation.
- iii.* Reefs, rocks, cays, shoals, sandbars, and any other features which are subnerged during high tide shall riot be used as basepoints. Neither shall they have their own coastlines.
- iv.* The outer limits of the municipal waters of the municipality shall be determined by a line parallel to the straight baselines and fifteen (15) kilometers therefrom.

c) Use of municipal archipelagic baselines

- i.* Where the territory of a municipality includes several islands, the outermost points of such islands shall be used as basepoints and connected by municipal archipelagic

baselines, provided that the length of such baselines shall not exceed thirty (30) kilometers.

- ii. The municipal archipelagic baselines shall determine the general coastline of the municipality for purposes of delineation and delimitation.
- iii. Islands, isles, or islets located more than thirty (30) kilometers from the mainland of the municipality shall have their own separate coastlines.
- iv. Rocks, reefs, cays, shoals, sandbars, and other features which are submerged during high tide shall not be used as basepoints for municipal archipelagic baselines. Neither shall they have their own coastlines.
- v. The outer limits of the municipal waters of the municipality shall be enclosed by a line parallel to the municipal archipelagic baselines and fifteen (15) kilometers therefrom.

d) Combination of baselines

A combination of normal and straight baselines, or normal and municipal archipelagic baselines, may be used depending on the circumstances and in the interest of simplicity in determining the general coastline and delineating municipal waters.

2. Delimitation of Adjacent Municipal Waters

- a) Where the general coastline is not curved or irregularly shaped at the coastal terminal point of the land boundary common to two (2) adjacent municipalities, the lateral boundary shall be determined by a line perpendicular to the general coastline at the terminal point.

- b) Where the general coastline at the point where the land boundary touches the sea. is curved or Irregularly shaped, making the determination of a perpendicular line impossible, the lateral boundary between two (2) adjacent municipalities may be determined by either of the following methods, depending on the complexity of the coastline:

i. Simplified bisection

The lateral boundary shall be determined as follows:

i.a) Examine the direction of the general coastline on both sides of the common coastal terminal point. On each side of the common point, draw a straight line, a short baseline, whose length shall be limited to the point where the direction of the general coastline changes significantly or veers to another quadrant (see Fig. 1 for illustration).

i.b) Draw perpendicular lines to the coastlines on both sides of the common terminal point, passing through this common terminal point. Bisect the angle formed by the two perpendicular lines. The bisector is the lateral boundary of the municipal waters between the adjacent municipalities. The bisector will extend fifteen (15) kilometers if the coastlines beyond to short baseline will no longer affect its equidistance from both coastlines; otherwise, it will extend only up to a distance beyond which the equidistance line method shall already be applied (see Fig. 1 for illustrations).

ii. Equidistance liris

The lateral boundary shall be determined by a line equidistant from the coastlines of the adjacent municipalities, as determined through the use of the baselines under Paragraphs 1a through 1d of Section 5B.

3. Delimitation of Opposite Municipal Waters

In the case of opposite municipalities which are less than thirty (30) kilometers apart, the municipal water boundaries between them shall be determined by the median or equidistance line between the general coastlines of the respective municipalities, as determined through the use of the baselines under Paragraphs 1a through 1d of Section 5B.

4. Delimitation of Municipal Waters of Three or More Adjacent and Opposite Municipalities

In cases where three or more municipalities are so situated that they have overlapping municipal the delimitation of the lateral and offshore boundaries of their municipal waters shall be determined by the equidistance line method. The lateral boundaries will usually end at a point which is common to three or more municipalities, at the offshore boundary.

5. Municipal Water Boundary Delimitation Prior to Republic Act No. 8550

Where two municipalities have actually delimited the boundaries of their municipal waters prior to enactment of Republic Act No. 8550 in 1998, in accordance with the law prevailing at the time, and pursuant to the procedure prescribed therein, such previous boundary delimitation shall be respected and given effect as far as may be practicable in the light of the provisions of the Fisheries Code of 1998 and the application of the guidelines in this manual in order to respect prior vested rights.

6. Finalization Only After Approval

The technical description of municipal waters shall be, deemed final only after the boundaries of municipal waters have been duly

approved by the city or municipality as evidenced by a final and executory ordinance embodying the same. Each boundary corner common to two (2) adjacent or opposite municipalities shall have exactly the same geographic position.

7. Depth Curve

Where practicable, the seven (7) fathom depth curve within the municipal waters shall be clearly indicated on the charts provided by the NAMRIA.

8. Demarcation of Marine Reserves, Sanctuaries, or Other Special Areas

If within or overlapping with the municipal waters, there is a marine reserve, sanctuary, or other special area under the exclusive jurisdiction of an entity other than the municipality, a clearance shall be obtained by the NAMRIA from said entity prior to the inclusion of the boundaries of such reserve, sanctuary, or special area, or such part thereof which overlaps with the municipal waters so as to effectively exclude the same from the computation of the area of municipal waters. Provided that the protected seascape or marine reserve area shall be managed by local governments according to the mandate and responsibilities as provided in the NIPAS Law. Nothing in this provision shall prevent the National Government from declaring any portion of municipal waters as Protected Areas or Marine Reserves.

C. Publication and Public Hearing

1. Public Hearing

The NAMRIA shall submit to the requesting city or municipality a preliminary delineation of the municipal waters, and delimitation thereof with respect to any adjacent or opposite municipality, drawn on maps or charts of appropriate scale, and accompanied by a technical description. Such delineation and/or delimitation shall be in accordance with the technical guidelines set forth in Section 5B hereof.

The requesting city or municipality shall cause the publication of the map or chart clearly showing the delineation and/or delimitation of municipal waters, through

- a) posting in prominent places in the city or municipality;
- b) dissemination of copies of the same to all the component *barangays*; and
- c) furnishing copies, through regular channels, to any cities or municipalities affected.

In accordance with regular processes and practices, the requesting city or municipality shall conduct the same for public hearing and consultation for the purpose of receiving comments, inputs, suggestions, reactions, or objections to the proposed delineation and/or delimitation. The NAMRIA shall be present at the public hearing to document and consider such comments, inputs, suggestions, reactions, or objections.

Adjacent or opposite municipalities may, if they so decide for purposes of convenience and practicality, jointly hold the public hearings.

2. Disputes with Adjacent or Opposite Municipalities

If adjacent or opposite municipalities, as well as agencies having jurisdiction over defined coastal waters, or any interested parties, raised any objection to the preliminary delineation and/or delimitation of municipal waters, such objection shall be made in writing, in the form of a Resolution of the *Sangguniang Bayan or Panglungsod* concerned, or an official letter from the responsible officer or person, and officially presented at public hearing.

- a) *Amicable Settlement Encouraged*

In case of boundary conflict, this guideline shall not prevent the municipalities concerned from negotiating or mutually agreeing to a common municipal water boundaries provided there is substantial compliance with the provisions of the law. Such negotiated boundaries shall be submitted to the NAMRIA for verification. The NAMRIA may also provide technical assistance and advice to the municipalities in the course of their negotiations.

The delimitation of municipal water boundaries in accordance with a negotiated settlement shall be certified by the NAMRIA prior to its final and submission for enactment as an ordinance. Certification of such negotiated boundaries shall not be denied under normal circumstances.

b) Irreconcilable Differences

In case the municipalities cannot settle their differences amicably through negotiation, and the differences are based on the proper application of technical rules and guidelines, they shall jointly submit the issue to the NAMRIA for decision. The NAMRIA shall inform the municipalities of its decision within thirty (30) days from the submission of the issue.

c) Disputes Before Other Fora

Where at the time of the delineation and/or delimitation, the dispute is pending before another forum on account of substantial issues that go beyond the application of technical rules and guidelines (e.g., when there is a pending case before a regular court over ownership and/or jurisdiction over islands or other features), the NAMRIA may, in the meantime, delineate and determine the temporary municipal water boundaries between the contesting municipalities, without considering the contested islands or features, provided that the affected municipalities agree to such temporary delimitation, provided further that the temporary delimitation shall be subject to the outcome of the dispute as determined by the concerned forum.

D. Revision and Finalization

1. Certification of Final Map

The NAMRIA, after considering the inputs from the public hearing, or the outcome of the dispute settlement mechanisms set forth in Paragraph 2 of Section 5C, shall revise the delineation and/or delimitation, and within thirty (30) days from the date of the last public hearing or last meeting under Paragraph 1 of Section 5C, provide an official copy of the revised maps, charts, and technical descriptions to the requesting city or municipality. Such maps, charts, and technical description shall be duly certified by the NAMRIA Administrator as comprising the final and definitive delineation and/or delimitation of municipal waters.

2. Enactment of Ordinance

After the receipt of the revised and certified delineation or delimitation, if any, or of the date of the date of the last public hearing if no revision was necessary, the requesting city or municipality shall enact an ordinance setting forth the extent of its municipal waters, incorporating the maps, charts, and technical descriptions prepared and verified by NAMRIA as an integral part of the ordinance, provided that in enacting the ordinance, no amendments shall be made to the maps, charts, or technical descriptions prepared and approved by NAMRIA.

Once the ordinance has become final and executory, the original copy must be submitted to the NAMRIA and official copies thereof shall be provide to the following:

- a) any adjacent or opposite municipalities affected by ft delimitation;
- b) the BFAR;
- c) the Regional Office of ft PNP-MARIG;

- d) any concerned special agency having Jurisdiction over coastal waters which may be excluded from municipal waters;
- e) any affected party or sector the city or municipality may deem fit to notify;
- f) the DENR field office.

3. Repository Function

The NAMRIA shall be the repository of all technical descriptions and corresponding maps or charts of all municipal waters. An official copy of such technical descriptions and maps or charts shall be provided to the Municipality concerned.

Section 6. Fees and Costs

For the delineation of municipal that would be conducted by NAMRIA, each city/municipality shall be charged with a service fee of PhP 5,000.00 plus PhP 50.00 per kilometer of coastline of the municipality exclusive of field expenses. NAMRIA shall likewise charge a verification fee of PhP 5,000.00, wherever applicable.

Section 7. Transitory provision

These guidelines shall be immediately effective in delineating municipal waters in all cities and municipalities except those which have offshore islands or islets for which the delineation process shall start six (6) months from the effectivity of these guidelines.

Section 8. Repealing Clause

All orders, rules, and regulations inconsistent with or contrary to the provisions of these Guidelines are hereby repealed or modified accordingly.

Section 9. Effectivity

This Administrative Order shall take effect ffteen (15) days after its publication in newspaper of general circulation.

(Sgd.) HEHERSON T. ALVAREZ
Secretary

Publication:

Malaya – June 21, 2001

TECHNICAL ANNEX

METHODS/PROCEDURES FOR DELINEATING MUNICIPAL WATERS

A. USING NORMAL BASELINES

The normal baseline is the baseline described by the coastline of a city or municipality, where such a coastline is relatively smooth and simple and there are no outlying or fringing islands, reef, rocks, pinnacles, or other abutting features (see Fig. 2).

1. Using fifteen (15) kilometers (on a scale of the chart or map where the municipal waters will be delineated) as radius and a point on the coastline at low tide as center of circle, draw arcs of circles from different points on the coastline of the municipality. Allow these arcs to intersect
2. Select the outermost arcs that have been drawn. These arcs form the offshore limit of the municipal waters. Note that not all points along the coastline contribute to the delineation of this offshore limit. Usually, only the protruding points of the coastline do count and have the most impact.

B. USING STRAIGHT BASELINES

A straight baseline is the baseline used in cases where the coastline is deeply indented or cut into (see Fig. 3).

1. Join protruding point along the coastline by straight lines, the length of which should not exceed thirty (30) kilometers.
2. Draw perpendicular lines passing through the basepoints of each baseline.
3. From the basepoints, measure fifteen (15) kilometers offshore along the perpendicular lines. Connect the offshore points on the perpendiculars of each baseline. The line joining these offshore points

is parallel to the baseline, 4a. When the exterior angle formed by two consecutive baselines is more than 180 degrees, draw an arc of circle, using fifteen (15) kilometers as radius and the common basepoint of the two baselines as center of circle, from one perpendicular to the other perpendicular. The offshore limit of the municipal waters, measured from two baselines is the line consisting of the arc and the two parallel lines.

- 4b. When the exterior angle formed by two, consecutive baselines is less than 180 degrees, no arc of circle is drawn. The offshore limit of the municipal waters, measured from these two baselines, is the line consisting of the intersecting two parallel lines.
5. The offshore limit of the entire municipal waters consists of the lines determined in (4a) and (4b).

C. USING ARCHIPELAGIC BASELINES

Archipelagic baselines are straight lines joining the outermost points of islands of a municipality.

1. Municipality with offshore islands

Join the outermost points of the municipality by straight lines, beginning from one coastal terminal point (a boundary point on the coast common to two municipalities) on the mainland of the municipality; then to the outermost islands; then to the other coastal terminal point of the municipality; provided that the length of each line shall not exceed thirty (30) kilometers; provided further that an isolated island of the municipality, if any, distant more than thirty (30) kilometers from any of the other islands of the municipality, shall generate its own municipal waters. More than one point on an island can be used as basepoint (see Fig. 4).

2. Municipality composed of islands

- a. Join the outermost points of the outermost islands by straight lines; provided further that the length of each line shall not

exceed thirty (30) kilometers; provided further that an isolated island of the municipality, if any, distant more than thirty (30) kilometers from any of to other islands of the municipality, shall generate its own municipal waters. More than one point on an island can be used as basepoint (sea Fig. 5).

Common to 1 and 2:

- b. Draw perpendicular lines passing through the basepoints of each baseline.
- c. From the basepoints, measure fifteen (15) kilometers offshore along the perpendicular lines. Connect the offshore points on the perpendiculars of each baseline. The line joining these offshore points is parallel to the baseline.
- d1. When the exterior angle formed by two consecutive baselines is more than 180 degrees, draw an arc of circle, using fifteen (15) kilometers as radius and the common basepoint of the two baselines as center of circle, from one perpendicular to the other perpendicular. The offshore limit of the municipal waters, measured from these two baselines, is the line consisting of the arc and the two parallel lines.
- d2. When the exterior angle formed by two consecutive baselines is less than 180 degrees, no arc of circle is drawn. The offshore limit of the municipal waters, measured from these two baselines, is the line consisting of the intersecting two parallel lines.
- e. The offshore limit of the entire municipal waters consists of the lines determined in (d1) and (d2).

MANUAL METHOD / PROCEDURE FOR DELIMITING MUNICIPAL WATERS

When the delineation of municipal waters of adjacent or opposite municipalities produce overlapping areas, it is necessary to delimit municipal waters in order to allocate the overlapping areas between the municipalities concerned. Considering the archipelagic nature of the country, and the many configurations of the Philippine coastline, it is very likely that delimitation will be required by most coastal municipalities. In these cases, it is necessary to use a simple method of delimiting the municipal waters in a convenient and cost-effective manner.

The Enrique A. Macaspac Concentric Circles Method of Determining an Equidistance Line in Boundary Delimitation

The Enrique A. Macaspac Concentric Circles Method of Determining an Equidistance line in Boundary Delimitation is based on the theory that the center of a circle is equidistant from any other point on the circumference of that circle. To use this method, concentric circles are drawn on a stable, transparent medium such as acetate paper. For municipal waters, the radius of the largest circle should be made equal to fifteen (15) kilometers on the scale of the nautical chart or topographical map where the municipal waters will be delineated and delimited. For convenience, the incremental radius of each circle shall be five (5) millimeters regardless of scale of chart or map.

The equidistance line is determined by connecting the equidistant points identified by the center of each circle whose circumference touches at least one point (point of tangency) on both coastlines of the neighboring municipalities, whether adjacent or opposite, whose municipal water boundaries are being determined. The use of this method facilitates the delimitation of the waters.

This method also offers the following advantages:

1. Convenience. Since the instruments used are simple and easily available (map or chart compass, transparent medium like acetate

paper, and pen or pencil), there is no need for expensive computer software or experts.

2. **Simplicity.** The method is very simple, requiring only patience and a sharp eye. Since even an ordinary person can use it, neighboring municipalities can easily check each other's work.
3. **Speed.** It eliminates the construction lines of other manual methods; thus it is faster.
4. **Reasonable accuracy.** This method is based on theory. There is no difference in the results using this method (E. A. Macaspac Concentric Circles Method) and the method which uses construction lines, described by A. L. Shalowitz in the Manual on the Technical Aspects of the United Nations Convention on the Law of the Sea. It also agrees very closely with computer-generated results from the software DELMAR (DELimitation of MARitime Boundaries). As long as the user is familiar with the use of maps, charts, and scales, the results produced will be reasonably accurate.

This method has been tested in pilot activities delineating and delimiting the municipal waters of the coastal municipalities in the provinces of Davao Oriental, Masbate, and Bohol.

Procedure for Adjacent Municipalities

The delimitation of lateral boundaries starts from either the common coastal terminal points of the land boundaries of the adjacent municipalities, or from the offshore end of the lateral boundary fifteen (15) kilometers from the coastline (see Fig. 6).

1. Move the concentric circles to a point where the circumference of the circle touches at least one point each on both coastlines of the adjacent municipalities. No other points on the coastlines should be within that circle. Mark the center of the circle on the chart or map. This point on the chart or map now is equidistant from those two or more points on the coastlines of the two municipalities.

2. Repeat this step progressively, using the varying radii, until the coastal terminal point (if starting from the offshore end) or the fifteen (15) kilometer limit (if starting from the coastal terminal point) is reached.
3. Connect the marked points. -The line represents the delimited lateral Boundary of the municipal waters of the adjacent municipalities.

Procedure for Opposite Municipalities

The delimitation of the offshore boundary starts from one end of the common waters of opposite municipalities, to the other end (see Fig. 7).

1. Move the concentric circles to a point where the circumference of a circle touches at least one point each on both coastlines of the opposite municipalities. No other points on the coastlines should be within that circle. Mark the center of the circle on the chart or map. This point on the chart or map now is equidistant from those two or more points on the coastlines of the two municipalities.
2. Repeat this step progressively, using the varying radii, until the other end of the common waters is reached.
3. Connect the marked points. The line represents the delimited offshore boundary of the municipal waters of the opposite municipalities.

Procedure for Three or More Adjacent and Opposite Municipalities

The delimitation of the boundaries among three or more adjacent and opposite municipals having overlapping municipal waters essentially follows the procedures for adjacent or opposite municipalities.

1. Delimit the lateral boundaries, two municipalities at a time. The lateral boundaries will usually end at a point which is common to three or more municipalities, at the offshore boundary.
2. Delimit the offshore boundaries. Between two tri-points is the delimited offshore boundary between two opposite municipalities.

Tri-points are points along the median line equidistant from three points from the coastlines of three municipalities.

DENR Administrative Order
No. 92-30
June 30, 1992

**SUBJECT : Guidelines for the Transfer and
Implementation of DENR Functions
Devolved to the Local Government Units**

Pursuant to Republic Act No. 7160, otherwise known as the Local Government Code of 1991, and Executive Order Nos. 192 and 503, defining the mandates, organization and functions of the Department of Environment and Natural Resources (DENR) and the rules and regulations implementing the transfer to concerned Local Government Units (LGUs) of personnel, assets and records pertaining to the devolved functions of national government agencies, respectively, the following guidelines governing the devolution of certain DENR functions, programs, and projects to the LGUs are hereby promulgated.

Section 1. Policies Governing The Devolution Of Functions

- The transfer and implementation of certain DENR functions devolved to the LGUs, as enumerated under Section 17 of the Code, shall be governed by the following policies:

- 1.1 The DENR shall remain as the primarily government agency responsible for the conservation, management, protection, development and proper use of the country's environment and natural resources and the promotion of sustainable development;
- 1.2 The LGUs shall share with the national government particularly the DENR, the responsibility in the sustainable management and development of the environment and natural resources within their territorial jurisdiction;
- 1.3 The implementation of the devolved functions by the municipalities and cities and the enforcement of laws, rules and regulations pertaining to the devolved functions as provided for in the Code, by the provinces and cities shall be pursuant to national policies and subject to supervision, control and review of the

DENR. Provided, That when necessary the concerned provinces, cities and municipalities shall enter into administrative arrangements to effectively enforce and efficiently enforce the laws, rules and regulations pertaining to the devolved functions;

- 1.4 Pursuant to the Code's mandate for National Government Agencies (NGAs) to deconcentrate its power and authority to appropriate field offices, the DENR shall retain and strengthen its regional offices and provincial and community environment and natural resources offices (PENROs and CENROs);
- 1.5 Programs, projects or activities which are wholly or partially funded from foreign sources, or those included as agency budgetary program, project or item under the annual General Appropriations Act, pertinent Executive Orders and other special laws, including the Comprehensive Agrarian Reform Program (CARP), shall be exempt from devolution, thus retained by the DENR.

Section 2. Definition Of Terms — As used in this Administrative Order (hereinafter referred to as Order) the terms enumerated below shall be defined as follows:

- 2.1 **Cadastral Survey** — Refers to all surveys made of extensive areas consisting of several lots for cadastral registration proceedings, agricultural development, or for any purpose pursuant to the provision of pertinent land laws.
- 2.2 **Cease and Desist Order** — Refers to an Order issued by the Pollution Adjudication Board requiring respondents or refrain from further operating their establishment, machines, equipment or other facilities generating or causing pollution.
- 2.3 **Communal Forest** — Refers to a tract of forest land set aside by the Secretary of the DENR for the use of the residents of a municipality from which said residents may cut, collect and remove forest products for their personal use in accordance with existing laws and regulations.

- 2.4 **Community Environment and Natural Resources Office (CENRO)** — Refers to the DENR Office headed by a Community Environment and Natural Resources Officer which is responsible for the implementation of DENR policies/regulations, programs, projects and activities in the community level.
- 2.5 **Community-based Forestry Project** — Refers to DENR developmental projects involving local communities which include the Integrated Social Forestry Project, family and community contract reforestation, Forest Land Management Agreement (FLMA), Community Forestry Program and other similar projects.
- 2.6 **Community Forestry Program (CFP)** — Refers to the DENR projects launched through DENR Administrative Order No. 123, series of 1989, that are geared towards the protection and sustainable management of forest lands predominantly consisting of residual forests by training and organizing upland communities for their participation in said activities for their benefits.
- 2.7 **Contract Reforestation** — The implementation of reforestation activities, including establishment, maintenance and protection of forest plantations and nursery preparations, through written agreements with the private sector such as families, communities and corporations and/or with the public sector like local government units (LGUs) and other government agencies (OGAs). It shall also include contracts for surveying, mapping and planning, comprehensive site development, and monitoring and evaluation and other activities involved in or related to reforestation.
- 2.8 **Deconcentration** — Refers to increased and further delegation of functions, responsibilities and authority by the DENR central office to its appropriate regional and field offices. This also involves the deployment of personnel from the Central office and bureaus to the field offices in order to perform the increased functions and responsibilities.

- 2.9 **Devolution** — Refers to the act by which the national government confers and transfers power and authority, heretofore performed by national agencies, together with the corresponding personnel, equipment, assets, liabilities, records and other appurtenances, to the various LGUs to perform specific functions and responsibilities;
- 2.10 **Environment and Natural Resources Officer (ENRO)** — Refers to the LGU official who may be appointed by the concerned Local Chief Executives and who shall be directly responsible for the planning and implementation of the devolved DENR functions to the LGUs, pursuant to Section 484 of the Code.
- 2.11 **Environmental Compliance Certificate (ECC)** — Refers to license/permit/authorization which DENR issues in favor of proponents, projects of which have been duly reviewed, evaluated and finally approved by DENR pursuant to PD 1586 as well as Proclamation 2146 otherwise known as Environmental Impact Assessment System.
- 2.12 **Foreign-assisted Projects** — Refer to DENR projects which are wholly or partially funded from foreign sources.
- 2.13 **Forest Land Management Agreement (FLMA)** — A contract issued by the government to duly-organized, bonafide residents of the community where the FLMA area is located, among others, granting them the sole and exclusive privilege to develop said area, harvest and utilize its products for 25 years, renewable for another 25-years, with the obligation to pay production share to the government equivalent to the cost invested in reforesting such area, pursuant to DENR Administrative Order No. 71 Series of 1990.
- 2.14 **Integrated Social Forestry (ISF)** — Refers to an interagency national program created by Letter of Instruction No. 1260, dated July 28, 1982, designed to promote the socio-economic conditions of forest occupants and communities dependent on forest land for their livelihood, provide land tenure and at the same time protect and improve the quality of the environment.

- 2.15 **Isolated Survey** — Refers to all classes of surveys of isolated parcel of land use for agricultural, residential, industrial, commercial, resettlement or for any other purposes.
- 2.16 **Lot Survey** — Refers to the survey of specific lots, particularly private lands.
- 2.17 **Provincial Environment and Natural Resources Office (PENRO)** — Refers to the DENR office, headed by a Provincial Environment and Natural Resources Officer appointed by the Secretary of the DENR, which is responsible for the implementation of the DENR policies, regulations, programs, projects and activities in the province.
- 2.18 **Protected Areas** — Refers to 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 exploitation, as provided for in RA 7586, the National Integrated Protected Areas System (NIPAS) Act of 1992.
- 2.19 **Regional Environment and Natural Resources Office (RENRO)** — Refers to the DENR office headed by a Regional Executive Director (RED) which is responsible for the coordination and implementation of all policies, regulations, programs and projects on environmental and natural resources development and conservation of the DENR in the region.
- 2.20 **Regular Reforestation** — Refers to reforestation activities funded through regular appropriations and implemented by DENR field offices by administration or by contracts or both, as distinguished from reforestation activities funded through foreign-sourced funds.
- 2.21 **Small-scale Mining** — Refers to small scale mining activities as defined by RA 7076, the People's Small Scale Mining Act of 1991

2.22 **Small Watershed Areas** — Refer to forest lands identified and delineated by the DENR as sources of water supply for specific local communities.

Section 3. Devolved Functions, Programs and Projects —

Pursuant to Section 17 of the Code and subject to the provisions herein, particularly the policies enunciated in Sec. 1, above, the following functions, programs and projects of the DENR are hereby devolved to the concerned LGUs:

3.1 Forest Management

- a) Implementation of the following community-based forestry projects:
 - (i) Integrated Social Forestry Projects, currently funded out of regular appropriations, except at least one project per province that shall serve as research and training laboratory, as identified by the DENR, and those areas located in protected areas and critical watersheds;
 - (ii) Establishment of new regular reforestation projects, except those areas located in protected areas and critical watersheds;
 - (iii) Completed family and community-based contract reforestation projects, subject to policies and procedures prescribed by the DENR;
 - (iv) Forest Land Management Agreements, in accordance with DENR Administrative Order No. 71, Series of 1990 and other guidelines that the DENR may adopt; and
 - (v) Community Forestry Projects, subject to concurrence of financing institution(s), if foreign assisted.

- b) Management and control of communal forests with an area not exceeding fifty (50) square kilometers or five thousand (5,000) hectares, as defined in Section 2, above. Provided, That the concerned LGUs shall endeavor to convert said areas into community forestry projects;
- c) Management, protection, rehabilitation and maintenance of small watershed areas which are sources of local water supply as identified or to be identified by the DENR; and
- d) Enforcement of forest laws in community-based communal forests, as defined in Section 2 above, such as but not limited to:
 - (i) Prevention of forest fire, illegal cutting and kaingin;
 - (ii) Apprehension of violators of forest laws, rules and regulations;
 - (iii) Confiscation of illegally extracted forest products on site;
 - (iv) Imposition of appropriate penalties for illegal logging, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming and other unlawful activities; and
 - (v) Confiscation, forfeiture and disposition of conveyances, equipment and other implements used in the commission of offenses E.O. 277, series of 1987 and other forestry laws, rules and regulations.

Provided, That the implementation of the foregoing activities outside the devolved areas above-mentioned, shall remain with the DENR.

3.2 Protected Areas and Wildlife

- a) Establishment, protection and maintenance of tree parks, greenbelts and other tourist attractions in areas identified and delineated by the DENR, except those covered by the Integrated Protected Areas System, as defined by law, and the collection of fees for their services and the use of facilities established therein;
- b) Except export and import, regulation of flora outside protected areas including industries and businesses engaged in their propagation and development, such as orchidaria and nurseries. Provided, That such businesses and industries are registered with the DENR for monitoring purposes.
- c) Implementation of the Rehabilitation in Conservation Hotspots (RICH) and the Conservation of Rare and Endangered Species (CARE) activities in areas identified and delineated by the DENR.

3.3 Environmental Management

- a) Enforcement of the following pollution control and environmental protection laws, rules and regulations:
 - (i) Issuance of Environmental Compliance Certificate (ECC) for projects and businesses, under the Kalakalan 20;
 - (ii) Adjudication of cases involving complaints against businesses under the Kalakalan 20; and
 - (iii) apprehension and testing of smoke belching vehicles and collection of appropriate fees and charges.

- b) Implementation of solid waste disposal and other environmental management systems and services related to general hygiene and sanitation, such as sewage and household wastes disposal;
- c) Abatement of noise and other forms of nuisance as defined by law; and
- d) Implementation of Cease and Desist Orders issued by the Pollution and Adjudication Board.

3.4 Mines and Geo-Sciences Development

- a) Enforcement of the small-scale mining law, subject to the policies, standards and guidelines of the DENR;
- b) Issuance of permit for guano collection and to extract sand, gravel and other quarry resources; and
- c) Verification and adjudication of conflicts on and collection of fees and charges for guano collection and the extraction of sand, gravel and other quarry resources.

3.5 Land Management

- a) Conduct of cadastral surveys;
- b) Conduct of lot surveys; and
- c) Conduct of isolated and special surveys.

Provided, That the issuance of survey authority and the verification of survey returns, records keeping, issuance of patents and other post-survey activities shall be done by the DENR. Provided further, That the DENR shall extend the necessary administrative and technical assistance to the LGUs for the actual conduct of surveys, and the preliminary activities attendant to the surveys.

Section 4. Role Of The LGUs — In coordination with the DENR and subject to the provisions of this Order, the LGUs shall adopt adequate measures to protect the environment and conserve land, mineral, marine, forest and other resources within their territorial jurisdiction. Furthermore, the LGUs shall:

- 4.1 Provide the necessary financial, technical, manpower and other resources to ensure efficient and effective implementation of the devolved functions as enumerated in Section 3 above;
- 4.2 In addition to the Internal Revenue Allotment, allot amounts from their share of forty percent (40%) of the gross collection derived by the national government from mining taxes, royalties, forestry charges and other taxes, fees, of charges enumerated in the Code, to finance local development and livelihood projects, in accordance with Sec. 294 of the Code and for the protection and development of the environment and natural resources;
- 4.3 Whenever necessary, call any DENR official or employee assigned to them to make recommendations or advice on environment and natural resource-related matters affecting them. Provided, That said DENR official shall not leave his station without giving prior written notice to the local chief executive concerned.

Section 5. LGUs' ENROs — Notwithstanding the provision of Sec. 484 of the Code prescribing for the optional appointment of Environment and Natural Resources Officers (ENROs). LGUs with substantial natural resources or which are identified by the DENR as environmentally critical areas shall endeavor to appoint an ENRO, who shall take the responsibility for the planning and implementation of the devolved functions.

Section 6. Role of the DENR — The DENR, subject to the provisions of Executive Order No. 503, shall transfer to the concerned LGUs the personnel and assets including pertinent records and equipment corresponding to the devolved functions. Provided, That those personnel performing inter-municipal functions like the Community Development Officers/Assistants (CDOs and CDAs) of the Integrated Social Forestry

Projects, pursuant to Sec. 2 (b) of E.O. No. 503, shall be devolved to the provinces wherein the municipalities concerned are located. Provided Further, That the Community Development Officers/Assistants assigned to the ISF projects in the cities of Davao, Zamboanga and Puerto Princesa shall be transferred to these cities and that at least one Community Development Officer and Assistant shall be devolved to each of the other cities which have at least three (3) ISF projects in their geographic jurisdiction. Moreover, the DENR shall:

- 6.1 Strengthen its policy-making, planning, monitoring and evaluation capabilities at the central and regional levels and monitoring, evaluation, investigation and prosecution capabilities at the regional, provincial and community environment and natural resources offices, to ensure efficient and effective enforcement of pertinent rules and regulations and delivery of services, including the implementation of the devolved functions, programs and projects;
- 6.2 Pursuant to national policies and its supervision, control and review functions over the devolved functions as provided for in the Code:
 - a) Conduct periodic monitoring and evaluation of the implementation of the devolved functions by the LGUs;
 - b) Alter or modify or nullify or set aside certain decisions or actions of the LGUs or their Chief Executives which, in the implementation of the devolved functions, are inconsistent with national policies;
 - c) conduct investigation, and when necessary cause the prosecution of erring parties in the implementation/enforcement of the devolved functions.
- 6.3 Through its regional, provincial and community environment and natural resources offices, provide the LGUs technical assistance packages for the development of technical capabilities related but not limited to the following:

- a) Enforcement of forest laws, small-scale mining law, pollution and other environmental laws, rules and regulations;
- b) Implementation of reforestation, ISF and other community-based forestry projects and small-scale mining projects;
- c) Protected areas and wildlife;
- d) Ecosystems research and related activities and other researches
- e) Land surveys and delineation of boundaries;
- f) Establishment of greenbelts, urban forests and forest-base recreation projects; and
- g) Other activities related to the devolved function;

6.4 Provide opportunities for scholarships/training to LGU personnel working on environment and natural resources-related programs and activities, whenever possible, subject to the recommendations and/or approval of the Chief Executives of the LGUs concerned

6.5 Establish and maintain one research and training laboratory for upland/forest management per province to be identified from among the present ISF project sites.

6.6 Make available its upland/forest management laboratories for training of farmers and upland/forestry workers of concerned LGUs; and

6.7 In coordination with the LGUs and concerned non-governmental organization (NGOs), formulate effective consultation mechanisms to facilitate project planning and implementation.

Section 7. Manual of Operations — Within six (6) months from the approval of this order, the DENR shall develop a manual of operations which shall guide the LGUs in the implementation of the devolved functions, and the monitoring and evaluation of projects by the DENR.

Section 8. Environment and Natural Resources Council (ENRC) — The DENR and the concerned LGUs, shall organize within six months from the approval of this order, an Environment and Natural Resources Council (ENRC) consisting of appropriate LGU and DENR officials and representatives from concerned agencies, professional and civic groups and other NGOs as may be determined by the DENR and the concerned LGU. The ENRC shall review and recommend the implementation of programs and projects and perform oversight functions on matters pertaining to environment and natural resources. Provided, That for municipalities and cities, the Vice Mayor shall act as Chairman of said Council.

Section 9. Linkage/Support to NGOs — The DENR and concerned LGUs shall extend assistance to and enhance the participation of NGOs in the environment and natural resources-related activities, such as but not limited to contract reforestation and the ISF projects. Provided, That said NGOs are accredited with both the DENR and the concerned LGUs.

Section 10. Deconcentration of Authority and Responsibility — The DENR shall, six (6) months after the effectivity of RA 7160, effect the deconcentration of authorities and responsibilities not devolved to LGUs, to its appropriate regional, provincial and community environment and natural resources offices.

Section 11. Reorganization — The DENR may, on a case to case basis, reorganize its regional and field offices, and/or create new community offices, depending on the available natural resources and retained functions in their respective jurisdictions, and other criteria that may be set by the DENR. Provided, That in cases where new provinces are created, the DENR shall establish its necessary provincial offices in said provinces, subject to the rules and regulations of the Department of Budget and Management (DBM) on the provision of the necessary staffing and funds for said purpose.

Section 12. Functions Retained By DENR — All functions, programs, projects and activities presently performed by the DENR which

are not expressly devolved to LGUs in this Order, shall be retained by the DENR.

Section 13. Continuing Devolution — In support of local autonomy, the DENR, subject to the attainment of certain requisites and standards such as technical capability, implementation plans and other requirements as may be provided for in the national policies, shall further devolved other functions and responsibilities to the LGUs, not only through legislative enabling acts but also by administrative and organizational reforms, such as memorandum of agreements and deputation of local officials.

Section 14. Repealing Clause — Any provision of DENR Administrative Orders, Memorandum Circulars or other official issuances not consistent herewith are hereby repealed.

Section 15. Effectivity — This Order shall take effect 30 June 1992 and remain in force and effect unless otherwise revoked or amended in writing by the Oversight committee created by the RA 7160 or by any other higher competent authority.

(Sgd.) VICTOR O. RAMOS
Acting Secretary

**Memorandum Circular
No. 97-05
March 18, 1997**

**SUBJECT : Procedural Guidelines in the Creation
of Provincial/City Mining Regulatory
Boards**

For a more effective operations of Provincial/City Mining Regulatory Boards pursuant to Republic Act No. 7942, the "*Philippine Mining Act of 1995*" and Republic Act No. 7076, the "*People's Small Scale Mining Act of 1991*" and their implementing rules and regulations, DENR Administrative Order No. 96-40, Series of 1996 amending DENR Administrative Order No. 95-23, Series of 1995 and DENR Administrative Order No. 32, Series of 1992, respectively, the following procedural guidelines are hereby issued for the guidance of all concerned:

I. Composition of the Provincial/City Mining Regulatory Board

The composition of the Provincial/City Mining Regulatory Board (hereinafter referred to as "Board") shall be in full accord with Section 70 of DENR Administrative Order No. 96-40, Series of 1996, that is:

- | | | |
|----|---|---------------|
| 1. | MGB Regional Director concerned or his/her representative | Chairman |
| 2. | Governor/City mayor or his/her representative | Vice-Chairman |
| 3. | Small Scale Mining representative | Member |
| 4. | Large Scale Mining representative | Member |
| 5. | DENR-duly accredited environmental Non-Government Organization representative | Member |

The concerned MGB Regional Office shall provide the technical secretariat to the Board.

Any party/ies included or added to the aforementioned composition shall be determined thru consensus by the Board and shall act

only as observer/s during official meetings and functions of the Board. Provided, that if the composition of the Board prior to the effectivity of this Circular does not conform with that prescribed herein, such composition may be sustained until such time that the pertinent DENR Special Order creating that Board is amended.

II. Membership Qualification Criteria

Except for the Chairman and the Governor/City Mayor or his/her duly authorized representative, the member of the Board must have met the following qualification criteria:

1. He/She must be an active and bonafide member of and nominated by the organization he/she represents;
2. He/She must be residing or have established work relating to his/her organization in the province/city covered by the Board;
3. In the absence of nominees from the subject province/city, the Chamber of Mines of the Philippines in the case of large-scale mining, and any other duly organized small-scale mining associations preferably based in neighboring province/s or city/ies in the case of small-scale mining, shall nominate their respective representatives to the Board; and
4. In the absence of a DENR-accredited non-government organization in the subject province/city, the Board may consider nominations by DENR-accredited environmental non-government organization/s based in neighboring province/s or city/ies.

III. Procedure

The following procedure shall be followed in the creation of a Board:

1. The Regional Director shall notify all the sectors and/or organizations concerned of the creation of the Board and solicit nominations for membership from them.

Acceptance of nominations shall be based on submitted official nomination documents as determined by the Board.

If the nominee comes from an environmental non-government organization, an official accreditation document by the DENR shall be required by the Regional Director.

No nomination shall be accepted if the above-mentioned documents are not submitted.

2. The Regional Director shall evaluate the nominations and forward to the MGB Director the draft DENR Special Order creating the Board, which shall contain, among others, the proposed composition of the Board. The draft DENR Special order shall be accompanied by all the pertinent accreditation/nomination documents and copies of letters-notice of nominee solicitation.

A proforma DENR Special Order for the creation of the Board as shown in Annex A hereof shall be adopted in preparing the required draft DENR Special Order.

3. The Director shall review the draft Special Order and accompanying documents. If found proper and in order, the Director shall indorse the draft Special Order and accompanying documents to the Secretary, thru the Undersecretary for Field Operations, for approval. Otherwise, the Director shall return all pertinent documents to the Regional Director for rectification and resubmission of the rectified documents.
4. The Undersecretary for Field Operations shall review the same documents and forward appropriate recommendation to the Secretary.
5. The Secretary shall act accordingly on the MGB Director's/Undersecretary's recommendation.

6. The approved DENR Special Order creating the Board shall be disseminated to all sectors/parties concerned.

IV. Reporting Requirement

The Chairman shall submit a quarterly report to the MGB Director copy furnished the concerned MGB Regional Director and, DENR Regional Executive Director, the Undersecretary for Field Operations and the Secretary, containing the accomplishments, issues encountered and resolutions made and other relevant information.

V. Amendments

Any amendments to the DENR Special Order creating the Board shall be done in accordance with the provisions of this Circular, as may be applicable.

This Circular takes effect immediately and supersedes, amends or modifies accordingly all other circulars inconsistent herewith.

(Sgd.) VICTOR O. RAMOS
Secretary

**DENR Memorandum Circular
No. 93-31
September 10, 1993**

**SUBJECT : Amendment to DENR Memo Circular
No. 13 Series of 1993 Re: Share of Local
Government Units (LGUs) from the
Utilization and Development of Forest
Resources within their Area of
Jurisdiction**

In order to rationalize the effective implementation of Article 390 of R.A. 7160 otherwise known as the "Local Government Code of the Philippines" regarding the computation and automatic remittance of the shares of LGUs from the utilization and development of forest resources within their area of jurisdiction. Sections 2 and 3 of DENR Memo Circular No. 13, Series of 1993 are hereby amended as follows:

"Sec. 2. For purposes of effectively implementing Article 390, the PENROs shall handle the computation indicating the corresponding shares of each city municipality or barangay within his area of jurisdiction and shall consolidate such computed share to be forwarded to the Finance Management Service, DENR. The Finance Management Service, DENR, on the other hand shall consolidate the computed shares submitted by the PENROs and shall forward the same to the Department of Budget and Management for allocation to the Local Government Units (LGUs) concerned per pursuant to Memorandum Circular No. 97 dated 01 March 1993 issued by the Office of the President."

"Sec. 3. The DENR Central Office, particularly, the Office of Financial Management Service, Project Development and Evaluation Division of the Planning and Policy Service and the Forest Economics Division. FMB shall monitor the proper implementation of this Circular."

Please be guided accordingly.

(Sgd.) ANGEL C. ALCALA
Secretary

DENR Memorandum Circular
No. 93-13
February 22, 1993

**SUBJECT : Share of Local Government Units (LGUs)
From the Utilization and Development of
Forest Resources within their Area of
Jurisdiction**

1. In order to effectively and efficiently implement the provisions of Republic Act No. 7160, otherwise known as the Local Government Code, particularly on the remittances of the Share of Local Government Units (LGUs), quoted hereunder are pertinent provisions of the rules and regulations implementing the said Code, to wit:

"Art. 386. Share in the Proceeds from the Development and Utilization of the National Wealth. —

- (a) LGUs shall have an equitable share in the proceeds derived from the utilization and development of the national wealth within their respective areas, including sharing the same with the inhabitants by way of direct benefits.
- (b) The term national wealth shall mean all natural resources situated within the Philippine territorial jurisdiction including lands of public domain waters, minerals, coal, petroleum, mineral oils, potential energy forces, gas and oil deposits, forest products, wildlife, flora and fauna, fishery and aquatic resources, and all quarry products.

"Art. 387. Amount of Share of Local Government Units. —

- (1) Mining taxes, royalties, forestry and fishery charges, and such other taxes, fees, or charges, including related surcharges, interests, or fines and from its share in any co-production, joint venture or production sharing agreement in the utilization and development of the national wealth within their territorial jurisdiction.

- (2) Administrative charges enumerated herein accruing to the National Government whether collected by the National Government collecting agencies or, in certain cases, by LGUs.
- (3) Proceeds from the development and utilization of national wealth where the LGU actually collects and automatically retains its share of at least forty percent (40%) of such proceeds shall not form part of the revenue base in the computation of the forty percent (40%) share.

"Art. 388. Share of the Local Government Units from Any Government-Owned or-Controlled Corporations. — LGUs shall have a share based on the preceding fiscal year from the proceeds derived by any NGA or GOCC engaged in the utilization and development of the national wealth based on the following formula whichever will produce a higher share for the LGU.

- (a) One percent (1%) of the gross sales or receipts of the preceding calendar year, or
- (b) Forty percent (40%) of the mining taxes, royalties, forestry and fishery charges and such other taxes, fees or charges, including related surcharges, interests, or fines the NGA or GOCC would have paid if it were not otherwise exempt.

"Art. 389. Allocation of Shares. — The share in the immediately preceding Article shall be distributed in the following manner.

- (a) Where the natural resources are located in the province:

| | | |
|--------------------------------|---|---------------------------|
| Province | — | Twenty percent (20%); |
| Component City or Municipality | — | Forty-five percent (45%); |
| Barangay | — | Thirty-five (35%) |

provided that where the natural resources are located in two (2) or more provinces, or in two (2) or more component cities or municipalities or in

two (2) or more barangays, their respective shares shall be computed of the basis of:

Population Seventy percent (70%); and
Land Area Thirty percent (30%).

(b) Where the natural resources are located in a highly-urbanized or independent component city:

City — Sixty-five percent (65%); and
Barangay— Thirty-five percent (35%)

provided that where the natural resources are located in such two (2) or more cities, the allocation of shares shall be based on the formula of population and land area as specified in paragraph (a) hereof.

"Art. 390. Computation and Remittance of the Shares of Local Government Units. — The computation and remittance of the shares of LGUs shall be in accordance with the following procedures:

- (a) The computation of the forty percent (40%) share of each LGU in the proceeds from the development and utilization of the national wealth from the preceding years, indicating the corresponding share of each province, city, municipality, and barangay where the national wealth is being developed and/or utilized, shall be submitted by the revenue collecting agencies to DBM not later than the fifteenth (15th) of March of each ensuing year.
- (b) The allotment representing the share of each LGU shall be released without need of any further action, directly to the provincial, city, municipal, or barangay treasurers, as the case may be, on a quarterly basis within five (5) days after the end of each quarter, and which shall not be subject to any lien or holdback that may be imposed by the National Government.
- (c) Share of LGUs from the proceeds derived by any NGA or GOCC engaged in the utilization and development of national wealth shall be directly remitted by such agency or corporation to the

provincial, city, municipal, or barangay treasurer concerned within five (5) days after the end of each quarter. Within three (3) days from the date of remittance, the agency or corporation concerned shall furnish the Treasurer of the Philippines with a copy of the remittance advice.

"Art. 391. Development and Livelihood Projects. — The proceeds from the share of LGUs referred to in Article 386 of this Rule shall be appropriated by their respective sanggunian to finance local development and livelihood projects provided that at least eighty percent (80%) of the proceeds derived from the development and utilization of hydrothermal, geothermal, and other sources of energy shall be applied solely to lower the cost of electricity in the LGU where such source of energy is located.

"Art. 392. Monitoring of Implementation. — The DILG, in coordination with DOF and in actual consultation with the leagues of LGUs, shall monitor the proper implementation of Part Two of this Rule."

2. For purposes of effectively implementing ART. 390, the PENROs shall handle the computation and remittance of the shares of municipalities, cities and barangays within the province which shall be done in consultation with their CENROs.
3. The DENR Central Office, particularly, the Office of Financial Management Service, DENR and Forest Economics Division, FMB shall monitor the proper implementation of this circular.

Please be guided accordingly.

(Sgd.) ANGEL C. ALCALA
Secretary

**Joint Memorandum Circular
No. 98-01**

SUBJECT : Manual of Procedures For DENR-DILG-LGU Partnership on Devolved and Other Forest Management Functions.

Pursuant to Republic Act 7160, otherwise known as the Local Government Code of 1991, Presidential Decree 705 as amended, otherwise known as the Forestry Reform Code of the Philippines ; Executive Order No. 192 defining the mandates, organization, and functions of the Department of Environment and Natural Resources (DENR), DENR Administrative Order No. 30, Series of 1992 prescribing the guidelines for the transfer and implementation of DENR functions, the following Manual of Procedures is hereby promulgated to effectively implement devolution of forest management functions and enhance partnership between the LGU's and DENR;

Sec. 1. Basic Policies

Subject to the general policies on devolution as contained in RA 7160 and DENR Administrative Order No. 30, Series of 1992, the following basic policies shall govern the implementation of DENR-DILG-LGU partnership on devolved and other forest management functions;

- 1.1 The Department of Environment and Natural Resources (DENR) shall be the primary government agency responsible for the conservation, management, protection, proper use and sustainable development of the country's environment and natural resources.
- 1.2 The LGUs shall share with DENR the responsibility in the sustainable management and development of the forest resources within their territorial jurisdiction. Toward this end, the DENR and LGUs shall endeavor to strengthen their collaboration and partnership in forest management.
- 1.3 Comprehensive land use and forest land use plans are important tools in the holistic and efficient management of forest resources, toward

this end the DENR and the LGUs together with other government agencies shall undertake forest land use planning as an integral activity of comprehensive land use planning to determine the optimum and balanced use of natural resources to support local, regional and national growth and development.

- 1.4 To fully prepare the LGUs to undertake their shared responsibilities in the sustainable management of forest land resources the DENR in coordination with DILG, shall enhance the capacities of the LGUs in the various aspects of forest management. Initially, the DENR shall coordinate, guide and train the LGUs in the management of the devolved functions. As the LGUs capacity in the forest management is enhanced of the primary tasks in the management of devolved functions shall be performed by the LGUs and the role of the DENR becomes assistive and coordinative.
- 1.5 To further the ends of local autonomy, the DENR in consultation with the LGUs shall devolve additional functions and responsibilities to the local government units, or enter into agreements with them for enlarged forest management and other ENR-related functions.
- 1.6 To seek advocacy, popular support and ultimately help achieve community empowerment, DENR and DILG shall forge the partnership and cooperation of the LGUs and other concerned sectors in seeking and strengthening the participation of local communities for forest management including enforcement of forestry laws, rules and regulations.

Sec. 2 Objectives

This Manual of Procedures has the following objectives;

- 2.1 Operationalize and make effective the devolution of forest management functions from the DENR to the LGUs as contained in Republic Act 7160 and DENR Administrative Order No. 30, Series of 1992.

- 2.2 Strengthen and institutionalize DENR-DILG-LGU partnership and cooperation on devolved other forest management functions.
- 2.3 Serve as reference for the DENR, DILG and the LGUs in the implementation monitoring and evaluation of devolved and other forest management functions.

Sec. 3. Provisions of RA 7160 on Devolved Forest Management

Functions from DENR to LGUs

The pertinent provisions of RA 7160 (Local Government Code of 1991) providing for the devolution of forest management functions from the DENR to the LGUs are cited below.

“Sec. 17. Basic Services and Facilities - (a) Local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them, they shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities enumerated therein.”

“(b) Such basic services and facilities include, but are not limited to the following;

3.1 For a province

“Pursuant to national policies and subject to supervision, control and review of the DENR, enforcement of forestry laws limited to community-based forestry projects, xxx”

Sec. 17, (b) (3) (iii)

3.2 For a Municipality

“Extension and on-site research services and facilities related to X X X, and enforcement of fishery laws in municipal waters including the conservation of mangrove” Sec. 17 (b) (2) (i)

“Pursuant to national policies and subject to supervision, control and review of the DENR, implementation of community-based forestry projects, which include integrated social forestry programs and similar projects, management and control of communal forest with an area not exceeding fifty (50) square kilometers, establishment of tree parks greenbelts, and similar forest projects.” Sec. 17 (b) (2) (iii)

3.3 For a City

“All the Services and facilities of the municipality and provinces, XXX .” Sec 17 (b) (4) The other provisions of the Code that pertain to forest management functions to be performed by the local government units and/or their chief executives are;

3.4 To the Municipal Mayor

“For efficient, effective and economical governance the purpose of which is the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code, the municipal mayor shall: XXX Adopt adequate measures to safeguard and conserve x x x (Sec. 444 (b) (3) (vii)) forest and other resources of the municipality; x x x.” Sec. 444 (b) (3) (vii)

3.5 To the Sangguniang Bayan

“Approve ordinances and pass resolutions necessary for an efficient and effective municipal government, and in this connection shall: x x x Project the environment and impose appropriate penalties for acts which endanger the environment, such as x x x illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming x x x .” Sec. 447 (a) (1) (vi)

“Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall Provide for the establishment, maintenance, protection, and conservation of communal forests and watersheds, tree parks, greenbelts, mangroves, and other similar forest development projects.” Sec. 447 (a) (5) (I)

3.6 To the City Mayor

“Ensure the delivery of basic services and the provision of adequate facilities as provided for under Section 17 of this Code x x x.” Sec. 455 (b) (4)

3.7 To the Sangguniang Panglungsod

“Approve ordinances and pass resolutions necessary for an efficient and effective city government, and in this connection, shall: x x x Protect the environment and impose appropriate penalties for acts which endanger the environment, such as x x x illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming. x x x.” Sec. 458 (a) (1) (vi)

“Approve ordinances which shall ensure the efficient and effective delivery of basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall: Provide for the establishment, maintenance, protection and conservation of communal forest and watersheds, tree parks, greenbelt, mangroves, and other similar forest development projects” Sec. 459 (a) (5) (i)

3.8 To the Provincial Governor

“For efficient, effective and economical governance the purpose of which is the general welfare of the province and its inhabitants pursuant to Section 16 of this Code, the provincial governor shall; “Adopt adequate measures to safeguard and conserve x x x, forest and other resources of the

province, in coordination with the mayors of component cities and municipalities;” Sec. 465 (b) (3) (v)

“Ensure the delivery of basic services and the provision of adequate facilities as provided for under Section 17 of this Code, x x x ” Sec. 456 (b) (4)

3.9 To the Sangguniang Panlalawigan

“Approve ordinances and pass resolutions necessary for an efficient and effective provincial government and, in this connection, shall; Protect the environment and impose appropriate penalties for acts which endanger the environment, such as x x x illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, x x x” Sec. 468 (a) (1) (vi)

The Local Government Code did not devolve any specific forest management functions to the barangays.

Sec. 4. Definitions

4.1 **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/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, For this purpose, the concerned LGU with the assistance of the DENR shall prepare sustainable operations plan prior to any utilization.

4.2 **Community Environment and Natural Resources Office (CENRO)** refers to the DENR Office, headed by a Community Environment and Natural Resources Officer appointed by the Secretary of DENR, which is responsible for the implementation of DENR policies, programs,

projects and activities and the enforcement of ENR laws and regulations in the community level.

- 4.3 **Community Based Forest Management Program** refers to the program involving local communities which integrates and unites the Integrated Social Forestry Program (ISFP), Forestry Sector Program, Forestry Sector Project, Forest Land Management Agreement Program (FLMP), Community Forestry Program (CEP), Ancestral Domains Management Program (ADMP) and other people oriented forestry projects.
- 4.4 **Community Watershed Areas** refers to forestlands set aside by the Secretary of the DENR upon the recommendation of the concerned LGU as sources of water supply for specific local communities subject to the provision that utilization thereof shall be in accordance with sustainable development.
- 4.5 **DENR** refers to the Department of Environment and Natural Resources.
- 4.6 **DENRO** refers to Deputized Environment and Natural Resources Officer with power and authority as provided for by law and spelled out in the deputation.
- 4.7 **DILG** refers to the Department of the Interior and Local Government.
- 4.8 **Devolution** refers to the act by which the national government confers power and authority, upon the various LGUs to perform specific functions and responsibilities.
- 4.9 **Environment and Natural Resources Officer (ENRO)** refers to the LGU Official who may be appointed by the concerned Local Chief Executive and who shall be directly responsible for the planning and implementation of the devolved DENR functions.
- 4.10 **Foreign Assisted Projects** refers to DENR projects that are wholly or partially funded from foreign sources.

- 4.11 **LGU** refers to Local Government Unit either at the barangay, municipal, city or provincial level.
- 4.12 **Provincial Environment and Natural Resources Office (PENRO)** refers to the DENR office, headed by the Provincial Environment and Natural Resources Officer appointed by the Secretary of the DENR, which is responsible for the implementation of DENR policies, programs and projects in the province.
- 4.13 **Protected Areas** refers to identified portions of land and water set aside by reason of their unique physical and biological significance and are managed to enhance biological diversity and protected against destructive human exploitation as provided for in RA 7586, otherwise known as the National Integrated Protected Areas Systems (NIPAS) Act of 1992.
- 4.14 **Regional Environment and Natural Resources Office (RENRO)** refers to the DENR Office headed by a Regional Executive Director (RED) appointed by the President that is responsible for the coordination and implementation of all policies, programs and conservation of the DENR in the region.
- 4.15 **Regular Reforestation Projects** refers to reforestation activities funded through regular appropriations and implemented by DENR field offices by administration or by contracts of both as distinguished from foreign source funds.

Sec. 5. Forestry Management Programs, Projects and Functions of the DENR which have been Devolved to the Local Government Units

5.1 To the Provinces

5.1.1 The enforcement of forest laws, rules and regulations in community based forestry project areas community watershed and communal forests.

5.2 To the Municipalities

5.2.1 The implementation, management, development of and the responsibility for the sustainability of the community based forestry projects and activities are now devolved to the municipalities where they are located.

5.2.2 The following projects and activities, therefore, are now part of the functions and responsibilities of municipalities to which they have been devolved;

- (a) Integrated Social Forestry Projects, except at least one project per province, which has previously identified as Centers for People Empowerment in the Uplands and/or Community Training Centers, However, notwithstanding such retention by the DENR, the management, implementation and monitoring of the same shall be with the participation of the LGUs with the arm of strengthening the capacity of the LGUs to manage the devolved ISF Projects. When the situation so warrants, the municipalities through MOAs with the LGUs;
- (b) Establishment of new regular reforestation projects, except in areas located in protected areas and critical watersheds;
- (c) Completed family and community based contract reforestation projects, whether regularly funded or foreign funded subject to the policies and procedures of the DENR, except in areas located in protected areas and critical watersheds;
- (d) Management and supervision of areas for forest lands covered by FLMA's;
- (e) Community Forestry Projects, and
- (f) The management, protection, rehabilitation and maintenance of communal forests and community watershed areas that are sources of local water supply.

5.2.2 The conservation of mangroves has been devolved to the municipalities. Pursuant to RA 7161 however the cutting of

mangrove species is not allowed. The municipalities therefore should conserve the mangrove areas under the category of protected areas status.

5.3 To the Cities

5.3.1 The functions and responsibility of implementing the forestry projects within the territorial jurisdiction of cities are now devolved to the respective cities. These projects are those listed above as having been devolved to the municipalities.

5.3.2 The functions and responsibility of enforcing forestry laws, rules and regulations within community based project areas community watershed areas and communal forests that are located within the territorial jurisdiction of the cities are now devolved to the respective cities.

5.4 To the Barangays

5.4.1 There are no forest management functions and responsibilities that have been devolved to the barangays.

5.4.2 In spite of the absence of devolved forest management functions to the barangays, barangays play important roles in protecting the forests as well as in rehabilitating degraded forestlands within or near their territorial coverage.

5.4.3 Barangay officials may be designated or deputized by the DENR as DENROs, subject to specific rules and regulations to perform environmental functions, including forest protection upon prior consultation with the local Chief Executives.

Sec. 6. Institutional Mechanisms for the Supervision and Monitoring of the DENR-DILG-LGU Partnership on Devolved and other Forest Management Functions

6.1 National Steering Committee

There is hereby created a National Steering Committee that shall formulate policies and programs forward strengthening and institutionalizing the DENR-DILG-LGU partnership on devolved and other forest management functions. The National Steering Committee shall be composed of the Secretaries and Assistant Secretaries for Planning of the DENR and DILG, the respective Presidents of the Leagues of Provinces, Cities and Municipalities. The Chair and the Co-Chair of the National Steering Committee shall be the Secretaries of the DENR and DILG, respectively.

The National Steering Committee, which shall meet at least once a year shall be supported by a National Technical Working Group to be composed of the Directors of Forest Management Bureau of Local Government, Development and Supervision of the DILG and Representatives of the Leagues of Provinces, Cities and Municipalities.

The Forest Management Bureau shall act as the Secretariat of the National Technical Working Group. The FMB Director shall chair the NTWG.

The Secretary of DENR shall initiate the first meeting of the National Steering Committee together with the National Technical Working Group within thirty (30) days from the approval of this Manual.

6.2 Regional Steering Committee

There are likewise created in the regional level Regional Steering Committee to oversee and monitor the DENR-DILG-LGU partnership on devolved and other forest management functions. The Regional Steering Committee shall be composed of the Regional Executive Director of the DENR, the Regional Director of the DILG, the RTD for Forestry of the DENR and representatives from the Regional Leagues of Provinces, Cities and Municipalities.

The Regional Executive Director of the DENR shall initiate the first meeting of said Regional Steering Committee. The Chair and Co-Chair of the Committee shall be the Regional Executive Director of DENR and the Regional Director of DILG, respectively.

The Office of the RTD for forestry shall serve as the Secretariat of the Regional Steering Committee.

6.3 Provincial, City and Municipal Working Groups

Provincial, City and Municipal Working Groups may also be created to monitor the implementation of the DENR-DILG-LGU Partnership on devolved and other forest management functions in accordance with Section 7 of this Manual.

Where there are already committees in the provincial, city and municipal levels where the DENR and the LGUs are members such as the Multisectoral Forest Protection Committees (MFPCs), ENR Council Provincial Development Councils, Municipal Development Councils or other similar committees, the functions of the Steering Committees and Working Groups provided above may be lodged in said committees Provided; a) said committees are fully apprised on this Manual and their responsibilities in carrying out their mandates; b) said committees pass a written resolution resolving to carry out the mandates of this Manual; c) the monitoring of the devolved and partnership functions of the DENR and LGU in forest management be a regular item in every meeting of the committees; and d) said committees come up with a strategy on how to carry out the objectives of this Manual.

The REDs of the DENR shall report to the National Steering Committee progress along this line and recommend such other measures to effectively monitor and evaluate the devolved forest management functions and other devolved functions.

Sec. 7. General Procedures in the DENR-DILG-LGU Partnership on Devolved and Other Forest Management Activities.

7.1 Strategic Planning

Within sixty (60) days from the effectivity of this Manual, the Regional Steering Committee shall convene provincial workshops among

Governors, Mayors and their technical assistants, PENROs and CENROs, among others;

- a) Develop a program for information, education and communication campaigns on this Manual.
- b) Prepare a strategic plan on how to strengthen and institutionalize the DENR-DILG-LGU partnership on devolved and other forest management functions.

The strategic plan shall include, among others, joint land use planning, resources sharing, and training for LGU capacitation on forest management.

- c) Creation of Working Groups composed of representatives from DENR, DILG and LGU in the provincial, city and municipal levels to oversee the implementation of devolved and other forest management functions and the strengthening and institutionalizing DENR-DILG-LGU partnership. At the end of the workshops, the participants shall pass a resolution embodying the various agreements arrived at. Said resolution, strategic plan and other documents shall be submitted to the Regional Steering Committee and the National Steering Committee through the National Technical Working Group for consideration.

7.2 Appointment or Designation of ENRO Officers

To effectively implement the devolved and partnership activities, and to fully capacitate the LGUs in forest management activities, the concerned LGU may appoint or designate an Environment and Natural Resources Officer. The creation of ENR Office in the LGUs shall also be encouraged.

In areas where the LGUs cannot yet afford to hire an ENR Officer, or is not yet ready to appoint or designates an ENR Officer, the LGU concerned may enter into administrative arrangements with the local DENR Office such that the latter may second to the LGU either on full time or part time basis one of its environmental officers who shall act as ENRO for the LGU.

7.3 Provision of Technical Assistance

To ensure LGU capacitation in forest management and other ENR activities, the DENR shall conduct continuous training activities for LGU officials and their respective technical staff.

The Regional Steering Committees and the Provincial, City and Municipal Working Groups shall prepare the necessary training designs and sources of funds for the conduct of training upon request of the concerned.

7.4 Documentation of Forest Management Projects and Functions Devolved to the LGUs

Forest management projects and functions devolved from the DENR to the LGUs shall be fully documented. Documentation shall include among others a Memorandum of Agreement on projects and functions devolved personnel, equipment and other resources so transferred from the DENR to the LGU and acceptance of the same by the LGU. The DENR Officer authorized to enter into MOA with the LGU on devolved forest management functions and projects shall be as follows;

- for forest areas up to 1,000 has - CENRO
- more than 1,000 has up to 5,000 has - PENRO
- more than 5,000 has up to 15,000 has - RED
- more than 15,000 has up to 30,000 has - Undersecretary for Field Operations
- more than 30,000 has - Secretary

7.5 Monitoring and Evaluation

The DENR and the concerned DILG office and/or LGU shall conduct periodic monitoring of activities for the DENR-DILG-LGU partnership in devolved and other forest management functions.

Sec. 8 Specific Guidelines and Procedures for the Effective Implementation of Devolved Forest Management Projects and Functions.

8.1 Community Based Forest Management

The Community Based Forest Management Program (CBFMP) integrates all people-oriented forestry programs including the Integrated Social Forestry Program (ISFP), which have been devolved to the LGUs; Community Forestry Program (CFP); Forest Land Management Program (FLMP); Regional Resources Management Program (RRMP); Low Income Upland Community Program (LIUCP); Coastal Environment Program (CEP) and Ancestral Domains/Lands Claims Management Program (ADMP). The CBFM Program shall be strengthened through the partnership of the DENR Program shall be strengthened through the partnership of the DENR and the LGU.

8.1.1 Existing CBFM Projects

Existing CBFM projects shall be reviewed and assessed jointly by the PENRO, Provincial ENRO, representatives of the concerned municipal government, and CENRO having jurisdiction of the said CBFM projects. The assessment/review shall include, but not limited to the following:

- a) Inventory of all CBFM projects within the province, city or municipality;
- b) Provision by DENR to concerned LGUs of copies of pertinent records, documents, maps and other information of all CBFM projects within the LGUs jurisdiction. In the manner, the concerned LGUs shall update DENR on status of projects already devolved to them;
- c) Field assessment of each project to determine present status, major problems and constraints;
- d) Joint formulation of action plan for each project site in coordination with the concerned participants, POs or communities to improve project implementation;
- e) Joint formulation of action plan for turn-over by DENR of projects to concerned LGUs, including the phasing in of their respective responsibilities and resources sharing in the management of the same;

- f) Definition of specific roles and responsibilities of DENR, LGU (provincial, municipal/cities, barangay), communities (or beneficiaries), and other sectors in plan implementation;
- g) Design and implementation of joint monitoring and evaluation system for each CBFM project.

8.1.2 New CBFM Projects

Implementation of new CBFM projects shall be undertaken jointly by DENR and concerned communities/beneficiaries as provided for under DENR DAO 96-29.

- a) DENR through its regional, provincial and community field offices shall consult and coordinate with concerned provincial, municipal or city governments for their participation in the implementation of CBFM projects in their respective territorial jurisdiction.
- b) Formulation of action plans for CBFM that will include among others:
 - 1) Definition of specific roles/responsibilities of DENR and concerned LGUs consistent with DENR DAO 96-29 and other pertinent rules and regulations;
 - 2) Creation of teams composed of representative from both offices to undertake the various phases of CBFM;
 - 3) Commitments of financial and other resources needed in CBFM implementation;
 - 4) Monitoring and evaluation system;
 - 5) Schedule of activities.
- c) DENR-LGU Phase-Out plan for project management.

8.2 Forest Protection

8.2.1 Forest Protection and Forest Law Enforcement

The DENR and the LGUs shall coordinate closely in forest protection and enforcement of forest laws and regulations.

There shall be created joint DENR-LGU forest protection teams in the regional, provincial, municipal and barangay levels. DENR shall train and deputize LGU officers as DENR officers.

The DENR shall not release any forest product, tool, equipment and other conveyance seized during forest law enforcement operations without the recommendation of the concerned LGU. The disposition of forest products shall likewise be jointly done by the DENR and the LGU.

8.2.2 Strengthening of the Multisectoral Forest Protection Committees

The various Multisectoral Forest Protection Committees (MFPCs) duly organized shall be strengthened. Their participation in the enforcement of forest laws shall be enjoined.

The DENR shall continuously train the members of the forest protection teams and MFPCs on the various aspects of forest law enforcement to maximize and make effective their participation in forest protection and forest law enforcement.

8.3 Reforestation

Reforestation projects such as new reforestation projects and completed family and community-based contract reforestation projects and regular reforestation projects may be devolved to the LGUs. Such devolution shall be effected by a MOA between the DENR and the concerned LGU.

8.4 Communal Forest

8.4.1 Existing Communal Forest

The devolution to and management of the communal forest by the city and municipal governments shall be governed by the following general procedures:

- a) DENR, through its CENRO, and the concerned LGU shall undertake the actual identification and assessment of existing communal forests. The assessment shall determine the suitability of the existing communal forests.

If these are no longer suitable, then these communal forests may be disestablished. The approval for disestablishment shall be by the RED upon recommendation of the DENR-LGU Assessment Team through the PENRO and the RTD for Forestry;

- b) Existing communal forest which are found and recommended by the DENR-LGU Assessment Team as still suitable to achieve their purposes shall be maintained as such. Thereafter, the Sangguniang Panglungsod or Sangguniang Bayan where the communal forest is located shall pass a resolution requesting the DENR Secretary for the turn over of said communal forest to the city or municipality. Upon receipt of said resolution, the DENR Secretary shall issue an Administrative Order officially transferring said communal forest to the concerned LGU.

The DENR RED shall effect the official transfer to the concerned LGU within fifteen (15) days from the issuance of the administrative order;

- c) Within twelve months from the issuance of the Administrative Order and turn over of said communal forest to the city or municipality, the LGU to which the communal forest was transferred shall formulate and submit to the Provincial ENR Council for approval a management plan governing the sustainable development of the communal forest.

For the purpose of formulating the communal forest management plan, DENR shall, in coordination with the concerned

LGU, undertake a forest resource inventory and determine the sustainable level of forest resource utilization and provide the LGU technical assistance in all facets of forest management planning to ensure sustainable development. The management plan should include provision for replanting by the communities and the LGUs of the communal forests to ensure sustainability.

8.4.2 Establishment of New Communal Forests

The establishment of new communal forests shall be governed by the following guidelines:

- a) DENR, through its CENRO, together with the concerned city/municipal LGU shall jointly identify potential communal forest areas within the geographic jurisdiction of the concerned city/municipality;
- b) Communal forests to be established shall be identified through a forest land use planning to be undertaken jointly between the DENR and the concerned LGU. The ensuing forest land use plan shall indicate, among others, the site and location of the communal forests within the production forest categorized as such in the forest land use plan;
- c) Once the forest land use plan has been affirmed, the local chief executive shall initiate the passage by the LGU's sanggunian of a resolution requesting the DENR Secretary to issue an Administrative Order declaring the identified area as a communal forest. The required administrative order shall be issued within sixty (60) days after receipt of the resolution;
- d) Upon acceptance of the responsibility for the communal forest, the city/municipal LGU shall formulate the management plan and submit the same to its ENR Council. The management plan shall include provision for replanting by the communities and the LGUs of the communal forests to ensure sustainability.

The communal forests of each municipality shall in no case exceed a total of 5,000 hectares.

8.5 Establishment and Management of Community Watershed Areas

8.5.1 Identification and Establishment of Community Watersheds

Pursuant to Sec. 447 (a) (5) (i) of RA 7160 mandating the Sangguniang Bayan to provide for the establishment, maintenance, protection and conservation of watersheds in their respective areas as sources of water supply for specific communities, the following guidelines shall be followed:

- a) DENR, through its CENRO, together with the city/municipal LGU shall identify potential watershed areas in the city or municipal territorial jurisdiction that can be sources of water supply for specific communities;
- b) Community Watershed Areas to be established shall be identified through a forestland use planning to be undertaken jointly by the DENR and the concerned LGU. The forestland use plan shall indicate, among others, the site and location of the community watershed;
- c) Once the forestland use plan has been completed, the Local Chief Executive shall initiate the passage by the LGU's sanggunian of a resolution requesting the DENR Secretary to issue an Administrative Order declaring the identified area as Community Watershed as source of water supply for specific communities. The required administrative order shall be issued within sixty (60) days after receipt of the resolution; Where there are already existing springs in forest areas in the municipalities being used as water sources by the communities, the community and the LGU shall initiate the passage of the Sangguniang Bayan resolution requesting the DENR Secretary to issue the necessary administrative order;

- d) Upon acceptance of the responsibility for the community watershed, the local chief executive, in consultation with the ENR Council will prepare the Management Plan. Such plan shall be submitted to the Sangguniang Bayan for approval; For purposes of formulating the community watershed management plan, the DENR shall, in coordination with the concerned LGU, undertake a forest resource inventory and determine the sustainable level of forest and water utilization and provide the LGU technical and other assistance in all aspects of forest management planning to ensure sustainable development.

8.6 Establishment and Management of Forest or Tree parks, Greenbelts and other Tourist Attractions

Pursuant to the mandate of RA 7160 requiring cities and municipalities to provide for the establishment, maintenance, protection, and conservation of tree parks, greenbelts, mangroves and similar forest development projects, the procedures laid down under Sections 8.4 and 8.5 shall be followed where the forest park, tree park, greenbelt and other tourist attraction fall within forestlands.

Sec. 9 Expanded DENR-LGU Partnership on Forest Management Activities

9.1 ForestLand Use Planning

DENR and the concerned LGU shall jointly undertake forestland use planning , the output of which shall become an integral part of the concerned LGU's comprehensive land use plan. For purposes of this Manual, the following general procedures shall be followed:

- a) DENR Central Office shall issue an order directing the REDs to organize within sixty (60) days from issuance thereof, Forest Land Use Planning (FLUP) teams at the provincial, city and municipal levels in coordination with the concerned local chief executives.

Corollarily, the concerned local chief executives shall issue the appropriate orders for their LGUs participation in the FLUP;

- b) The FLUP Teams shall organize their work and undertake FLUP within twelve (12) months from their organization;
- c) The FLUPs thus formulated shall be submitted to the LGU's Sanggunian for endorsement/approval and incorporation of the same to the LGU's comprehensive land use plan; The Land Evaluation Parties of the DENR Regional Offices shall provide technical assistance to the FLUP teams.

9.2 Joint DENR-LGU Annual Planning and Budgeting for Forest Management

The DENR shall involve the participation of the LGUs in the formulation of annual plans and budgets pertaining to forest management. The LGU shall likewise involve the participation of the DENR in the preparation of its annual plan particularly in the area of forest management.

9.3 Issuance of Licenses and Permits

To further strengthen DENR-LGU partnership pursuant to the pertinent provisions of RA 7160, henceforth the issuance by the DENR of tenurial instruments in forest lands and for forest products utilization shall be in coordination with the LGUs as follows:

9.3.1 Approval of Operations Plan of Timber License Agreements

The concerned LGU (province, city or municipality) shall sit in the committee created by DENR to deliberate said operations plan. The comments of the LGU in the committee's deliberations shall be recommendatory to the DENR.

9.3.2 Other Tenurial Instruments

After the applicant has submitted his application papers to the DENR, the DENR shall notify the LGU (province, city or municipality) of

said pending application to solicit the comments of said LGU. The comments made by the LGU shall be advisory to the DENR for the latter's final action on the application.

Sec. 10 Funding

10.1 Inclusion in DENR Annual Budget and Work Plan

The DENR shall incorporate in its annual appropriations the budgetary requirements for undertaking the tasks under this Circular.

10.2 Inclusion in LGUs' Budget

The LGUs shall endeavor to provide resources to effectively carry out the mandates of this circular.

10.3 Other Assistance to the LGUs

DENR and DILG, in coordination with other concerned government agencies, shall provide assistance to the local government units in seeking technical and financial assistance from other sources in implementing the tasks under this Circular whenever such assistance is sought by the local government units.

Sec. 11 Repealing Clause

Any provision of DENR and DILG Administrative Orders, Memorandum Circulars or other issuances not consistent herewith are hereby repealed or modified accordingly.

Sec. 12 Effectivity

This Joint Memorandum Circular shall take effect immediately.

(Sgd.) VICTOR O. RAMOS (Sgd.) EPIMACO A. VELASCO
Secretary, DENR Secretary, DILG