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the Plains from the Floods

STRENGTHENING NATIONAL GOVERNMENT-LOCAL GOVERNMENT
PARTNERSHIP IN COMMUNITY-BASED FOREST MANAGEMENT



SIAN INSTITUTE OF MANAGEMENT • FORD FOUNDATION

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SAVING THE PLAINS FROM THE FLOODS
Strengthening National Government –
Local Government Partnership
in Community-Based Forest Management

Asian Institute of Management

1999

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Preface

Most of the studies undertaken since the implementation of the Local Government Code of 1991 (Republic Act 7160)¹ largely overlooked the relations between the national and local governments. These initiatives focused on the absorptive capacity of the local government units (LGUs) to implement devolved functions, capacity building for local officials, and participation of civil society in local governance. The relationship between the national government and the LGUs, a crucial factor for the effectiveness and sustainability of local governance, has not been adequately studied. The role of national government agencies (NGAs) and the necessary changes they have to undergo as a result of devolution have also not been really looked into.

Though the Code addressed devolution and decentralization comprehensively and ambitiously, it, however, did not spell out the role that the national government line agencies should perform in a devolved and decentralizing political system. Thus, there is a need to redefine the role and the function of national government line agencies in the context of a devolved political system. There is also a need to help these agencies transform themselves from frontline service providers to organizations that develop national policy guidelines, monitor performance, and extend technical support to LGUs. Specifically, these agencies must be able to shift their focus from directing development efforts to one of absorbing and integrating local programs into national development policies.

To complement this transformation, various modes of partnership between LGUs and national government agencies (NGAs) have to be explored towards a more ef-

¹Republic Act 7160 was signed on October 10, 1991 and became effective on January 1, 1992.

fective implementation of the devolved functions. The partnership between NGAs and LGUs also require changes in the way LGUs implement the devolved programs and the way they relate to NGAs.

Among the few studies that looked into the role of the national government and its relationship with the local governments in the devolution process are the annual Rapid Field Appraisals (RFAs) of the Governance and Local Democracy Project (GOLD) of USAID² and the assessment of the implementation of the Local Government Code of 1991 written by Alex Brilliantes.³ Brilliantes identified the following as among the factors that hampered the smooth implementation of the Code: the lack of guidelines to the LGUs from the NGAs in operationalizing devolution; and, the continuing need to define and clarify inter-governmental relations, i.e. national-local and local-local.

Among his recommendations for a smoother and a more effective implementation of the Code are the following: (a) Clarifying inter-governmental relationships (i.e. national-national; national-local; and local-local); (b) Continuing support from the national government agencies, particularly in the areas of provision of technical assistance to LGUs, capability-building and training, ongoing dialogues and exchange of information; and (c) Continuing orientation for national agency officials to effect a continuing paradigm shift among national officials with regard to the frontline local governance and to avoid "unfunded mandates".

The first four Rapid Field Appraisals (RFAs) observed that "NGAs lag behind in terms of initiatives and ways of adapting to the demands of the decentralized system of government, and did little beyond the devolution required by law".⁴ The fifth (1995) and the sixth RFA (1996) observed that NGAs had not "pro-actively pursued new roles after devolution was accomplished." The 7th RFA (1997) identified the reluctance of the NGAs to devise methods to provide technical assistance to LGUs

²The 1st four RFAs (1992-1994) were undertaken under the Local Development Assistance Project of the USAID. The succeeding RFAs (5th to 8th RFAs, 1995-1998) were conducted under the GOLD Project of the USAID. The RFAs assess the pace and direction of the decentralization process from the local perspective by broadly identifying the trends in the decentralization process and the factors that constrain these trends.

³ *Historical Developments of Philippine Local Governments: Five-Year Assessment of the Implementation of the Local Government Code.* (Unpublished Paper, 1997).

⁴ *Synopsis of Findings from the Four Rapid Appraisal of Decentralization, 1992-1994.* Associates in Rural Development, Inc. USAID and the Local Development Assistance Program, 1994.

pursuing locally defined priorities and the lack of involvement of LGUs in planning and managing national programs as among the constraints to further decentralized democratic development.

The transformation required of NGAs and the need for partnerships between NGAs and LGUs become more imperative in view of the policy changes taking place in grains production and agricultural planning and implementation, coastal resource management (CRM), community-based forest management (CBFM) and socialized housing. These four program areas are the focus of this study. The trend of these policy reforms is to further devolve, strengthen, and institutionalize the decentralization and devolution process started by the Local Government Code. These policy changes will be discussed in more detail in the succeeding chapters of this report.

Consistent with these policy reforms, there are efforts within the national government, as observed in the eighth RFA (1998), to engage LGUs in new ways. One such effort is the Department of Agriculture's move to do a bottom-up planning process and to propose a co-financing scheme to finance provincial food security programs. Another is the emphasis on the role of LGUs as one of the two main strategies of the present administration in providing socialized housing.

THE PROJECT

A. Objectives.

The present study proposes to examine national and local government relations in the context of specific devolved program areas. In so doing, the study hopes to generate recommendations that will address concerns specific to a program area. Thus, this study uses the case study approach to look at the implementation of these program areas at the provincial level. The study also hopes to outline recommendations that will address devolution and decentralization in general.

Aside from focusing on specific program areas, the study also puts a strong emphasis on building a strong constituency that will help advocate and push for policy reforms towards strengthening national - local government relations. A strong constituency for policy reform creates a more supportive regulatory and policy environments for local governments. Thus, consultations and meetings with various stakeholders were done throughout the project cycle.

The three core activities of this project are participatory policy research, advocacy and constituency building, and documentation and publication. The *general objectives* of this study are:

- To determine what changes in policy and organizational structure are necessary to create more effective partnerships between the national and local governments;
- To gain commitments from national government agencies where they believe policy and organizational changes are feasible through the participatory approach involving all stakeholders; and
- To design follow-through activities to strengthen the constituent base that can advocate for the implementation of these reforms.

The *specific objectives* of the study are the following:

- To formulate a policy research agenda on national and local government relations within the context of decentralization through broad consultations with various stakeholders;
- To produce research papers, including case studies, addressing the issues identified in the policy research agenda;
- To formulate recommendations for policy reforms based on the findings of the research.

B. Program Areas.

The four program areas of this study were chosen after a review of the literature and consultations with various stakeholders. These are grains production, community-based forest management (CBFM), coastal resource management (CRM), and socialized housing. These four programs were also chosen due to their tremendous impact on the quality of life of the basic sectors, such as the indigenous peoples, upland dwellers, fisherfolk, farmers and the urban poor.

In addition, the implementation of these programs represents varying modes of devolution. In the case of the Department of Agriculture (DA), the agency responsible for grains production and agricultural development, its devolution is “partial”. Meaning, though its extension services were devolved to LGUs, it is still mainly responsible for the entire planning, financing and execution of agricultural development. In the case of the Department of Environment and Natural Resources (DENR), the devolution of forest management functions to LGUs are “under the supervision and control of the DENR.” For housing, the municipal LGUs have direct mandates to undertake socialized housing, with assistance from relevant national government agencies.

The implications, if any, of these varying modes of decentralization on the implementation of the devolved functions will be discussed in the succeeding chapters of this report.

C. Case Study Areas.

The case studies focused on the province and treated it as a political (and not a geographical) unit. Among others, the research looked at how the province manages, and, in certain cases, implements the different devolved programs and its relationship with the national government in managing and implementing these programs. The case studies also studied at least one municipality within the province to highlight the municipal LGU–provincial LGU relationship in the management and implementation of these programs.

Based on the consultations with the different stakeholders and the review of related literature, the Project Team initially came up with six provinces as possible sites for the case studies: Cotabato, Negros Occidental, Batangas, Bohol, Nueva Vizcaya, and Quezon. Initial socio-economic data, including data on activities of the province on the four program areas, were gathered to help the Project Team determine the final three provinces for the case studies. For the case studies on socialized housing, the Housing and Urban Development Coordinating Council (HUDCC) recommended Bacolod City and San Fernando City in La Union. HUDCC used the following criteria in coming up with these two cities:

- the need for socialized housing

- mayor is either a first- or a last-termer
- cooperative and reliable HUDCC Regional Office personnel
- presence of POs/NGOs who can participate in setting up the mechanisms to address the housing problem.

The Project Team applied the following criteria in choosing the final three provinces for the case studies:

- the willingness of the local chief executive to participate in the project
- the presence of two or more of the project's four program areas
- the presence of innovation or success stories at the local level, and
- the lack of written material on the site.

The Project Team also took into consideration the representation of the three major regions (Luzon, Visayas, Mindanao) in choosing the sites. The final three provinces for the case studies are Quezon (CRM and CBFM), Negros Occidental (grains production, CRM and CBFM) and Cotabato (grains production and CBFM). For socialized housing, the Project Team took the recommendation of Secretary David of HUDCC to study San Fernando City and Bacolod City.

After selecting the study sites, the Project Team met with individuals and research outfits that could possibly undertake the case studies for the project. One of the requirements was the relative familiarity of the case writer with the province as well as with the program focus. For Negros Occidental, the case study writer is Quidan-KAISAHAN, an NGO based in Bacolod City, represented by its executive director Mr. Teodorico Peña. The case study writer for Cotabato is Mr. Gerardo Bulatao, a senior consultant of the Institute of Politics and Governance (IPG). For Quezon, the case study writer is Mr. Adrian S. Cristobal Jr., a former consultant of the Local Government Academy and chairperson of the Board of IPG.

D. Thematic Papers.

As background materials for the case study writers, the Project Team commissioned individuals to write thematic or state of the art papers. These thematic papers give the macro perspective on the program areas in the Philippines and the role of local governments in implementing these programs. The the-

matic writers are Professor Antonio La Viña, former undersecretary of the DENR, for CBFM; Dr. Fermin Adriano, professor of agricultural economics at UP Los Baños, for grains production and agricultural planning and implementation; Mr. Alfredo Isidro, former Director of the Fisheries Sector Program of the DA, for CRM; and Anna Marie Karaos, associate director of the Institute of Church and Social Issues, for socialized housing.

E. Consultations

As mentioned earlier, the study emphasizes the building of a constituency that will push for policy recommendations toward strengthening national-local government relations. Thus, consultations with the partner agencies, LGUs and other stakeholders were undertaken throughout the project cycle. The study's culminating activity is a national consultation that will bring together top policymakers and stakeholders for each sector. The national consultations had three objectives, namely: (a) to share major conclusions and recommendations of the project with the top policy makers and major stockholders for each sector; (b) to consult the stakeholders on the viability of the recommendations and explore follow-up activities; and (c) to heighten the need for greater synergy between national and local governments, in particular program areas, and in governance as a whole.

1. *With partner government agencies.* After determining the program areas that will be studied, the Project Team held meetings with Undersecretary Domingo Panganiban, Undersecretary Cesar Drilon and Secretary William Dar of DA, Undersecretary Ramon Paje, Undersecretary Elmer Mercado and Secretary Cerriles of DENR, and Secretary-General Joey Mendoza and Secretary Karina David of HUDCC to discuss the project and explore possible cooperation between the Project and these government agencies. Securing the cooperation and involvement of these national government agencies is crucial to the Project which, among others, aims to institutionalize recommendations on program, policy and structural reforms in the four program areas. These meetings were also significant in helping ensure that the focus of this policy project is consistent with the policy directions of these agencies.

During the course of the research for the case studies, the Project Team and the case study writers met with mid-level and top officials of these agencies to present the findings and recommendations at the local level. Members of the Project Team,

in the writing of the final main report, also met with regional officials of these agencies in order to understand the perspective at the regional level.

2. *With LGU officials.* After determining the sites for the case studies, the Project Team also met with the governors of the three provinces and the mayors of the two cities to discuss the project and explore possible cooperation between and among the LGUs, the Asian Institute of Management through the Project Team, and the NGAs. Also discussed during these meetings were the proposed tripartite Memorandum of Understanding (MOU) for the project.

The Sanggunian (legislative bodies) of the 3 provinces and the 2 cities approved the terms of the MOU between the months of September and October 1998. The LGU chief executives and the secretaries (or the regional directors in the case of DENR) finally signed the MOU in November 1998.

The Project Team, together with the case study writers, also held exit meetings with the governors and the mayors to discuss the findings and recommendations of the case studies. Also taken up during these meetings are possible follow-through activities that will implement these recommendations.

3. *With other stakeholders.* The local research teams held consultations with the local officials and other stakeholders during the course of their field research. In certain cases, case study writers held local consultations to present the findings and recommendations of the case studies. In some cases, representatives from national government agencies attended these final local consultations. The Project Team also held meetings with individuals involved in the four program areas, as well as with other stakeholders in decentralization and devolution.

F. Research Design.

The design for the case studies broadly identifies the mandates of the LGUs on the four program areas based on present laws and policy guidelines. The design also gives the case study writers enough flexibility to further determine the focus of their case studies, depending on what the LGUs want or plan to do in a certain program area and other realities on the ground. For example, the case study on grains production in Cotabato focuses on marketing, instead of production of grains, since the province is a net exporter of rice and corn. In the case of Toboso, Negros Occidental, the case study on grains production focuses on the municipality's at-

tempt to shift from sugarcane to grains because its grains production is insufficient to meet the demand of its population. In general, the project seeks to answer the following:

- What mechanisms and structures need to be put in place at both the local and national levels to improve the delivery of basic services to the people?
- How can NGAs help provincial LGUs do planning and implementation better?
- How can LGUs mobilize more national government resources for implementation of projects by local governments?
- What program, policy, and institutional reforms are needed to strengthen national government – local government relations and to create more effective partnerships between them?

In answering these questions, the case studies:

- Identified the mandate of the LGUs in each program area;
- Determined what the LGUs plan to do to improve its implementation;
- Documented its implementation;
- Identified and analyzed the gaps and constraints to its implementation; and
- Outlined policy recommendations toward strengthening national-local government relations for a better implementation of the devolved program areas.

The editors

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Assistant Secretary Carolina Z. Mangawang of the DILG gave us a walking tour of the intricacies of food security planning, and the difficulties of

inter-agency coordination, between the DA, DILG and the Leagues of Provinces.

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THE DIFFICULT PATH OF PARTIAL DEVOLUTION IN COMMUNITY-BASED FOREST MANAGEMENT: A SUMMATION

HECTOR D. SOLIMAN

The mandate of Executive Order No. 263 is very clear: "Community-based forest management (herein referred to as CBFM) shall be the national strategy to achieve sustainable forestry and social justice."¹ With such an unequivocal mandate, the task of translating this objective to a reality on the ground remains a difficult challenge. The perennial flooding of the central plains, the overflowing of the catchment areas due to the denudation of the watersheds, and the occasional landslides (notably the tragedy of Cherry Hills) always grimly remind us of the importance of forestry in our daily lives. But alas, the establishment of sustainable forest areas is always an arduous task, as shown by our three case studies in Quezon, Negros Occidental and North Cotabato.

The ideal forest cover for the country, considering its island formation, is 60%. However, in the 1960s, forest cover is down to 45%. In 1996, out of a total land area of approximately 30 million hectares, only 5,493,000 hectares were forested, or approximately 18%.² The state of the forests is also manifested in the data on production and exports of major forest products. While the exports of logs and other wood products have followed a downward trend, imports of lumber have steadily risen.³ Finally, "perhaps the most significant indicator of the health of the Philippine forest

¹Executive Order No. 263 (Adopting Community-Based Forest Management as the National Strategy to ensure the Sustainable Development of the Country's Forestland Resources and Providing Mechanisms for its Implementation), dated July 19, 1995.

²La Viña, Antonio G.M., *The State of Community Based Forest Management in the Philippines and the Role of Local Governments* (Makati City, Philippines: Asian Institute of Management, 1999), p. 1.

³*Ibid.*, p. 2.

is the decline of its contribution to gross value added to the national economy. In 1976, forestry share to GNP (at current prices) was 2.46%. In 1996, this was reduced to a mere 0.07%.⁴

The alarming situation of Philippine forestry is always brought up whenever a disaster like landslides or floods occurs in the country. Despite these “wake-up calls”, the situation does not seem to have been radically reversed in the past years. The restoration of adequate forest cover remains an urgent agenda in national development.

La Viña has adequately traced the evolution of community-based forest management as the main national strategy for the preservation and development of our forests. This strategy is based on the realization that there were many people in our forests, and that they could have a constructive role in developing and conserving our natural resources.⁵ Having adopted this strategy through Executive Order No. 263, and implemented by Department Administrative Order No. 96-29, “CBFM has arrived as the definite policy in the management of our forest resources.”⁶

THE ROLE OF LOCAL GOVERNMENTS IN CBFM

The trend in devolution was jumpstarted by the passage of the Local Government Code in 1991. Among others, the following functions were devolved to the municipalities:

Pursuant to national policies and subject to the 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 of not exceeding fifty (50) square kilometers, establishment of tree parks, greenbelts and similar forest development projects.

— Sec. 17 (b) (2) (ii)

Notice the guarded phrase “subject to the supervision, control and review of the DENR”, which is unique to the devolution of environmental functions. The relationship of the DENR with LGUs could very well be found in this phrase, which

⁴Ibid.

⁵Ibid., p. 3.

⁶Ibid., p. 2.

portrays very clearly the existing tension of wanting to give local autonomy and at the same time reserving the right to exercise its supervision and control over the local governments. This predominantly ambivalent attitude has caused problems in implementation, as shown by the case studies in this research project.

Due to the ambivalence of the national- local government relation, the DENR and the DILG had to spell out in great detail how this devolution could actually take place, in various areas of forest management. The definitive statement on this issue is Joint Memorandum Circular No. 98-01 (hereinafter referred to as JMC 98-01 for brevity), which is entitled "Manual of Procedures for DENR-DILG-LGU Partnership on Devolved and other Forest Management Functions". Although Secretaries Ramos and Velasco of the DENR and the DILG signed the JMC, the text of the circular was published in the newspapers only on July 16, 1998, and therefore has not yet had the benefit of extensive implementation, due to the change of government.

The JMC essentially spells out the partnership between the DENR and the local governments in protecting the forests found or to be established all over the country. The key components of the partnership are as follows:

- The formation of a National and Regional Steering Committee, to be chaired by the Secretaries of DENR and DILG, and the DENR Regional Executive Director, respectively. These steering committees have representation from the local governments, through their respective leagues;
- The creation of provincial and municipal working groups that could back-up the operations of the regional steering committee;
- Strategic Planning at the Regional and Provincial Levels, which will formulate a plan for the DENR-DILG-LGU partnership. The plan should take into account issues such as joint land use planning, resource sharing, and training for LGU capacitation (*sic*) on forest management;
- The appointment of the Environmental and Natural Resource Officer at the provincial level, which shall serve as the focal person in the partnership;
- The provision of technical assistance by the DENR to the LGUs to ensure the peak capability of the LGUs in the area of forest management; and,

- The documentation of Forest Management Projects and Functions devolved to the LGUs, preferably through a Memorandum of Agreement.

The main thrust of this research project is to examine how far the DENR and the LGUs have gone in the implementation of this partnership, and what are the success factors that assist, or constraints that hinder the success of this undertaking. I have found the enumeration of the key components of the DENR-LGU partnership under JMC 98-01 as a useful guide, and will therefore utilize it as an operating framework for the summary of conclusions and recommendations.

MAIN CONCLUSIONS OF THE STUDY

Using JMC 98-01 as a yardstick, we could say that the province of Negros Occidental has satisfactorily fulfilled its mandate, through the able leadership of its governor. However, for the provinces of Quezon and North Cotabato, much remains to be done in terms of empowering the LGU to maintain and sustain CBFM sites.

The first prescription of the JMC 98-01 is the creation of the regional, provincial and municipal mechanisms for the partnership between the national and local governments. At the regional level, the structure is called the Regional Steering Committee, while at the provincial and municipal level, they are called working groups. The JMC is actually not fixated on creating separate structures exclusively for this undertaking; in fact, the monitoring of the DENR-DILG partnership on forest management may be done through the provincial or municipal development councils.

The case studies have noted in concert the lack of a coordinating mechanism at the regional, provincial and municipal levels, for the partnership to operate. No study has mentioned the creation of a Regional Steering Committee that will coordinate this partnership. In the case of Mauban, Quezon, the relationship of the Community Environment and Natural Resources Officer (CENRO), the DENR person at the municipal level, is direct to the community, without any coordination with the municipality. This situation persists, even if the CBFM site has already been devolved to the local government unit.

In the case of Negros Occidental, the province has taken a strong initiative in conducting its "environmental war". The leadership taken by the governor has resulted in self-sustaining CBFM projects, with the technical support from the DENR. In fact the study notes that the PENRO, the CENROs and the Provincial Environ-

ment Officer meet regularly to discuss updates on social forestry implementation. However, what is lacking is coordination at the municipal level, between the CENRO and the municipal LGU. The municipal government is constrained by lack of technical capability, lack of funds, personnel and information.

For Quezon, there is hardly any coordination between the DENR's PENRO and CENRO and the provincial or municipal officers in charge of the environment. This predicament does not augur well for the sustainability of the CBFM projects. The recommendations of creating task forces at the provincial and municipal level are quite akin to the concept of "working groups". The role of these task forces is to cement the coordination between DENR and the local government units. The author of the case study also suggested that the task forces could be integrated into the MDC or PDC structure as committees or subcommittees, which is very much in line with the spirit of JMC 98-01.

The second prescription of JMC 98-01 is strategic planning between the governor, mayors, the DENR personnel at the local level and other stakeholders. This activity is sorely lacking in the areas of study. The best effort in this front has been undertaken by Negros Occidental, although the study notes that the emphasis has been more on lot planning (what to do within a specific site), but not strategic planning.

The role of strategic planning is to coordinate efforts in the following areas, which are all needed, in varying degrees, in the provinces that are the subject of this study:

- Information Campaign on forestry laws, permits to cut, CBFM policies, JMC 98-01 and the like;
- Access to more financial resources for the implementation of the CBFM projects. This need has been widely acknowledged by all case studies. Financial resources should also be balanced between short term needs (like alternative livelihood programs) and long term requirements (seedlings, soil erosion control, and the like); and,
- Technical assistance to the local government units, and conversely, to the community organizations that are managing the forests. This need has been emphasized also in all the case studies.

The third major proposition of the JMC is the appointment of a full time environment officer at the provincial and municipal level. The DENR further suggests that if the province or municipality cannot afford one, then a suitable person from the national agency may be designated to assist the LGU. In this score, the province of Negros Occidental leads the way. The province actually created a Provincial Environment and Management Office (PEMO) and gave it a substantial budget of P 9.5M for 1999. However, this same zeal is not exhibited in the municipal offices, which have yet to designate or appoint environmental officers.

The North Cotabato case study observed aptly that there is no separate environmental office for the province. At the moment, a division within the Office of the Provincial Agriculturist is exercising this function. The case study writer feels that the task of environmental protection and forest management is too big a job for one office alone, and could not be adequately attended to by people whose primary task is food production.

In the case of Quezon, the existence of the provincial environmental officer is not a problem, since such an officer does exist. What is more problematic is that the DENR personnel do not seem to coordinate with the provincial ENRO when it comes to implementing the CBFM projects.

The fourth cardinal principle of the JMC is the provision of technical assistance. This is an area where a lot of improvement could be made, and all the case studies have noted that some form of technical assistance is necessary for the provincial, municipal and civil society actors.

However, there is one form of technical assistance that seems very critical and needs to be emphasized at this stage, and that is marketing the forest products in order to increase the incomes of the tree farmers. The CBFM projects have reached a stage where the farmers are already seriously thinking of where to sell their logs or lumber. Also, the farmers have to be advised on sustainable cutting practices, so that the environment is also not deleteriously affected. DENR does not seem to have a program for marketing assistance, and this has to be coordinated with the Department of Trade and Industry.

The completion of the production and marketing cycle seems to be a very important component for the sustainability of the community-based forest projects. The twin objectives of environmental protection and increased incomes have to be met, with the very same rigor as any corporate balance sheet. Otherwise, there would

be no incentive to continue this undertaking, and the temptation to log over the primary growth forests will again rear its ugly head.

The final principle of JMC 98-01 is the documentation of forest management projects. This issue seems to have been fairly well accomplished in all project sites, since the LGUs have a good count of what ISF areas have been devolved to them, the personnel and other resources.

MAJOR RECOMMENDATIONS

Given the experience of the provinces of Negros Occidental, North Cotabato and Quezon, we could conclude that the following steps should be taken to ensure the success and sustainability of CBFM:

A. Creation of a separate office for the Provincial Environment Officer, with adequate staff and funding.

The first requirement for successful CBFM projects at the provincial level is the presence of a full-time officer for environment. The situation prevailing in North Cotabato, where the environmental concerns are being undertaken by a division within the office of the provincial agriculturist, will simply not be enough. Agriculture by itself, with the allied concerns like fisheries, land use planning, credit support and marketing, is already a humongous task.

Moreover, the Provincial Environment Office (PEO) represents a critical link between the DENR (PENRO and CENRO) and the province and municipality, as well as the community-based organizations attending to CBFM. The PEO should be able to string together the different resources and talents at the DENR, provincial and municipal levels, in order to promote CBFM.

B. Creating Spaces within the Provincial and Municipal Government for CBFM Community Associations.

In order to heighten the participation of the community-based associations that implement the CBFM projects, certain spaces could be created for their continuing interaction. In the Quezon case study, Cristobal suggested that these organizations could be incorporated into a provincial or municipal task force for CBFM. These

associations could also become members of the municipal or provincial development councils.

The membership in the task forces or the development councils is a concrete and continuing mechanism for getting feedback from the community regarding their recurrent problems, and what the government could do about it. These councils could also be forums for presenting the financial requirements of the CBFM projects on an annual basis, before the budgets get approved by their respective *sanggunians*.

C. Provision of Technical Assistance by the DENR to the Provincial Environment Office, to enable them to manage community-based forestry.

A common problem of the provincial technical staff, like the PEO, is lack of capability. The DENR is in the best position to train them on what types of species to plant, what are the ideal soil conditions, the planting and harvesting cycle and the like. The DENR should concentrate on training the PEO, so that they in turn could train the community-based organizations and the concerned municipal officials.

Since the CBFM functions are only partly devolved by the law (meaning that the CBFM is still under the control and supervision of the DENR), there is patently an overlap between the functions of the PENRO (who is a DENR functionary, who draws his salary from the national budget) and the PEO (who is a local official and more beholden to the provincial governor and the Sanggunian). Given this situation, what the DENR should do is to embark on a program of progressively empowering the local government unit up to a point where they could stand on their own in terms of CBFM. The end result would be a complete turnover of the projects and the responsibility to the local government units. This strategy allows the PENRO to concentrate on other environmental problems, like pollution, landslides and soil erosion, marine ecosystems and the like.

D. Mobilize funding support for CBFM, including a market-matching program to ensure sustainability.

Most of the CBFM projects in the country were initiated through foreign donor assistance. The CBFM projects have been off to a good start, and there are many lessons to be learned from such an experience. The government has provided the

necessary policy support by making CBFM the dominant strategy for forest conservation. However, the sustainability of the effort should not be placed on the shoulders of the foreign financiers. Ultimately, the efforts will have to be sustained financially at the local level.

The first approach could well be a greater allocation from the local government's kitty. As we have seen in most cases, this process would entail competition over scarce resources by different equally pressing concerns of the local government unit. Allocation of funds always follows a certain priority list, and forest conservation might not be high in the priority of an LGU.

For LGUs that have significant forest cover, or areas that could still be planted to trees, it would make sense to invest their money in CBFM projects. However, this has to be complemented with a market matching strategy that DENR, together with the DTI, have to evolve. In our conversations with DENR officials, they recognize the importance of such a program. However, they are not sure if the DENR is the proper agency that will embark on such a program.

We believe, and strongly recommend that the DENR should initiate such a program, because the department is in the best position to determine the supply side of the equation. This would include the following information:

- The suitable wood species that could be planted given a particular area;
- The sustainable cutting practices needed in order to maximize the effects of conservation and wood production;
- The manpower needed for such wood production, especially at the community level, from planting, cutting and hauling.

On the other hand, the DTI could take care of the demand side of the equation, like linkages with the wood industry, furniture manufacturers and other users of wood, the possible processing and value added activities needed to make wood products marketable.

Linking the wood producers to the market in a sustainable fashion would make the investments of LGUs in the CBFM projects much more meaningful and sustainable in the long run. The investment of the LGUs in these endeavors could be seen as the start-up costs of the project, and then hopefully the market could determine the size and shape of the operations of the CBFM projects.

CONCLUSION

A comparison of the major conclusions and recommendations of the case studies, with the prescriptions of JMC 98-01 seem to indicate that government has thoroughly spelled out what needs to be done in terms of the partnership between DENR and LGUs for community-based forest management. In other words, the operating framework, or authority to do all the essential components, like the regional steering committees, provincial and municipal working groups, technical assistance, and strategic planning, is already there. In fact, there is even an injunction for the DENR and the DILG to help concerned LGUs in financial assistance, to wit:

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.

However, clear mandates do not necessarily produce results. At this stage, what is needed is the “carrot and stick” approach from the DENR. I believe that the “stick” would be the strong and principled leadership of the DENR top management in pushing this program through. The DENR leadership needs to ensure that the people, the resources and the systems and procedures are in place to deliver the goods – technical assistance, the regional and provincial coordinating bodies, the strategic plans, and modest financial resources. The “carrot” could very well be a sustainable market-matching program that will give community tree farmers the proper incentives to plant, and at the same time contribute to ecological preservation. This approach could be a very powerful combination that could significantly minimize the widespread ecological disasters that we are experiencing today, especially with the onslaught of La Niña.



THE STATE OF COMMUNITY-BASED FOREST MANAGEMENT IN THE PHILIPPINES AND THE ROLE OF LOCAL GOVERNMENTS

ANTONIO G. M. LA VIÑA

This paper looks at the state of community-based forest management (CBFM) in the Philippines in the context of the role of local governments in implementing this forest management strategy adopted by the Philippine government. What is presented is the policy framework that is the basis for CBFM with particular attention given to the participation of local governments in its implementation.

The paper begins by providing an overview of the state of Philippine forests and Philippine forestry and by looking at the evolution of CBFM from a mere pilot, indeed marginal, program to its attainment as *the* forest management strategy pursued by the Philippine government. This historical overview is followed by a critical analysis of the implementation of CBFM, in particular, identifying lessons learned and policy issues and concerns that must be dealt with if implementation is to be more effective.

The paper identifies as a major policy imperative the need to define more effectively the role of local governments in CBFM implementation. The limitations and possibilities of such a role, under present law, specifically in the context of the Local Government Code and existing forestry laws, rules and regulations, are analyzed and presented.

PHILIPPINE FORESTS AND FORESTRY: AN OVERVIEW

When the 20th century began, most of the Philippines was still covered by forests. By the 1960s, only about 45% of the total land area of the Philippines were forested. Deforestation further accelerated and by the 1980s, forest cover had dwindled to 24.

By 1996, out of a total land area of approximately 30,000,000 hectares, only 5,493,000 hectares were forested or less than 20% (around 18.3%), way below the 60% ideal forest cover necessary for ecosystems to thrive and flourish. Residual forest total around 2,812,000 hectares with a total estimated volume of timber of 415,900,000 cubic meters. Less than 3% (around 800,000 hectares) can be considered primary tropical forest. Moreover, what remains of Philippine forests are high altitude mossy forest or designated loggable secondary forests. Alarming also is the fact that in some areas, including some large islands, forest cover is even at a more dismal state than the national average. For example, Central Visayas has a forest cover of 20,700 hectares out of a total land area of 1,495,142 hectares, the Bicol Region has 44,500 hectares out of a total land area of 1,763,249 and Region 6 has 60,900 hectares out of a total of 2,022,311.¹

The state of Philippine forests is also manifested by the data on production and export of major forest products. While exports of logs and other wood products have followed a downward trend, imports of lumber have steadily increased. Consistent is the downward trend on both the production and export of forest products from 1980 to 1996. From a high of 7,000 (in thousand cubic meters) of production in 1980, by 1988, only 4,000 (in thousand cubic meters) was being produced, and in 1996, less than 1,000 (in thousand cubic meters).² Roundwood production also consistently decreased from 1960 to 1996: from a high of 49,592 (in thousand cubic meters) for the period 1965-1970 to a dismal 7,785 (in thousand cubic meters) from 1991-1996.³ The same trend can also be discerned in the production of processed wood products. From 1,609 (in thousand cubic meters) of lumber produced in 1976, only 313 (in thousand cubic meters) were being produced in 1996. From a high of 660 (in thousand cubic meters) of veneer produced in 1980, the Philippines produced only 82 (in thousand cubic meters) in 1996.⁴

Perhaps the most significant indicator of the health of Philippine forests is the decline of its contribution in gross added value to the national economy. In 1976,

¹See *Philippine Forestry Statistics*, Forest Management Bureau (1996). See also *Philippine Culture and Ecosystems Map*, Environmental Science for Social Change (1998) and *A Report on Philippine Environment and Development*, Environmental Management Bureau, (1991).

²See Figure 2.1 Production and Export of Major Forest Products: 1980-1996, *Philippine Forestry Statistics*, supra note 1.

³Id. at Table 2.18 Roundwood Production: FY 1960-65 to CY 1996.

⁴Id. at Table 2.22 Production of Processed Wood Products: FY 1970-75 to CY 1996.

forestry share to GNP (at current prices) was 2.46% of GNP. In 1996, this has been reduced to a mere 0.07%.⁵

The rapid decline in the country's forests have led government to respond in two ways: First, strict conservation policies have been imposed, including a total ban on logging operations in the remaining primary forests, the suspension or cancellation of many Timber License Agreements and Industrial Forest Management Agreements, the non-issuance of new agreements or licenses for the cutting of natural forests, more vigorous drives against illegal logging, and the imposition of logging moratoriums in certain parts of the country. Second, the government has embarked on a reforestation program that, under the Forestry Masterplan adopted in 1990, has a target of 1,800,000 hectares. This reforestation target is small compared to what is needed to attain ideal forest cover. Nevertheless, by 1996, the DENR has achieved only the development of less than 300,000 hectares.⁶

The loss and degradation of Philippine forests can be attributed to a number of factors: First, state policies with respect to land classification undermined the land tenure security of indigenous and long-term migrant communities who were in the best position to protect and nurture the forests. Second, the bias for commercial utilization as against direct or subsistence utilization in state policies on natural resources and the limited perspective and interests of commercial loggers and exporters. Third, the weak enforcement or even non-implementation of national policies on the utilization of forest resources, particularly with respect to limitations on timber extraction and reforestation requirements. Fourth, the promotion of certain development schemes such as plantations, ranching projects, and dams which have led to the bulldozing or inundation of millions of hectares of prime forest.⁷

Among the above enumerated factors, the most significant are the land classification policies resulting in land tenure insecurity for communities and the bias for commercial utilization. The combination of these factors is the reason why Philippine forests have declined and have been degraded. For this reason, policy interventions have also been directed at dealing with these factors. Indeed, in the last decade, Philippine forest policy may be summarized as a process of shifting from prioritizing commercial use to recognition of com-

⁵Id. at Table 6.06 Gross National Product and Gross Value Added in Forestry: 1975-1996.

⁶See *Rio in Retrospect: The Philippines and Global Agenda 21, 1992-1996*, Philippine Council for Sustainable Development (1996), p. 27.

⁷See Marites Vitug, *Power From The Forest: The Politics of Logging* (1993).

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munity-based approaches as the optimum strategy for effective forest management. This shift is best manifested in how CBFM evolved from a mere pilot program to the national forestry strategy.

COMMUNITY-BASED FOREST MANAGEMENT: A HISTORICAL PERSPECTIVE

The beginnings of CBFM as a policy can be traced back to the Marcos regime. The recognition of social forestry in the early 1980s as a legitimate mode of utilization of forest resources was an admission, and a movement away from the stated policy in P.D. No. 705, that there were people in many of our forests, that they could not be forcibly thrown out of forest zones and, more importantly, that these peoples had a constructive role in conserving and developing forest resources. Indeed, the Integrated Social Forestry Program (ISFP), which began as a pilot program under the Department of Environment and Natural Resources (DENR), was based on the declared government policy "to democratize the use of public forests and to promote more equitable distribution of the forest bounty". The program was supposed to provide a legal mechanism that would enable the government to harness the labor of uplanders in implementing its environmental programs, while at the same time, democratizing access to forest resources. According to one author, the establishment of the program "was an admission on the part of government that its general policy of prohibiting outrightly the entry of persons into classified forest lands without a permit or license was unimplementable."⁸

Under the ISFP, qualified individuals or communities were allowed by government to continue occupying and cultivating the uplands. ISFP participants, through Individual or Community Stewardship Agreements, were given tenure over the land for a period of 25 years, renewable for an additional 25 years. In exchange, the program participants were required to undertake forest-guard duties and reforestation activities.

As a mechanism for democratizing access to forest resources, the ISFP was a step in the right direction. However, it was not enough. With respect to its treatment of the ancestral domain rights of indigenous cultural communities, for example, it remained inadequate. In addition, from the point of view of forest migrants, the

⁸A. Gatmaytan, *A Critical Appraisal of the Social Forestry Program*, 2:1 Philippine Natural Resources Law Journal 9 (1989).

ISFP also needed to be developed further so as to grant more land security than that which it granted.

Under the leadership of Secretary Fulgencio Factoran, DENR Secretary from 1987-1992, CBFM found other modes of expressions aside from social forestry. For the first time, the concept of ancestral land was recognized with the issuance of Certificates of Ancestral Land Claims in the Cordilleras, in Palawan and in other places. Under the Forest Masterplan, the concept of people oriented forestry was also introduced. Moreover, contract reforestation by families and communities was also allowed with family contracts covering from one to five hectares while community contracts were allowed from five to one hundred hectares.⁹

Secretary Angel Alcala, DENR Secretary from 1992-1995, accelerated the process of putting CBFM at the center of national policy with various issuances which, up to the present, continue to have profound impact. For example, DENR DAO No. 22, Series of 1993, established the community forestry program with the following objectives:

- Initiate community-based forest development management and utilization of natural resources within second-growth upland forests and residual mangrove forest to promote social equity and prevent further degradation of natural resources;
- Protect the remaining primary forests with the help of the community;
- Enhance institutional capacity of the DENR, Local Government Units (LGUs), educational institutions and non-government organizations (NGOs) in catalyzing community-based forest management.

Under the CFP, organized community members residing within or adjacent to a second growth/residual forests, shall be awarded 25 years Community Forestry Management Agreement (CFMA) renewable for another 25 years. The CFMA is designed to provide the necessary long-term security for utilization of natural resources that would motivate participating

⁹See DENR Memorandum Circular No. 11, Series of 1988.

communities to develop and manage the natural resources on a sustainable basis.

The most significant issuance during the Alcala period was, however, DENR Administrative Order No. 02, Series of 1993.¹⁰ This issuance sets out the procedure for indigenous cultural communities to delineate their ancestral lands and domains and to record their claim thereto. In allowing the identification, delineation and recognition of ancestral land and domain claims, the objectives of the government include:

- To protect the tenure of the indigenous cultural communities over ancestral lands and domains;
- To pursue the Constitutional mandate for equitable access to natural resources; and
- To ensure sustainable development of natural resources within the ancestral lands and domains especially the forests.

DAO 93-02 embodied the new paradigm to replace the outdated concept of the Regalian Doctrine of government fully controlling the utilization and management of the natural resources of the Philippines.¹¹ With DAO 93-02, we come full circle: it is the peoples who depend on these resources, who have nurtured them through time immemorial, and who has the most at stake when they are degraded or destroyed, that must be empowered to manage and control our natural resources. As former President Fidel V. Ramos himself observed:

This community-based strategy stems not out of a theoretical view of rural communities and people empowerment. It is based, in fact, on an objective assessment we have made of the state of our resources, environment and population.

¹⁰*Rules and Regulations for the Identification, Delineation and Recognition of Ancestral Land and Domain Claims* (1993).

¹¹A detailed discussion of issues and concerns related to indigenous peoples is not included in this paper. It should be noted, however, that, in a broader sense, DAO 93-02 and now the Indigenous Peoples' Rights Act (IPRA) mirror parallel, indeed even more radical shifts in direction with respect to natural resources management in the Philippines.

That is why we are determined to restore the rights of local communities and indigenous peoples to the enjoyment of our natural resources. People who are organized, who have a real stake in the forest, who have effective ownership, acknowledged rights of use, and who have accepted the protection and management responsibilities over these forests can now be depended on to achieve our vision of sustainable management of natural resources.

We believe that only by empowering organized local communities and indigenous peoples would we be able to arrest the degradation and loss of our forests. That is the core of our strategy for sustainable management of our forests.¹²

With this unequivocal statement, it became quite clear that CBFM has arrived as the definite policy in the management of our forest resources. Given this thinking that was now prevailing at the highest levels of the Philippine government, it came as no surprise that the President issued Executive Order No. 263, Series of 1995, which mandated community-based forest management as "the national strategy to achieve sustainable forestry and social justice".¹³

Subsequently, in 1996, then Secretary Victor Ramos issued Department Administrative Order No. 96-29, the rules and regulations implementing E.O. 263, which laid down the following as state policy:

It is the policy of the State to (a) protect and advance the right of the Filipino people to a healthful environment; (b) improve their socio-economic conditions through the promotion of social justice, equitable access to and sustainable development of forest land resources; and (c) respect the rights of indigenous peoples to their ancestral domains by taking into account their customs, traditions and beliefs in the formulation of laws and policies. Active and transparent community participation and tenurial security shall be among the key strategies for achieving these goals.

Accordingly, the State acknowledges and supports the capacities and efforts of communities and indigenous peoples to protect, rehabilitate, develop and manage forest lands and coastal resources. The State shall provide legal and technical sup-

¹²Speech of H.E. President Fidel V. Ramos, Opening Ceremonies of the 20th Session of the International Tropical Timber Council (ITTC) and International Tropical Timber Organization (ITTO), Manila Hotel, Manila, Philippines, 15 May 1996.

¹³See Section 1, E. O. No. 263, *Adopting Community-based Forest Management as the National Strategy to Ensure the Sustainable Development of the Country's Forestlands Resources and Providing Mechanisms for its Implementation* (1995).

port to ensure equitable access to and sustainable use of natural resources. Pursuant to these policies, the State hereby establishes the Community-based Forest Management Program (CBFMP) to implement EO 263.¹⁴

With Executive Order No. 263 and DAO No. 96-29, community-based forest management was established as the national strategy for forest management. CBFM integrates all people-oriented forestry programs including the Integrated Social Forestry Program (ISFP), Community Forestry Program (CFP), Forest Land Management Program (FLMP), Regional Resources Management Program (RRMP), Low Income Upland Community Program (LIUCP), Coastal Environment Program (CREP) and Ancestral Domains/Land Claims program (ADMP). Except for LIUCP and RRMP which are regional in scope, these are national programs. With the exception also of LIUCP, RRMP and ISFP, which has been devolved in various ways, all these programs remain with the DENR.

About 2,000 ISF projects were devolved to the LGUs in 1992. The Department retained only one project per province, known as the Center for People Empowerment in the Uplands (CPEU). In 1997, the existing 80 CPEUs continued to serve as training centers for upland farmers and community-based workers and as radiation points of development and conducted a total of 86,399 participant-hours on farmers training both on site and off site. They developed 2,006 hectares of agro-forestry farms; identified 106 income generating projects which were implemented by farmers associations/cooperatives; and coordinated with the Land Bank of the Philippines in extending credit and financial assistance to forest-based livelihood activities. Ninety five (95) projects benefiting 3,440 family participants have been provided with credit assistance amounting to P41.6 million.¹⁵

To provide security of tenure to ISFP beneficiaries and in support of the Comprehensive Agrarian Reform Program (CARP), issuance of Certificates of Stewardship (CSs) has been pursued. For 1997, a total of 33,980 CSs covering an aggregate area of 51,912 hectares was granted. In 1997, a total of 12 CFMAs covering 24,500 hectares was issued, benefiting 1,140 participants which brought the total of 66 CFMAs issued with an aggregate area of 173, 298 hectares, and a

¹⁴Section 2, DENR DAO No. 96-29, *Rules and Regulations for the Implementation of Executive Order 263, Otherwise Known as the Community-based Forest Management Strategy* (1996).

¹⁵See Annual Report of the Department of Environment and Natural Resources (1997), www.denr.gov.ph.

total of 126 CFP projects installed. 236 Forest Land Management Agreements (FLMAs) covering 20,092.87 hectares were awarded to 5,572 participants of local communities in 1997.¹⁶

In sum, together with DAO No. 93-02 and the Indigenous Peoples' Rights Act, it can now be said that, at least from a policy perspective, the State has reversed its land classification policies and its bias for commercial utilization in favor of recognizing the positive role of indigenous and local communities in natural resources management. It should be noted, however, that this reversal did not come about automatically or out of pure good will on the part of the national government. Indeed, this paradigm shift resulted mainly from untiring efforts by these communities and nongovernmental organizations which supported them.

COMMUNITY-BASED FOREST MANAGEMENT: LESSONS LEARNED AND POLICY CHALLENGES

The policy shift in favor of recognizing the rights and roles of communities in forest management has inevitably led to a new set of challenges as the new policy is implemented. These includes: (a) the problem of vested rights; (b) the redefinition of the role of industry; (c) the capacity of communities to implement CBFM; and (d) finding the new role of the State in forest management, including the role of the national government and local government units.

A. The Problem of Vested Rights.

A major challenge facing the Department as it implements CBFM on the ground is the reality, that in the past, in the same areas that is now being conceded to community management and control, the DENR or its predecessor organizations have previously granted licenses, permits or other instruments granting rights to other actors. Thus, in an ancestral domain area, it is possible that, prior to the issuance of a Certificate of Ancestral Domain Rights (CADR), the DENR may have granted a TLA, an IFMA, a mining lease agreement, or an individual stewardship contract. In some instances, titled properties may even be within such an area. The same conflict can occur with respect to the issuance of a CFMA.

¹⁶Id.

From a policy point of view, the DENR established a principle of priority and preferential rights in cases involving ancestral domain rights and community-based forest management. Thus, the revised rules governing the industrial forest management (IFMA) program¹⁷ provides:

Section 2: *Priority Ancestral Domain Recognition, Community-Based Forest Management Strategies and Socialized Industrial Forest Management Program* - Consistent with Executive Order No. 263 (1995), the DENR adopts community-based forest management as the national strategy for sustainable forest management and as such, the Department shall prioritize community-based forest management over other DENR programs. The recognition of ancestral domain/land claims, the protection of the integrity of IPAS sites, programs/projects such as Community Forestry Program (CFP), Integrated Social Forestry Program (ISFP), Socialized Industrial Forestry program (SIFMA), Integrated Protected Areas System (IPAS), and indigenous cultural community (ICC) claims in accordance with DAO No. 2, series of 1993, and pertinent laws, rules and regulations and similar projects shall be pursued pro-actively by the Department and shall be prioritized in case of conflict with the IFMA program.

Section 6. *Prohibited Areas* - In no case shall IFMAs be awarded on areas classified or to be classified under the National Integrated Protected Area System (NIPAS) except when they fall within buffer zones, or subject of Certificate of Ancestral Domain/Land Claims (CADC/CALC) or of any other tenurial instrument issued by the DENR under the Integrated Social Forestry Program, Community Forestry Program, and other people-oriented forestry programs xxx

The above provisions, however, are limited in that they apply only to future IFMA applications. Indeed, DAO 96-29, in effect, provides that CBFM areas will not include areas covered by existing Timber License Agreements (TLAs), Pasture Lease Agreements, IFMA and other forest land contracts, leases, permits, or agreements.¹⁸ Section 5 of DAO 96-29 also provides for procedures in the processing of conflicting claims within CBFM areas.

A major challenge then for the DENR and for all stakeholders is how to develop an appropriate dispute resolution system and framework to enable us to navigate this brave new world of rights' conflict. There is no

¹⁷DENR Administrative Order No. 97-04, *Rules and Regulations Governing the Industrial Forest Management Program* (1997).

¹⁸See DAO 96-29, Section 4 (a).

way out of this except to confront it headlong and to hope on the good will and creativity of all stakeholders so that these conflicts can be resolved equitably and reasonably.

Likewise, redefining the role of industry in the new paradigm of community-based forestry is also imperative if this conflict of rights challenge is to be adequately dealt with.

B. The Role of Industry.

As the DENR implements CBFM, it faces important questions and choices. The most obvious one is that of the need to balance the interests of all the stakeholders in the forestry sector. In particular, navigating between the interests of private industry and communities is the most difficult and challenging. Unfortunately, however, the imperative of balancing has often led to the dilution of CBFM leading to confusion in implementation. A good example of this dilution and confusion is the IFMA experience in the Alcala years (1992-1995).

Although industry must have a role in forest management and that industrial forestry is essential to ensure the wood supply of this country, the evolution of IFMA during the Alcala years demonstrates how a well-intentioned policy can lead to unfortunate consequences.

With respect to CBFM, the IFMA program, as implemented, resulted into many instances of conflict of rights within IFMA areas. In the 1992-1995 period, IFMA always eventually prevailed against social forestry or any other community-based forestry program. In this sense, IFMA became dangerous because between corporate rights and community rights, it was very natural for bureaucrats to choose the corporate rights option. While IFMA also had its community development portion, like the community consultations needed before an IFMA application was approved, this aspect of IFMA was underdeveloped and often not implemented. Indeed, a study conducted by the Legal Rights and Natural Resources Center concluded the following:

- In areas where IFMAs has been granted or applied for, there were, more often than not, already existing communities of forest occupants (indigenous and migrant).

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- These communities were usually not informed about the granting or application, and when they are so informed, many communities were against the IFMA.
- IFMA as a resource and tenure instrument frequently came into conflict with more equitable instruments such as DAO 2, community forestry, social forestry, etc.¹⁹

The IFMA program was also plagued with problems related to classification of forests as adequately or inadequately stocked (the latter could be converted into plantations).

As a result of these problems, Secretary Ramos, in 1995, made the decision to suspend the IFMA program. The Secretary has also cancelled many IFMAs and filed disciplinary cases against DENR personnel for abuses committed in the implementation of the IFMA program. Subsequently, new and stricter rules were issued on the IFMA program which, among others, prohibited the conversion of natural forests and which prioritized community-based programs over the IFMA program.²⁰

In sum, the IFMA experience illustrates the difficulties of implementing CBFM on the ground in the face of conflicting interests and in the context of bureaucratic and socio-political reality. Above all, however, the IFMA experience poses this very clear and unequivocal lesson: the implementation of CBFM requires that all other programs, particularly those relating to industry, must be subordinated to the strategy. Because there is no level playing field out there in Philippine forests, the balancing act that the DENR must do, if CBFM is to break through the realm of policy as myth into operational reality, requires the government to be biased for communities. Indeed, it is for this reason that the revised rules of IFMA, as discussed in the preceding section, eventually included provisions prioritizing community-based programs.

To the extent that the national government is still committed to pursuing an industrial forestry program, the problems encountered with IFMA in 1992-1995 could happen again. Indeed, the same debate on the issues around TLAs and IFMAs was recently resurrected in the DENR over the debate on forest securitization, an attempt

¹⁹Legal Rights and Natural Resources Center, *From Timber License Agreements To Industrial Forest Management Agreements: Continuing Unsustainability and Inequity in Philippine Forest Policy: A Special Report* (1994).

²⁰See note 15.

to mobilize capital from the private sector through the integration of viable forestry enterprises under joint venture agreements and similar modes. Forest Resource Securitization (FRSS) is intended to link the interests of the private sector, particularly the investment community, with those of government and local communities. While this is laudable goal and is clearly necessary, inclusion of natural forests, including the cutting of such forests for commercial purposes, has been a major area of concern both within and outside the DENR. At present, natural forests have been excluded from FRSS but this could easily be changed by the DENR.²¹

Even in a policy atmosphere where community-based management is prioritized, the commercial sector is present. The challenge, therefore, is defining its role in a way that the interests of industry coincide with the interests of the community. These involve asking two questions: First, are the interests of industry and communities really mutually exclusive? Second, how can these two sectors cooperate with each other to meet the demands of economic development, sustainability and equity?

First, are industries and communities really mutually exclusive? How can the industry and community work together within the upland areas, if both have a role? It is important to identify who has the primary role. Basically, in the operational sense, from marketing, to training, to technology, everyone has a role. However, in terms of control and management it really has to be very clear who has the primary role between these two groups. A truly sustainable and equitable forest policy chooses community management as the primary and dominant system. To ensure optimum and efficient economic production, industry must be given a role.

Second, where can industry and communities cooperate? The most promising areas are in financing, provision of technology and in marketing. Indeed, community-based forest management cannot also thrive and cannot be sustainable without the constructive participation of the commercial sector. As former President Ramos pointed out,

... corporate interests in forestry are not going to be discouraged. In fact, we see huge potentials for complementation between community-based forestry and corporate forestry.

²¹DENR Administrative Order No. 98-01, *Establishing the Forest Resource Securitization Strategy for Mobilization of Private Capital to Support Sustainable Forestry in the Philippines* (1998).

For one, corporate forestry is capable of harnessing economies of scale and production integration to its advantage. It has easier access to technology and investment capital, and is capable of standing on its own in an increasingly competitive domestic and global market for forest products.

We therefore envision a scenario where primary production of raw material is done by organized communities while secondary and further value-added processing and distribution are done by the industry.²²

The reality, however, is that the conflict between commercial interests and community interests continue. Unless these interests are mediated and balanced, no solution is probably in sight and CBFM, while certainly equitable, might not meet the demands of economic viability and perhaps even of sustainability. This, in fact, is the hard question that must be dealt with: Are communities prepared to take over the management of Philippines forests?

C. Are Communities Prepared?

To answer in the affirmative, at this point in time, is obviously an act of faith. A realistic assessment of community capabilities — organizational, financial and technological — requires us to admit that there is much to accomplish first before we can truly say that communities are fully prepared to manage our natural resources. However, this lack of preparation should not be a reason to retreat from the CBFM strategy. Rather, the challenge is to ensure that the present limitations are overcome. Because there is just simply no other way. The Philippines has tried the other options such as state control and management as well as emphasizing the role of commercial users, but these alternatives have only led to deforestation and to the degradation of Philippine forest resources.

The unpreparedness of many communities is recognized by the rules and regulations of the DENR governing CBFM. Article III of DAO 96-29, for example, provides for four stages in implementing CBFM: (1) the Preparatory Stage; (2) the PO Formation and Diagnostic Stage; (3) the Planning Stage; and (4) the Implementation Stage.

With respect to the need to prepare communities, the latter three stages are the most relevant. For example, the objectives of the PO Formation and Diagnostic

²²Speech of H.E. President Fidel V. Ramos, *supra* note 12.

Stage are (a) to encourage participation of local communities in CBFM; (b) to start community organization building or strengthening; (c) to define existing conditions (social, economic, natural resources, etc.) relevant for planning; and (d) obtain CBFMA. Activities in the Implementation Stage include sourcing of local and external financial and technical assistance, mobilizing workgroups, strengthening of organizational and entrepreneurial skills, linking and transacting with markets and continued membership and leadership skills development.²³

These provisions are predicated on a recognition that many communities are not fully prepared to manage forests and would require outside, including governmental assistance, to fully assume the responsibilities for forest management. It should be noted, however, that some communities, especially indigenous communities and those constituted by long term migrants, may already have such capacity and require only some minimum technical and financial support. This observation is also true for those communities with NGO partners. However, prepared communities are the exception and not the rule.

The issue of responsibility for the preparedness of communities is one that falls squarely on government. For a truly effective CBFM, the role of the State must, therefore, be redefined, moving away from a role of direct stewardship to supporting communities as they take on the role of forest management.

D. Redefining the Role of the State.

Another major challenge is the need to redefine the role of the State in the management of forest resources. If the State must yield direct management to communities, what then is its role? Clearly, the state must continue to play a regulatory role, particularly regarding activities that have significant environmental and economic impact. The State's regulatory role, in this context, must always be asserted and should never be compromised even in the implementation of CBFM. For example, an indigenous community that would seek to undertake logging operations within its ancestral domain must be treated the same way as a TLA holder. A CFMA holder's activities within its area must likewise be regulated in the same way as a commercial user. In watershed and protected areas, as in cases where private rights may have been vested, the existence of such rights does not prevent government from writing into these rights envi-

²³See Article III, DENR DAO No. 96-29.

ronmental liens and encumbrances limiting the ways in which the holders of such rights may utilize the resources within such areas.

Beyond its regulatory role, government must also be pro-active in ensuring that CBFM works effectively. Three functions are particularly important: first, the government should play a funding role; second, the government should provide technical assistance to communities; third, the government must play the role of facilitator in the relationship between communities and the private sector.

The government must play a role, albeit limited, in funding CBFM projects. This is particularly true for the preparatory stages where very little return in investment can be expected. This means a shift in governmental budgetary resources from regulation and support for commercial forestry to CBFM projects. Political will, not just in the DENR but also in the Department of Budget, Office of the President and Congress, is required if this shift is to happen. For example, while CBFM steadily increased its share in the DENR budget from 1995 to 1997, this trend was reversed, for various reasons, in the FY 1998 proposal by 76% of the previous year's level. Thus for the 1998 proposal, the proposed appropriation for "people oriented forestry" was only P68,891,000. In contrast, funding for commercial forestry increased from a total of P1.101 billion in 1997 to P1.156 billion in 1998.²⁴ Obviously, unless government's budgetary priorities are reversed, community-based forestry will remain a slogan and will not find its way as an operational reality.

The government should also provide technical assistance to communities in both the preparatory and the implementation stage of CBFM. Government should lead in mapping and delineation and in identification of sites. It should also make available technical resources related to planting and harvesting.

Under the CBFM program, three types of tenurial instruments are issued by the DENR. These are Community-based Forest Management Agreements (CBFMA) for People's Organizations, Certificate of Stewardship Contracts (CSC) for individuals or families and Certificates of Ancestral Domain Claim — Community-based Forest Management Agreement (CADC-CBFMA) and Certificates of Ancestral Land Claim - Community-based Forest Management Agreement (CALC-CBFMA) for indigenous peoples.²⁵ Technical assistance to these three different groups should vary according to the needs of these groups.

²⁴See Legal Rights and Natural Resources Center, *Tinted Tiger: Some Truths About The DENR'S 1998 Budget Proposal*, Philippine Natural Resources Law Journal, Vol. 8, No. 1, 29, 31 (1998).

²⁵See Section 1, Article IV, DENR DAO No. 96-29.

Finally, the most important role of government is to facilitate a productive and fruitful relationship between communities and the private sector. It is clear that, without the latter, there will be no financial resources available to reverse the decline of Philippine forests. Even if government corrected its budgetary priorities and even if it provided technical resources to communities, this would still not be enough to rehabilitate the country's forests. Hence, the private sector and its considerable resources must be harnessed to meet this goal. The private sector should not be limited to the traditional forest players, such as the discredited logging industry, but should be expanded to include wood dependent industries such as the furniture industry as well as financial institutions such as banks and investment houses. In playing this facilitative role, the government must establish rules which are transparent and equitable. The danger is that communities can be reduced once again to that of minor actors and result in the dilution of CBFM.

COMMUNITY-BASED FOREST MANAGEMENT AND LOCAL GOVERNMENTS

With respect to the challenge of redefining the role of the state, an important area that must be given attention to is the role of local government units. The imperative that local governments participate meaningfully in environmental decision-making is rooted in the nature of environmental problems as well as the perception by affected sectors and communities of where responsibility for dealing with such problem lies. It is a truism that environmentalism requires that government and people must "think global, act local". This is because most ecologically injurious activities begin in specific acts located in particular communities and within specific political boundaries. Moreover, when these activities result into damage which affects hundreds, if not thousands, of citizens, the first recourse for relief as well as the convenient scapegoat are always the local government.

Recognizing the imperative of local governmental participation does not mean that the local government always acts consistent with the norm of sustainable development. It does not mean ignoring the role played by local politicians in the environmental problems that this country faces. Indeed, a proper balance must be made between national authority and local empowerment. Unfortunately, that balance, in the present case, is still tilted in favor of the national agency, in particular the DENR.

Devolution of powers by DENR to the LGUs must be predicated on an over-all framework of increasing self-reliance and promoting independence in the determination of local policies and decreasing responsibility of DENR with regard to environment and natural resources within the territorial jurisdiction of the LGUs. There must be a continuing devolution of powers until the LGUs are able to use and treat environment as its own infrastructure for over-all development assisted only by the technical expertise of DENR. The national government should focus on macro-level concerns, international relations, and in orchestrating development across and between subnational regions.²⁶

DEVOLUTION IN THE LOCAL GOVERNMENT CODE

The Local Government Code of 1991 mandates that local government units discharge the functions and responsibilities of national agencies and offices devolved to them. For a municipality, Sec. 17 (2) (ii) provides: 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 (50) fifty square kilometers; establishment of tree parks, greenbelts and similar forest development project. For a province, Sec. 17 (3) (iii) provides: *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-hydro electric projects for local purposes. For a city, both.

Under these provisions, the duty of the LGU is to implement specified projects, manage and control communal forest and to enforce certain laws. These duties must be pursuant to declared national policies. And all acts of LGU are under the control, supervision and review of the DENR.

The words "supervision, control and review" have settled legal definitions. These are varying degrees of control by a superior agency to an inferior agency. Control has been defined as the power of an officer to alter or modify or set aside what a subordinate officer had done in the performance of his duties and to substitute the judgment of the former for that of the latter. It includes the authority to order the doing of an act by a subordinate or to undo such act or to assume a power directly vested in him by law. Control is a stronger power than mere supervision, which

²⁶Speech of H.E. President Fidel V. Ramos, supra note 12.

means "overseeing of the power or authority of an officer to see that subordinate officers perform their duties. If the latter fail or neglect to fulfill them, then the former may take such action or steps as prescribed by law to make them perform these duties."²⁷ Review on the other hand is the power to reexamine the questioned action for correction purposes.

The LGUs are made responsible for the protection of the environment within their area of jurisdiction. However, vast as the responsibility is, the power accompanying this responsibility is limited by the Local Government Code. There is a mismatch of functions devolved vis a vis the powers devolved. Surely, the protection of the environment cannot be accomplished by merely implementing and enforcing laws and imposing penalties based on nationally determined policies. The Local Government Code failed to provide for corresponding powers to accomplish the mandate.

The Local Government Code has a laudable purpose and is quite progressive. However, inclusion of the provision on control by the DENR is incompatible with the concept of decentralization. The concept of decentralization of administrative power, in this case, power to implement, must ensure that the central government is relieved of the burden of managing the local affairs to enable it to concentrate on national concerns. This power having been devolved to the LGU, the power then becomes an integral power of the LGU and enters the domain of powers of the LGU. Therefore, it is only subject to a general supervision by the President. That is to ensure only that the implementation is administered according to law. In this case, according to guidelines set by DENR. If the president cannot assume control over this devolved power, with less reason should the DENR who acts only for the President assume a greater role.

The effect therefore of the devolution of the power to enforce, is to increase the number of enforcing agents of the national agency. To an extent, the LGUs have a direct hand in ensuring that their natural resources are protected. But this is greatly limited by the fact that the power to enforce laws does not carry with it the power to formulate policies which is responsive to the unique problem in their locality. The power is remedial not preventive. Taking into consideration that LGUs do not benefit from the enforcement of the laws, since the confiscated properties do not automatically accrue to them, LGUs may treat this devolved power as an added burden and may not function as effectively as expected.

²⁷Isagani Cruz, *Philippine Political Law* (1993 ed.), p. 196, citing *Mondano V. Silvosa* 97 Phil 143.

DEVOLUTION BY THE DENR UNDER DAO 92-30

Department Administrative Order NO. 30, Series of 1992, issued by the DENR Secretary, promulgates the guidelines governing the devolution of certain DENR functions, programs and projects to the LGUs. It begins with a declaration that DENR shall remain as the *primary 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. Since the DENR is the primary agency, the LGUs became the secondary agencies as they share with DENR the responsibility in the sustainable management and development of the environment and natural resources within their territorial jurisdiction. As such, the implementation of the devolved functions and enforcement of the laws shall be pursuant to the national policies and subject to the supervision, control and review of DENR. Thus, DENR may 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.

Section 3 of DAO 92-30 enumerates the devolved function, programs and projects which can be classified into: (1) delivery of basic services; (2) regulatory functions; and (3) revenue-raising powers.

Under forest management, DAO 92-30 tasked the LGUs to implement community-based forest projects. To illustrate, the LGUs are required to plant trees but they cannot issue permits to cut trees. It is still the DENR who determines how to dispose of the trees which are capable of being harvested. The LGUs are required to implement family and community-based reforestation contracts, but in case of breach of such contract, the only power left with the LGU is to apprehend the violator. LGUs cannot even recommend cancellation of the contract since the power to cancel contracts or agreements is lodged with the DENR and has been retained by it.

In the implementation of Forest Land Management Agreements, LGUs have been reduced to collection of production shares. Assuming FLMA holders pay, the proceeds do not inure to the benefit of the LGU but are rather returned to DENR as payment of the invested funds.

LGUs now have control and management of their communal forest. This is a positive grant of power. This means that LGUs may utilize and harvest the products of the communal forest but still subject to the control and review of the DENR.

DAO 92-30 devolved the establishment of greenbelts, tree parks and watershed areas. But it did not devolve parallel funding. LGUs should not be expected to pursue this capital intensive activities if the national government does not pump up funding to the LGUs. Fees can only be collected after the parks have been open to the public for use. At best, this devolution can only be actualized by first class municipalities who can allocate enough funds to establish the parks.

LGUs shall enforce forestry laws in community-based project areas, small watershed areas and communal forest such as but not limited to prevention of forest fire, illegal cutting and kaingin and apprehension of violators. This shall include confiscation, forfeiture and disposition of equipment and other implements used in the commission of the offense. This is probably an oversight because, under PD No. 705, confiscation is by virtue of a court order after conviction of the offender. Thus, it necessitates a judicial determination of the commission of the offense. Without a judicial order, there can be no confiscation pursuant to PD No. 705. Assuming arguendo that there was and the court ordered that the LGU confiscate such properties, DAO 30 does not make it clear to whom shall the proceeds go, to the LGU or still with the national government.

The LGUs are required to apprehend violators but, after arresting them, they must be turned over to DENR who will initiate prosecution proceedings. LGUs are also given the power to impose appropriate penalties regarding certain acts like illegal logging and other unlawful activities. However, even if judiciously exercised, the penalties imposed can hardly be felt by the big corporations since the LGUs can only impose fines not exceeding P2,500 for a municipalities or P5,000 for cities and provinces.

IMPLICATIONS OF THE DEVOLVED POWERS

Given the text of the Local Government Code, it is not surprising that the guidelines set by DENR adhere to the basic flaw of retaining control over devolved functions. DAO 92-30 clearly enunciates the mismatch of responsibility vis a vis powers of the LGU. Environment and natural resources protection goes beyond the implementation and enforcement of nationally-determined policies, but should include active participation in policy-making, i.e., in the formulation of policies whether national or local. It must also necessarily include participating in decisions regarding the utilization and disposition of the forest products and resources.

The Local Government Code devolved only the implementation and enforcement of laws. All are subject to the control of DENR. But this same limitation could be used intentionally and deliberately by DENR to enlarge the scope of powers devolved. The DENR may yet exercise restraint in using its powers by delegating much of its power without abdicating from the responsibilities lodged in it by the legislature. This can be clearly implied from the grants of power under DAO 92-30. In this context, DAO 92-30 must be understood as a minimum grant of power.

The Local Government Code and DAO 92-30 are progressive pieces of legislation. They are steps in the right direction, that of decentralization of powers. But to say that these laws actually devolved the powers to enable the LGUs to protect the environment within their territorial jurisdiction is at present untenable. This is not to say that nothing can be done short of amending the Local Government Code. The challenge to local governments is that they must stretch the limits of the devolved functions and must continually engage the DENR and other relevant participants in the process of environmental decision-making. It is only in building their own capacity to intervene in the process and in actually insisting on its right to participate in the process that local governments can meet this challenge.

LOCAL GOVERNMENTS AND THE IMPLEMENTATION OF CBFM

Implementation of CBFM is probably the best place to start if devolution of environmental and natural resource powers is truly to become operational. The state of a community's forests is a crucial element for the sustainability of local livelihood. It provides the physical infrastructure that makes communities livable and functional. In this sense, the Local Government Code is on the right track by including implementation of community-based forestry, including integrated social forestry, in the devolved powers. The problem is that the DENR has not truly devolved all community-based forestry projects. The lion's share, and this has budgetary implications as well as implications related to funding from foreign assisted projects, remains with the DENR. For example, integrated social forestry has been devolved to local governments but not most CBFM projects. Moreover, devolution of social forestry has occurred without a

parallel devolution of budgets and this has happened because the appropriations for social forestry simply shifted to other CBFM projects that were retained by the DENR.

Steps in the right direction have, however, been taken by the DENR. By early 1998, there was a realization that CBFM was not going to succeed without participation by and without its devolution to local governments. As a result, the DENR and the Department of Interior and Local Government (DILG) jointly issued a memorandum circular intended to effectively implement devolution of forest management functions and enhance the partnership between the LGUs and the DENR.²⁸ Joint Memorandum Circular (JMC) 98-01 laid down the following basic policies to govern the implementation of DENR-DILG-LGU partnership on devolved and other forest management functions:

- 1) The 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.
- 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 the LGU shall endeavor to strengthen their collaboration and partnership in forest management.
- 3) Comprehensive land use and forest use plans are important tools in the holistic and efficient management of forest resources. Toward this end, the DENR and LGUs 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.
- 4) To fully prepare the LGUs to undertake their shared responsibilities in the sustainable management of forest land resources, the DENR, in coordination with the DILG, shall enhance the capacities of the LGUs in the various aspects of forest management. Initially, the DENR shall coordinate, guide and train the

²⁸DENR and DILG Joint Memorandum Circular (JMC) 98-01 - *Manual of Procedures for DENR-DILG-LGU Partnership on Devolved and Other Forest Management Functions* (1998).

LGUs in the management of the devolved functions. As the LGUs' capacity in forest management is enhanced, 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.

- 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 DENR-related functions.
- 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.

JMC 98-01 is important because, while the DENR is still recognized as the primary government agency for environment and natural resources, there is, at least for forest management, a recognition that the ultimate goal is complete takeover by LGUs of devolved functions with the role of the DENR eventually limited to assistance and coordination. There is also acknowledgement that furthering local autonomy requires enlarging the role of LGUs in forest management and other environment and natural resource functions.

To meet the objectives of JMC 98-01, institutional mechanisms for the supervision and monitoring of the partnership are also drawn up, including the creation of a National Steering Committee, Regional Steering Committees and Provincial, City and Municipal Working Groups.²⁹ General procedures to govern the DENR-DILG-LGU partnership on devolved and other forest management activities are also provided for, including provisions on strategic planning and appointment or designation of environment and natural resource officers (ENRO) in LGUs.³⁰ Finally, specific guidelines and procedures are provided for the effective implementation of devolved forest management projects.³¹

²⁹Id. at Section 6.

³⁰Id. at Section 7.

³¹Id. at Section 8.

For Community-based Forest Management, JMC 98-01 distinguishes between existing CBFM projects and new CBFM projects. Existing CBFM projects shall be reviewed and assessed jointly by the PENRO, Provincial ENRO, representatives of the concerned municipalities and CENRO having jurisdiction of the project. The review shall include the definition of specific roles and responsibilities of DENR, LGU, communities and other sectors. Implementation of new projects shall now be undertaken jointly by the DENR and the communities but the action plans formulated must also include the definition of specific roles and responsibilities of DENR and concerned LGUs.³²

JMC 98-01 is still open-ended on what the roles of LGUs should be in forest management and in the implementation of CBFM. LGUs should not substitute for local communities but should provide support so that such communities are in a position to manage forests. This is a real temptation and should be avoided. Traditionally, LGUs have played a role in identification and delineation of sites and in endorsing beneficiary communities. These are important functions but the LGU role should go beyond these and expand into the area of financing and technical assistance (in collaboration with the DENR). Finally, the most significant role of LGUs would be to help the DENR, perhaps even take the lead, in its role as facilitator for the relationship between communities and the private sector. But as in the case of the DENR, this facilitative role must be performed in an equitable and transparent manner.

CONCLUSION

It remains to be seen whether devolution and community-based forestry can become complementary. The success of the Community-based Forest Management strategy is a precondition for forest conservation and for forest rehabilitation. Participation by local governments in implementing CBFM is a crucial element for its success. The challenge is to ensure that this participation happens so that CBFM becomes an operational reality.



³²Id.

COMMUNITY-BASED FOREST MANAGEMENT: A CASE STUDY ON THE MUNICIPALITY OF MAUBAN, PROVINCE OF QUEZON

ADRIAN S. CRISTOBAL JR.

Since the enactment of the 1991 Local Government Code, devolved national government agencies (NGAs) have been adjusting to their new roles in a changing policy environment. While the performance of local government units (LGUs) have been intensely scrutinized, it seems that not enough attention has been paid to how devolved NGAs have fared in the changing policy environment brought about by devolution. Central to this area of study are the relations between these NGAs and the LGUs in a devolved set-up and how these relations affect the delivery of devolved basic services.

This paper looks at Community-based Forest Management, a program devolved to local government units (LGUs) from the Department of the Environment and Natural Resources (DENR). Through the case study approach, this research gathers "on the ground" information to gain a local perspective of the program's implementation within a defined political territory and hierarchy.

The paper begins with a background on CBFM as a state policy for forest management and the devolution of some environmental and natural resources functions under the Local Government Code. This is followed by a description of the Municipality of Mauban, Quezon Province. Finally, the findings of the research are presented and some policy recommendations to improve national and local government relations for a more effective implementation of CBFM in the province.

FOREST MANAGEMENT IN THE PHILIPPINES: A POLICY SHIFT

Philippine forest cover has been dwindling consistently since the early 20th century and, since the 1960s, at an alarming rate. From a land mostly covered by forests at

the turn of this century, only about 18.3% today have forest cover — way below the 60% needed for ecosystems to flourish. Residual forest totals around 2,812,000 hectares with an estimated total volume of timber of about 415,900,000 cubic meters. Less than 3% (around 800,000 hectares) can be considered primary tropical forest. Perhaps the most significant indicator, however, of the health of Philippine forests is the decline of its contribution in gross value added to the national economy. In 1976, forestry share to Gross National Product (GNP) at current prices was 2.46%. In 1996, this fell to a mere 0.07%.¹

This dismal state of the country's forests is attributable to a combination of several factors propagated by state policy for several decades.² Among these factors, state policies on land classification and the bias for commercial utilization stand out as having the most profound and long-term impact on the denudation of the country's forests for the most part of this century.

In the 1980s, however, the beginnings of a change in forest management policy took root. The national government launched the Integrated Social Forestry Program (ISF) under the Department of the Environment and Natural Resources (DENR). Then a pilot program, the main purpose of the ISF was to "democratize the use of public forests and to promote more equitable distribution of the forest bounty." This program signified the start of a gradual shift from the traditional forestry management policies to a more locally or community-based approach. The turning point, however, occurred with the passage of Republic Act No. 7160, known as the Local Government Code of 1991 (LGC).

A. Forest Management and Devolution.

The Local Government Code (LGC) devolved substantial power, authority and responsibility for the delivery of basic services to local government units (LGUs).

¹Antonio G.M. La Viña, *The State of Community-based Forest Management in the Philippines and the Role of Local Governments*, a paper written for the "Strengthening National-Local Relations," a research project of the Asian Institute of Management supported by the Ford Foundation.

²Id. La Viña cites four major policies. One, policies on land classification undermined the land tenure security of upland dwellers — both indigenous and long-term migrant communities — that were in the best position to nurture the forests. Two, a state bias in favor of commercial utilization of forests by large private firms whose interests, as it turned out, were myopic. Three, the state's failure to implement effectively regulatory policies on forest utilization. Four, the promotion of certain development projects, such as dams, plantations and ranching projects, which led to the inundation of millions of hectares of prime forests.

Unlike other devolved NGAs, however, the DENR retained the power of supervision, review, and control over the exercise of devolved LGU functions related to the environment and natural resources.

Under the LGC, the Province became responsible for the enforcement of forestry laws pertaining to community-based forestry projects within its territorial jurisdiction. As in other basic services devolved, the Province shall exercise "functions and responsibility as are necessary, appropriate or incidental to efficient and effective provision" of these services and facilities.³

In this regard, the Governor shall "adopt adequate measures to safeguard and conserve ... forest and other resources of the province, in coordination with the mayors of component cities and municipalities;"⁴ On the part of the Sangguniang Panlalawigan it shall "approve ordinances and resolutions...[to] protect the environment and impose appropriate penalties for acts which endanger the environment, such as ...illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming,"⁵

The Municipality became responsible for the "implementation of community-based forestry projects which include integrated social forestry programs and similar projects; management and control of community forest with an area not exceeding fifty (50) square kilometers, establishment of tree parks, greenbelts, and similar forest development projects."⁶

Hence, the Municipal Mayor and the Sangguniang Bayan were given the same responsibilities as their provincial counterparts over the same devolved functions within the municipality.⁷

As for the City, the Mayor and the Sangguniang Panlungsod are responsible, within their jurisdiction, for the same functions and services devolved to both the Province and the Municipality.

B. Devolution and the DENR.

Soon after the Local Government Code took effect, the DENR issued Department Administrative Order No. 92-30 (DENR DAO 92-30), "Guidelines for the Transfer

³Sec. 17 (b) (3) (iii), RA 7160.

⁴Sec. 465 (b) (3) (v), RA 7160.

⁵Sec. 468 (a) (1) (vi).

⁶Sec. 17 (b) (2) (ii).

⁷Sec. 447 (a) (1) (6).

■ COMMUNITY-BASED FOREST MANAGEMENT

and Implementation of DENR Functions Devolved to the Local Government Units.” This Order reiterated DENR’s position as the “primary 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.” However, it also declared as policy that the LGUs share with the DENR the responsibility in the sustainable management and development of the environment and natural resources within their territorial jurisdiction.

Under this DAO, community-based forest projects were devolved to municipalities except for one for each province, which will serve as research centers. Also devolved were the following: new reforestation projects; management and control of communal forests with an area of 5,000 hectares; small watershed areas which are sources of water supply; enforcement of forest laws; establishment and maintenance of greenbelts, tree parks and other tourist attractions (except those classified as protected areas); regulation of flora outside protected areas (except their importation and exportation); conservation of endangered species; rehabilitation in conservation hotspots; pollution control and other environmental protection laws, rules, and regulations; enforcement of the mining law, and land management.

COMMUNITY-BASED FORESTRY MANAGEMENT (CBFM)

With devolution, the “new” approach to forestry management gained momentum. A year after the LGC took effect, DENR issued Department Order No.22 (1993) establishing the community forestry program with the following objectives: to initiate community-based forest development management and utilization of natural resources to promote social equity and prevent further degradation of natural resources; to protect the remaining primary forests with the help of the community, and to enhance institutional capacity of the DENR, Local Government Units (LGUs), educational institutions and non-government organizations (NGOs) in catalyzing community-based forest management.⁸

The most significant executive policy decision, however, is Executive Order No.263, series of 1995 (EO 263), which establishes community-based forestry management (CBFM) as “the national strategy to achieve sustainable forestry and

⁸Soon thereafter DENR released DAO No. 2, series of 1993 (DAO 93-02, which lays down the procedure for delineating ancestral lands and domains and setting claims thereto, hence, protecting the tenure of indigenous cultural communities and ensuring the sustainable development of natural resources within their sacred land.

social justice” in the Philippines. The implementing policy directives for EO 263 are DENR DA No. 96-29, known as the Community-based Forestry Management Strategy (CBFMS) and DENR Memorandum Circular No.97-13 laying down DENR’s Strategic Action Plan for CBFM.

A. CBFM: Concept and Strategy.

The CBFM concept is stated in Memorandum Circular No.97-13: “only when communities in and near forest lands commit themselves and undertake sustainable management will the remaining natural forests be protected and managed, denuded lands rehabilitated, and degraded forests developed.”⁹ Thus, CBFM “demands” from the stakeholders, “the hastening of a paradigm shift away from the traditional regulatory-oriented forest land management towards a developmental, people- and service-oriented one.” The DENR recognized the implications of this paradigm shift on its own bureaucracy. It requires “radical changes in the way DENR managers and field personnel regard and work with forest dependents.... More importantly, it demands drastic changes in the way DENR defines, plans, and carries out its forest management functions. CBFM requires a re-organized DENR to effectively seize opportunities in accessing resources and to timely and adequately provide needed support to its field men and managers and people’s organizations.”

B. CBFM’s Key Principles.

Several key principles guide the implementation of the CBFM. First, upland forest occupants have the right to occupy and use forest land resources upon which their cultures and their livelihood depend, provided they do so responsibly and sustainably. This principle covers social equity, recognition of indigenous peoples, and gender parity.

Second is livelihood and local management of natural resources. Because of their unique situation, forest occupants and communities are logically the most appropriate front line managers and stewards of the forest.

Third is community participation, sustainable forest management and bio-diversity conservation. This principle states that forest dependent communities at any

⁹DENR Memorandum Circular No.97-13.

level of local government, occupying a commonly-shared, contiguous area, will undertake responsible and sustainable forest management if it is in their best interests to do so.

Fourth, is the role of government, which is to create an empowering environment for forest occupants and communities and institute sustainable management systems to rehabilitate, sustainably use, protect, and conserve the country's forest resources.

Fifth is the principle of partnership. This principle stresses the need for DENR and the forest managing communities to enter into mutually beneficial arrangements with local government units, other local groups, and the private sector in pursuing sustainable development.¹⁰

C. DENR-DILG-LGU Joint Circular on CBFM.

Another significant policy came a few years after EO 262. The DENR-DILG Joint Memorandum Circular No. 98-01 (JMC 98-01) stressed the need to strengthen DENR-LGU partnerships. The ultimate objective is to have the LGUs take over the primary tasks in the management of devolved functions, and that it is the responsibility of the DENR to "prepare LGUs through guidance, coordination and training" on all aspects of forest management for this eventuality. The joint circular also introduces the policy of "continuous devolution," wherein the DENR shall devolve additional functions and responsibilities to the LGUs under certain conditions. It also establishes the framework for a unified institutional mechanism for the supervision and monitoring of devolved and other forest management functions at the municipal/city, provincial, regional and national level.

The CBFM is a milestone in forest management policy — the culmination of painful lessons learned in half a century. The decisive shift in forest management policy was the implementation of local autonomy and devolution under RA 7160. But, it was EO 263 that established CBFM as the national strategy for forest management. The DENR, consistent with this policy, issued its own policies to guide its personnel for the "radical" adjustments that had to be made.

¹⁰DENR MC 97-13 enumerates the five key features of CBFM as follows: 1) Community empowerment; 2) Integration of all people-oriented forestry programs; 3) Deregulation and resource allocation reforms; 4) Decentralization, and 5) Devolution and the greater support for CBFM on the ground.

CBFM IN QUEZON PROVINCE

A. Province of Quezon: A Profile.

Quezon, formerly known as Tayabas province, is a narrow strip land mass with a girth of about 30 kilometers and approximately 195 kilometers in length. In the far south is the common boundary of Quezon and Bicol provinces, and in the southwest is the Bondoc Peninsula, bounded by the Mogpog Pass which separates the province from Marinduque island. Up north, the province adjoins the southern slopes of the Sierra Madre Mountains of Aurora province. Towards the center is the imposing Quezon National Park and the mountains of Banahaw and Cristobal.

The province has a total land area of 870,660 hectares and an estimated population of 1,537,742 (NSCO, 1995). Forty municipalities and a secondary city, the capital Lucena, make up the province of Quezon. Thirty-four municipalities are located along the province's coastline.

The declared protected areas of Quezon are the Mt. Banahaw-Cristobal National Park, Quezon National Park and the Minasawa Island Sanctuary. More sites are being studied and considered for inclusion as protected areas. By and large, the forest areas occupying these protected sites are the remaining forests of the province, a mere 9% of the total forest lands of 398,299 hectares or 4% of the total land mass of the province.¹¹

B. Devolution and CBFM in Quezon.

After the Local Government Code took effect, DENR devolved its Integrated Social Forestry Unit (ISFP) in Quezon to the provincial government. Twenty eight DENR employees were transferred to the province's Environment and Natural Resources Office (ENRO) along with some equipment. The provincial government pays for the salaries of these employees and for the maintenance and operations of the ENRO. At present, the 22 staffers of the ENRO are detailed to other offices of the province, specifically the Provincial Mining Regulatory Board (PMRB) and the Office of the Provincial Agriculturist (OPA).

¹¹See the "Strategic Environmental Management Plan of Quezon Province," a study prepared by the Department of the Environment and Natural Resources (DENR) and the National Economic Development Authority (NEDA) with support from the United Nations Development Programme.

The DENR retained 404 personnel distributed among five Community Environment and Natural Resources Offices (CENRO) throughout the province. Each CENRO manages the environmental concerns of a cluster of several municipalities.

About 2,347.02 hectares of forests under the Community Forest Project (CFP, now, CBFM) were devolved to the municipalities and cities. Out of the 69 project sites under the ISF program, only 24 sites, with a total of 6,606.13 hectares were devolved to the LGUs. The DENR retained the remaining 45 project sites, with a total of 7,327.28 hectares.¹²

Of these municipalities with CBFM sites, Barangay Rosario in the Municipality of Mauban was chosen for the case study.

CBFM IN THE MUNICIPALITY OF MAUBAN, QUEZON: A CASE STUDY

The Municipality of Mauban is located at the center of Quezon Province, occupying a total land area of 55,160 hectares. Mauban has a total population of 47,432 spread out in 40 barangays. The CBFM site is in Barangay Rosario. Approximately 18 kilometers from Mauban's town proper, the site can be reached after a 12 kilometer boat ride and a 6-kilometer hike from the lowlands. The project site covers an aggregate area of 1,347.02 hectares. About 816.52 hectares of this is secondary forest, approximately 240 hectares is devoted to agroforestry or cultivated, and more or less 290.5 hectares is classified as brushland for assisted natural generation. Topographically, the area is generally rolling with slope ranges of 50%-70%, with an elevation of 200-300 meters above sea level. The area is classified as Climatic Type No.2, characterized by warm periods from the months of April to September and cool months from December to January.

About 20% or approximately 200 hectares of the project site is cultivated. Among the crops found there are rice, bow sitao, okra, eggplant, ampalaya, upo, squash, and banana. Among the fruit trees planted are jackfruit, guava, santol, mango and citrus species. The forest tree species planted in the farmlots are narra, gemelina and mahogany. There are also some "short term" crops for their own consumption.

The DENR initiated a 50-hectare tree farming project in the project site in August 1998. After the area was surveyed and the map was prepared, two nurseries were established with a total area of 900 square meters. These nurseries have produced 88,000 seedlings of narra, mahogany, gemelina and malapapaya. Initially, a

¹²Profile DENR-CENRO Lucena City, 1998.

20-hectare plantation was established with a total budget allocation of P680,680.00.

Some farmers follow "farm plans" which were prepared with the assistance of the DENR. Ecological and environmental awareness seem to be high in the community. They do not use harmful pesticides and commercial fertilizers that deplete the soil. Organic fertilizers derived from composting are preferred. Some farmers practice soil and water conservation techniques, including the Sloping Agricultural Land Technology (SALT) and terracing. These technologies were provided by the DENR and DA.

A. Findings of the Research: CBFM in Mauban.

(1) Selecting the Project Site: The Process.

CBFM started in Barangay Rosario, Mauban through the initiative of DENR's CENRO in Pagbilao, which also has jurisdiction over Mauban. Barangay Rosario was one of four barangays being considered as a Community Forestry Program site in May of 1995. The other three were Barangays Luya-luya, Sto. Nino and San Jose.

Barangay Rosario was being considered because it still had about 50% forest cover and there was an ISF Project adjacent to the project site, which had been devolved to the LGU. It was also believed that the area had some potential for the development of alternative sources of livelihood which were not dependent on forest products, such as cash crops and hog raising. Moreover, the project site had the endorsement of the Municipal Planning and Development Officer (MPDO)

In June 1995, after the issuance of Executive Order No. 263, the CFP became the CBFM. The project was introduced to the Mayor of Mauban, Fernando Llamas and the barangay captains of Rosario, Sto. Niño, and San Jose on June 5. The representatives of the other barangays did not show any interest in the social forestry program; hence, it was only Barangay Rosario that was chosen.

On June 9, 1995 Mayor Llamas indorsed the program to the DENR RED for the official designation of the site as a CBFM site. With very minimal funding from the national government, the CBFM program was implemented in Barangay Rosario. Through the organizing efforts of the CENRO foresters, members of the barangay were organized into a people's organization. The Barangay Rosario Upland Farmers

Association, Inc. (BRUFAl), composed of about 47 members were officially registered with the Securities and Exchange Commission in 1996. Later, BRUFAl was accredited by the Philippine Coconut Authority (PCA).

(2) General Perceptions on the CBFM.

Among the community participants to the CBFM project in Barangay Rosario, Mauban, Quezon, the CBFM is a significant governmental intervention. Because of its remoteness, the area receives scant attention from government. In fact, the community is very rarely visited by any municipal official of Mauban, much less a provincial or national official. The program is, therefore, identified solely as a DENR initiative through its CENRO and foresters. The provincial government of Quezon and the municipal government of Mauban have hardly, if any, participation at all.

(3) Specific Findings from the Research Classified under the Broad Principles of CBFM.

a. *Community Participation.* Since its organization in 1995, BRUFAl has remained intact. Although there has not been significant growth in its memberships over the past three years, its members continue to be active in organizational projects and activities.

BRUFAl's Board and its members have been meeting regularly for the past three years. The average membership attendance to these meetings is 45%. Only occasionally were these monthly meetings postponed due to an important economic activity, such as harvesting, or to a planned activity, such as training or educational visits to other towns. Special meetings are also held for the annual election of officers and when crucial matters have to be discussed. At least once a year, there is a General Assembly, as required by law, and more than once when an important issue needs to be brought before the entire body. One instance is the General Assembly to validate the Community Resource Management Framework (CRMF) and the Community Map, a major activity of the CBFM. To handle the day-to-day affairs of the organization is a 15-person working group, responsible for coordination with other agencies, fund sourcing, and identification of alternative livelihood projects.

In terms of organizational development through education and training, BRUFAl has benefited from several educational activities. In 1996, a 20 mem-

ber delegation of BRUFAl went to Camarines Norte to observe the operations of a model CBFM site. They were able to visit and witness other CBFM components in operation, such as agro-forestry farmlots, a rattan plantation and a small lumberyard owned and managed by a PO. After the "cross-visit" activity, the delegation shared their experience with other members of the organization in their regular monthly meeting.

Another cross-visit activity took place in June of 1997 where a BRUFAl delegation visited the University of the Philippines in Los Baños (UPLB). There they visited the International Rice Research Institute (IRRI), the Institute of Plant Breeding, the Dairy Training Research Institute, the Forest Product Research and Development Institute, the UPLB Agro Forestry Program, and the Museum of Natural History.

A major training activity, a 5-day seminar on Community Resource Management Framework and Community Map, took place in October 1997. This was later followed by the November General Assembly, which validated the work of BRUFAl's representatives to the seminar.

All these educational and training activities were made possible by the assistance and support of the DENR.

b. *Partnerships.* The partnership or cooperative linkage between the GENRO and the PO is well established. The support and assistance the DENR has been giving to the BRUFAl is much appreciated by its members. The interaction with each other is warm and friendly, which is expected after three years of beneficial interaction.

The same can be said between the PO and the barangay government. As mentioned earlier, the interlocking leadership between both organizations has been an asset to the community. Joint projects and activities in relation to forest protection and conservation have been conducted. BRUFAl's members and the GENRO in the area attribute this harmonious relationship with, and influence on, the community at large, to the interlocking memberships between the BRUFAl and the Sangguniang Barangay. Three leaders of the former are also elected representatives in the latter.

However, the relationship between the GENRO and the municipal government of Mauban is a different story. The municipality has not participated in any meaningful way in all the activities of the BRUFAl and the GENRO since the selection of the site. The only indicator of participation of the municipal

government is in the endorsement of the site by the mayor to the DENR RED and the MOA that followed the endorsement.

There were activities and projects conducted by the PO with the CENRO that could have benefited the municipality and could have been opportunities for advocacy. For instance, the educational visits to Camarines Sur and UP Los Baños could have been good opportunities for educating the elective members of the municipality, particularly the chairpersons and members of the environmental committee of the SB.

Little information, if at all, regarding the CBFM reaches the municipal government. Neither are there attempts on the part of the municipal government to gather information about the project site. Communication regarding the project was literally cut off after the MOA signing between the parties concerned.

If at this level, lateral communication hardly occurs, one cannot expect any better with the hierarchical communication and coordination to and from the municipal government and the provincial government.

At the provincial level, there are also little signs of lateral coordination and communication between the DENR's PENRO and the Provincial government's ENRO. The Environment and Natural Resources Officer (ENRO) of the province was first oriented on the CBFM last November 1998. It was the first time that the ENRO had gotten involved in the CBFM, and the first time he learned that Barangay Rosario is a CBFM site.

From the province to the regional and central offices of the DENR the coordination and communication is no different concerning the CBFM program. Although the DILG-DENR Joint Memorandum Circular, passed in early 1998, was a welcome policy development, it has yet to be operationalized or implemented in Quezon.

Another aspect of CBFM that is not being given attention or emphasis is the role that the private sector can play in developing these CBFM sites. Although the national policy is to encourage private sector participation, and even to simplify rules and regulations, there is no indication of any effort to promote this partnership.

c. *Social Equity*. One of the key features of the CBFM is "social equity," which upholds the upland farmer's right to occupy and work on the land. For the community, this translates to land tenure security.

In November 1997, a formal ceremony was held for replacing the existing Community Forest Agreement between DENR and BRUFAl into a Community-based Forestry Management Agreement (CBFMA). There is still, however, an air of uncertainty regarding the project site.

When Barangay Rosario was selected as a CBFM site and only the municipal government's endorsement was needed before the DENR would formalize the program, the SB and the mayor were reluctant to endorse the project. A portion of the project site was apparently being claimed by an individual as private property, which had been sold to a Taiwanese developer. The land being claimed was allegedly covered by a Torrens Title.

Although there was no formal legal action to establish ownership, BRUFAl and other upland farmers sought assistance from concerned agencies to verify the classification of the land. To this day, there is an air of uncertainty over the community and fear that one day someone with a title to the land will displace them.

A persistent problem in land tenure security is the "selling" of rights over the Certificate of Stewardship Contracts (CSC). About 378 CSCs were distributed since 1994. Although verifying the sales is not possible, it is common knowledge among the members of the community that CSC rights are still being sold.

d. *Livelihood.* Among the community, it appears that the anticipated direct economic benefits from CBFM is a strong motivation for pursuing its implementation. BRUFAl has all ready planted gemilina trees. In five years, they expect to sell the trees at P 600.00 per cubic meter. One hectare can accommodate about 2,000 to 2,500 gemilina seedlings (at P5.00 each). A common complaint though is that the gestation or waiting period before they can harvest is too long. For gemelina it would take at least 5 years, and mahogany, at least 8 years. As a result of this gestation period, some members resort to timber poaching and illegal logging or as in other areas, beneficiaries might harvest too soon or over-harvest at the first opportunity.

Sorely lacking in Barangay Rosario are alternative livelihood projects that would bring in additional income and sustain the community during the gestation period for the tree farms. Without this alternative, some members of the community resort to illegal logging activities.

Despite its limited resources, BRUFAl was able to implement some income generating projects, such as the "pawid-making" and the "alak-buying." Both livelihood projects depend on the "sasa" nipa plant, which grows along the

muddy riverbanks or along the seashore. Ecologically, nipa (sasa) plants serve as protection against soil erosion and recession of rivers and coastal banks. It also provides sanctuaries for aquamarine users. Pawid making produces the material often used as roofing for houses from the leaves of the sasa, while "alak making" produces an alcoholic drink from the fruit of the sasa plant. The profits earned from these projects were channeled to their "loan project," wherein any member can obtain a small loan, payable in three months at 5% interest. Assisting BRUFAl in this endeavor is the DENR through its CENRO. Nipa plantations also offer employment to people, induce creativity and art among handicraft workers, optimize the use of natural resources, and generate income among mangrove dependent families and industrial users.

These efforts, however, are inadequate. The national government provides very minimal financial assistance for livelihood projects to CBFM beneficiaries in Barangay Rosario. They have not received any from the provincial and municipal governments.

In addition the problem of alternative livelihood and the tree farms is the marketing of these products. Gemilina, for instance, may prove to be a successful project; however, there are no visible plans on how to market the trees. Gemilina is used for pulp paper and cement board. At present, there are no buyers of gemilina in Quezon. Most of the buyers are from Bulacan, Laguna, and Metro Manila. Transporting crops and other products from the project site to the market also poses a serious problem.

e. Law enforcement. BRUFAl protects about 700 hectares of secondary residual forest — an impossible task for such a small organization. Hence, the threat of illegal logging and timber poaching is real and imminent. There is nothing much they can do but put up warning signs. However, many association members are willing to be deputized as forest rangers by the DENR so that they can have the authority to confiscate illegally obtained forest products and enforce forestry laws in general.

In forestry law enforcement, the community acknowledges the role of the DENR. According to some leaders of BRUFAl, the illegal logging and timber poaching increased after the DENR withdrew its outpost in the area as part of the devolution process. The closure of the sawmill in Mauban was also the initiative of the DENR. A move welcomed by some, but resented by others, particularly the communities near the mill.

B. Summary of Issues and Concerns.

CBFM has made some gains in Barangay Rosario, Mauban. For the past three years, the program has managed to sustain the interest of the community in the project site partly because of the promise of future income and partly due to the community organizing and education efforts of the DENR-CENRO foresters. That the BRUFAI remains intact and active in environment related activities is proof of the commitment of DENR's field officers and the resiliency of the organization. But these are precarious gains. Several fundamental issues and concerns ought to be addressed if the program is to be effectively sustained.

First, is the lack of organizational capabilities of BRUFAI to sustain itself as an institution and the technical skills for forest management. Although there were notable training activities and exposure trips to other CBFM sites, there is no capability building strategy for the organization to enable it to sustain itself and manage the forests.

Second, is the dire lack of financial resources for the project site, which affects every component of CBFM, especially livelihood. The lack of alternative livelihood opportunities is often cited by members of the community as a major concern. Related to this is the issue of marketing and transporting the goods and products from the project site to potential buyers.

Third, is the weak linkages and partnerships between and among the local government units concerned and the DENR. Although a strong partnership has been established between the CENRO and the community, there is hardly any meaningful participation from the municipal government and the provincial government. In addition, there is no effort to attract private sector participation in the CBFM in Barangay Rosario, Mauban.

RECOMMENDATIONS

A. Financial and Technical Assistance.

(1) Capability building.

a. The DENR should take a more pro-active role in providing or accessing funds for the CBFM program in Barangay Rosario. More investment is needed for organi-

zational capability building for the PO, technical assistance for forest management, and the development of alternative livelihood projects. A strategic capability building plan will have to be prepared for the PO.

b. The DENR should also invest more in capability building for the Municipality of Mauban, particularly on the technical aspects of community-based forestry management. A systematic effort with a timetable is needed here so that the municipality can eventually take over the primary functions of CBFM management and supervision.

(2) Livelihood and Marketing.

Since the community has already invested in CBFM, the DENR and the provincial government should plan ahead and start finding markets for the trees planted in the project site. The linkage between the DENR and the provincial government is crucial for marketing these products. The former has the information and technical skills while the latter can project the province as one major supplier of these products thereby acquiring some economies of scale. The governor of Quezon, for instance, after having assessed the extent of farm trees in the province, can then coordinate with his counterparts in Bulacan and Laguna. The governors of these provinces can then play a facilitative role in linking goods with markets.

(3) Land Tenure.

Technical assistance is also needed in the project site for land tenure security. At present, there is still uncertainty about the status of the CBFM site because of an individual's claim of ownership. The DENR can provide this assistance by verifying the status of the project site.

B. Community Participation.

BRUFAl in Mauban or the DENR provincial office will have to initiate the formation of a provincial association of CBFM practitioners. Only if they organize themselves into a larger body, can the CBFM concerns attract the attention of key government agencies. Moreover, forming a provincial wide association can also improve the chances of marketing their products.

C. Partnerships and Linkages.

(1) Barangay level.

BRUFAl, assisted by the CENRO, should engage in more advocacy work in the barangay level and upwards to the municipal level. Several policy initiatives through policy instruments are doable at this point in time to initiate this integration. Leaders of BRUFAl who are also members of the Sangguniang Barangay should initiate the passage of a barangay ordinance containing the following:

- a. recognizing and adopting the CBFM program and the Community Resource Management Framework and Community Map as part of the barangay's regular programs, and assigning a Sangguniang Barangay member as primarily responsible for monitoring the CBFM;
- b. to include the CBFM in the regular agenda of the Sangguniang Barangay meetings and the annual General Assembly meetings of the barangay;
- c. to integrate the CBFM and the CRMF and Community map in the barangay development plans to be prepared by the Barangay Development Council;
- d. to appropriate a specified amount of money for monitoring the CBFM;
- e. to request the Sangguniang Bayan of Mauban to create a committee or sub-committee for CBFM concerns, and
- f. to request the Sangguniang Panlalawigan to create a committee or sub-committee for CBFM concerns.

Like all ordinances and resolutions, copies of this ordinance will be posted in public places and sent to the Sangguniang Bayan for review. Upon approval another copy shall be sent to the Sangguniang Panlalawigan.

BRUFAl should also have itself accredited by the municipal government so that it can qualify for membership in the Municipal Development Council (MDC) and for possible funding.

(2) Municipal level.

At the municipality, to improve the lateral and vertical coordination for CBFM, the mayor and the Sangguniang Bayan shall play important roles not only in assisting the existing CBFM site but in expanding the program to cover the other barangays within their jurisdiction. It is important for the mayor, as

the Chief Executive, to be well informed of the CBFM program because several barangays under his jurisdiction can benefit from the program. He is also in a better position to act as a catalyst in enticing the local private sector to get involved. He is also the spokesperson of the municipality best able to negotiate with the CENRO and the provincial government.

a. As an immediate policy initiative, the mayor should create a Task Force or a committee under his office through an Executive Order or Special Order, containing essentially the following:

(i) Composition of the Task Force, which should include his own Executive Assistant, the Municipal Planning and Development Officer (MPDO), the CENRO, the Municipal Agriculturist, the Budget Officer, the Barangay Chairperson of Barangay Rosario, a representative of BRUFAl, the PNP's Chief of Police, and a representative from the private sector in the municipality.

(ii) The Task Force's functions should include keeping the mayor abreast of CBFM developments, exploring the feasibility of expanding CBFM sites, and generally advising the mayor on how the municipal government can support the program.

(iii) Regular meetings for the Task Force with the mayor.

As Chairperson of the Municipal Development Council (MDC), the mayor can integrate the Task Force for CBFM into the MDC as a committee or subcommittee.

b. Since the municipal government does not have an Environmental and Natural Resources Officer, the mayor can also enter into a Memorandum of Agreement with the DENR central or regional office to have a representative of the CENRO seconded to the municipal government on a part-time basis. Section 7.2 of JMC No. 98-01 provides this option for LGUs that do not have ENROs.

c. As the chief law enforcer in the municipality having operational control and supervision over the police, the mayor should consult with the Chief of Police of Mauban, together with the CENRO on how to stop illegal logging and timber poaching in the present and future CBFM sites.

d. The Sangguniang Bayan, on the other hand, should pass a resolution creating a Committee or Sub-committee for CBFM, and appropriate funds for its initial operations. The first task of the Committee is to study the CBFM in Barangay Rosario in aid of legislation. This should include an on-site inspection together with the CENRO.

(3) Provincial level.

The Governor essentially plays the same role as the mayor, albeit over a wider jurisdiction. Likewise, a Governor's Task Force is recommended to keep the governor abreast of developments and get a bearing on the issues and concerns for CBFM. The Executive Order or Special Order must specify the following:

a. Composition, which should include the Executive Assistant of the Governor, the Provincial Planning and Development Officer (PPDO), the Budget Officer, the ENRO, the PENRO, the PNP's Provincial Director, a representative from the private sector, and a representative from a provincial based environmental NGO or PO.

b. The TF's functions should include monitoring the progress of CBFM at the municipal and national level, exploring the feasibility of expanding CBFM sites in the province, identifying funding sources, and generally advising the governor on how the municipal government can support the program.

The Sangguniang Panlalawigan should create a committee or sub-committee for CBFM, and appropriate sufficient funds for the committees operations. The committee or sub-committee will have to look into the CBFM program in Quezon with the objective of formulating policy and legislation for its improvement.

(4) National level.

The DENR's technical assistance and financial support is crucial for the CBFM program. In Barangay Rosario, the CENRO's initiatives and efforts have borne fruit and are much appreciated by the community. However, the DENR's working relationships with the LGUs need considerable improvement. Although its policy clearly reposes accountability on the CENRO and PENRO for initiating the forging of stronger ties with the LGUs, this does not appear to be happening in the Municipality of Mauban and the provincial government.

a. A new policy directive emphasizing the importance of this aspect of CBFM for field officers is recommended. This Administrative Order should also contain a system of monitoring that would ensure the meaningful participation of the LGUs. For instance, the regular monitoring reports prepared by the CENRO should be prepared jointly with the LGU or its task force. At the minimum, the local chief executive must give his imprimatur to the report before it is sent to a higher DENR office.

■ COMMUNITY-BASED FOREST MANAGEMENT

b. The DENR should also emphasize that under the DENR-DILG joint circular, continuous devolution is a fundamental principle, and that there is a provision for including a “phase-out” plan for CBFM programs, wherein the program is completely turned over to the LGUs. Getting agreements on a plan among the stakeholders concerned adds some urgency to all concerned to meet certain defined targets for program expansion, management, and funding.

c. DENR should also play the primary role in sourcing funds for alternative livelihood projects in the CBFM site. However, a more unified provincial government with effective organizational structures coordinating the efforts of the CBFM sites in the province will help the DENR access funds.



■ COMMUNITY-BASED FOREST ■
MANAGEMENT IN COTABATO:
MORE ATTENTION TO SOCIOECONOMIC
ASPECTS, PLEASE

GERARDO V. BULATAO

The principal conclusion of this study is that insufficient attention is paid to the economic and related aspects of community-based forest management in Cotabato province. This will have a harmful effect on farmers and the environment in the province in time as it will serve as a disincentive for small farmers to engage in tree farming.

Hence, the main recommendation is to devote more human and material resources to activities like:

- social organization of ISFP beneficiaries and other tree farmers;
- clarification, codification and popularization of laws and guidelines on tree cutting, forest product harvesting, transportation of these, downstream processing, and sale of wood products;
- market matching assistance by the Department of Environment and Natural Resources (DENR) in cooperation with the Department of Trade and Industry (DTI) and by the Provincial Government; and
- upgrading of the Environment and Natural Resources (ENR) Division under the Office of the Provincial Agriculturist (OPA) into an Office of Environment and Natural Resources with personnel assigned to take care of assistance in social organizing, market matching, proposal preparation, and assistance in attracting investments in wood-based industries.

This study commenced in December 1998. I spent three days on it monthly until April 1999. This allowed me to meet with a farmer-beneficiary from the regional model ISFP/CBFMP area in the municipality of President Roxas; with Gov. Emmanuel F. Piñol; with ENR Division representatives; with the officer-in-charge of

the Provincial ENR Office (PENRO); and with the staff of the Community ENR Office (CENRO), together with my local associate, Fr. Fred Epiz, and a Community Affairs Officer in the Governor's staff, Mr. Basilio Obillo, Jr. who conducted a survey of prices of various kinds of wood over the last few years.

In addition to these there were meetings in Quezon City with the state-of-the-art paper writer and staff of the Community-Based Forest Management Office. I also had the benefit of copies of the state-of-the-art paper, a comprehensive memorandum by the CBFMO head addressed to the Director of the Forest Management Bureau, and a copy of the paper of Mr. Fernando Lu of the Philippine Wood Producers Association.

MEETING WITH MR. BASILIO HERNAEZ (MISFFA)

Mr. Hernaez is an ISFP beneficiary and a leader of the Sta. Catalina Multi-Purpose Cooperative. His organization, Mahayag Integrated Social Forestry Farmers Association (MISFFA), has a contract with DENR to reforest 100 hectares (ha).

I spoke with him in his small house at the back of the Sta. Catalina Multi-Purpose Cooperative. This is as near as I got to an ISFP/CBFMP site as it would rain every time we scheduled a trip and were advised against visiting because walking uphill in such conditions was considered too difficult for outsiders.

According to Mang Basil, he planted his trees at a distance of two meters from each other. As the trees grew he eliminated the inferior ones to maintain a distance of four meters. He estimated that one ha of land could yield 600 mahogany trees after 10 years. Each tree could provide an average of 150 board feet of wood. If this is sold at P28/board foot, he could gross P2,520,000 (600 trees x 150 board feet x P28/board foot). From this amount he would have to deduct expenses for tree cutting, log scaling, hauling, etc. If he would cut only 60 trees a year, he would gross P252,000 annually, slightly more the following year for 11-year-old trees up to the 20th year when he would be harvesting 20-year-old trees. Every year thereafter he would have 60 10-year-old trees to harvest assuming he replants new trees right after harvesting old trees.

Mang Basil said that under the reforestation contract of MISFFA, he and his associates are supposed to be paid for digging a hole, planting a tree, weeding, etc. But his organization has no copy of the contract. So he suspects that what should be paid to them is divided among DENR personnel.

Mang Basil also said that one of the ways DENR used to convince him originally to join the program was to show how much he stood to profit from tree planting after about 10 years when he would be able to harvest the trees.

This tree farmer is a carpenter, too. In fact, he was the one who made the pews in the parish church from mahogany trees growing within the church compound and cut down for that purpose. He saw the value of saving some of the wood from their mahogany trees for a furniture-making project. The problem, however, is that capitalization would be needed. Some of it can be generated by selling trees as round logs, lumber or planks. But there are two other problems more difficult to resolve: there are few master carpenters in the area, indicating the need for training; there may be a small local market for good furniture that would sell at higher prices.

CONVERSATION WITH MR. SEVERO MARCIANO JR. (ENRD-OPA)

At the time of our conversation Mr. Marciano was the officer-in-charge of the ENR Division under the OPA. I had met earlier with Mr. Eufemio Gurmez, who is more senior than Mr. Marciano, but he told me that I should talk with Mr. Marciano.

Jun Marciano told me that ISFP now had 52 project sites devolved to the province. There were 8,500 beneficiaries in these sites, which covered 26,800 ha. This did not include newly awarded areas and 14 proposed new sites.

The province also had 16 CADCs (Certificates of Ancestral Domain Claims) approved, with 11 CADC areas assisted by the provincial government.

According to him, the division was undermanned, as it had only 20 community development assistants (CDA) attending to all the sites. Depending on the size of the project site and distances involved, one CDA took care of two to five sites.

Mr. Marciano said the information in Table 1, taken from *Province of Cotabato, Region XII: Socio-Economic Profile 1995* (pp. 133-134) is still fairly accurate although some data were missing.

Of these 52 ISFP sites, 39 are 10 years or older. Together these occupy more than 15,000 ha. If we assume that the 600 trees/ha figure of Mang Basil for mahogany trees holds true for these areas and that 10% will be cut and sold this year, that gives us 900,000 trees (15,000 ha x 600 trees/ha ÷ 10) to be harvested. How would prices react if all that wood is sold in one year in one province?

Mr. Marciano said that his division also managed the Amas Eco-tourism Park. There they had about 60,000 planting materials in the form of naturally

Table 1
Integrated Social Forestry, by Municipality, Cotabato Province, CY 1995

Project Location	Area (ha)	Year Set Up	# of Families	# of Lots Parceled	CS Issued
Alamada	5,994.59		1,180	1,081	156
1. Pacao	287.00	1984	30	30	25
2. Sitio Sogit, Guidalo	500.00		100	1	
3. Siya-siya	620.23	1985	50	50	ICFSA
4. Guia	500.00	1990	95	95	
5. Guaob	500.00		100	100	
6. Badak	950.00		150	150	
7. Paruayan (Phase I & II)	1,595.36	1992	417	417	
8. Palepayen	1,042.00		238	238	131
Aleoson	888.54		198	237	223
1. Malapang (Phase I & II)	888.54	1986	198	237	223
Antipas	1,869.61		489	489	308
1. Camutan	628.65	1985	159	159	102
2. Datu Agud	327.46	1988	63	63	58
3. Cadungon	595.11	1986	168	168	148
4. Pontevedra	318.39	1988	99	99	
Carmen	1,815.21		377	209	108
1. Liliongan (Phase I)	503.70	1984	109	108	108
2. Liliongan (Phase II)	548.20	1984	101	101	
3. Malapag	768.31		167		
Libungan	1,086.14		344	343	209
1. Demapaco	231.26	1984	109	147	119
2. Misolo, Demapaco	95.50	1984	25	25	25
3. Mangariwan, Kapayawi	255.38	1988	65	65	65
4. Pendiaman, Barongis	200	1989	60	60	
5. Malangen	304		85	46	
Magpet	3,695.80		1,348	518	213
1. Temporan	704.75	1987	186	186	131
2. Pangao-an	165.85	1985	65	65	52
3. Palodos	247.54	1985	95	95	77
4. Palosais	133.89	1985	85	66	58
5. Basak	400.00	1989	80	80	
6. Balete	618.14	1988	183	113	113
7. Mahongkog (Blk I)	100.46	1988	30	154	25

Continued

Table 1 - Cont'd

Project Location	Area (ha)	Year Set Up	# of Families	# of Lots Parceled	CS Issued
8. Mahongkog (Blk II)	524.17	1990	154	164	75
9. Katindu	720.00	1990	1,000	1	0
10. Badiangon	81.00	1989		16	0
Makilala	256.91		131	131	113
1. New Leon, Rodero	144.25	1983	44	44	38
2. Quialo, Rodero	39.16	1983	36	36	29
3. Cabilao	73.5	1983	51	51	46
Matalam	3,365.25		630	653	222
1. Marva, Taguranao, Blk I	493.3	1987	78	100	38
2. Marva, Taguranao, Blk II	229.37	1988	60	60	
3. Imelda	940.52	1987	169	169	126
4. Layangan	508.00	1987	109	110	
5. Eden, Layangan	313.06	1987	74	74	
6. Salvacion	448.00	1986	50	50	58
7. Calura, Minamaing	433.00	1988	90	90	222
Pigcawayan	2,142.30		375	342	373
1. Kimarayag	125.04	1985	33	33	28
2. Anick	332.20	1985	88	88	73
3. Patot	598.42	1991	42		98
4. Lampaki, Kimarayag	897.00	1989	179	177	174
5. Campo III & Bual, Kimarayag	189.64	1991	33	44	
Pikit	410.91		156	58	126
1. Kalakacan	144.91	1985	58	58	52
2. Balatikan	266.00	1986	98		74
President Roxas	732.79		171	175	250
1. Greenhills Phase I	42.79	1991	8	12	100
2. Greenhills Phase II	628.00		139	139	127
3. Ipuan	62.00	1984	24	24	23
Tulunan	447.52		139	139	118
1. Daig	447.52	1986	139	139	118
Grand Total	22,705.57		5,538	4,375	2,419

CS = Certificate of Stewardship

propagated and asexually propagated seedlings. These were dispersed for free to beneficiaries.

According to Mr. Marciano, a Cotabato Wood Processing Council had been organized to include furniture shops, lumber dealers, and others engaged in trees as an enterprise. Was there room for small tree farmers to join, I asked. Yes, they are not excluded but at present there are no members like those. According to other informants, the Council is dominated by one businessman who seems to be more concerned about his own business than the industry in the province as a whole. Due to this, the Council had become inactive.

Mr. Marciano explained the vast variety in tree species. He said that part of the job of the CDA included informing ISFP/CBFMP beneficiaries about these. Gemelina can be harvested after eight years, he said. Assuming 600 trees/ha with one tree yielding as much as 250 board feet, a farmer could make P2.7 million from that one ha after a period of eight years if he sells his trees as lumber at P18/board foot or P1.5 million if he sells round logs at P10/board foot.

A few years ago, according to him, the Provincial Government proposed the creation of a P500,000 Wood Processing Training Center. The Central Office of DENR rejected this because it was felt that it may lead to the indiscriminate cutting of trees.

MR. BASILIO OBILLO JR.'S PRICE SURVEY

On my request, Mr. Obillo conducted a survey of wood prices from 1995 to 1998. He found that banned species (molave, yakal, bialong, mangachapoy, almaciga) were not kept in lumber yards but were available if a person knew whom to ask - usually someone with connections to the CENRO. The prices of these woods have remained steady at P22 to 24/board foot. Planted narra trees have also remained at the same price level of P22/board foot, although the banned forest species sell in nearby Davao City at P32/board foot. Lawaan, tanguile and bagtikan, species that are not banned, have also remained steady at P18. to 19, while apitong continues to sell at P19 to 20/board foot.

Prices of the most plentiful species in ISFP areas - gemelina and mahogany - have been dropping. Gemelina used to sell at P15 to 16/board foot in 1995-1996, dropped to P14 to 15 in 1997, and is now only P13 to 14 in Kidapawan City. In Davao City, the price has dipped to P10. Mahogany, which used to sell at P17 to 18/board foot in 1995-1996 has gone down to P16 to 17 in 1997-1998.

Rubber trees, which are also plentiful in Cotabato, are purchased by lumber yards at P6 to 7/board foot in Kidapawan City, but at P8/board foot in Davao City. Plywood-makers in the latter city now offer P1/kilo or P1,400/cubic meter, because they have discovered that plywood made in part from rubber wood is more flexible.

Jun also inquired about the charges by lumber yards for certain services. For the preparation of lumber (fletches, it was called), charges were for the use of a chainsaw, P2.50/board foot; for dragging, P0.50 to 1; for trucking, P0.50 to 1; for slicing into planks, P1.50 to 2.00.

The actual farm gate price for gemelina was only P4.00/board foot in nearby areas, but for distant areas there were no buyers. Delivered to the lumber yard, however, businessmen were buying at P10/board foot and selling at P11.

GOV. PIÑOL'S PROJECT IDEAS

My meeting with Gov. Piñol was difficult as he was talking simultaneously with two other persons about other things in addition to Fr. Fred Epiz and me. When we did get to discuss community-based forest management, he was eager to talk about a project concept he called Trees for Life.

He said that each of the 18 municipalities could plant 100 hectares of trees every year for 10 years. At the end of the period, the province would have 18,000 ha planted to trees. Instead of providing an incentive for different activities, as is done by a DENR project, his idea was to simplify this by paying tree cultivators P0.20 for every live tree every month, in order to provide some funds for livelihood. He would make the barangay chairs and mayors responsible for checking on the live trees.

Assuming 500 trees/ha and 1,800 ha, this would cost P180,000 a month or P2.16 million a year. By the 10th year, the project would cost P21.6 million, and over the 10-year period, P118.8 million. If one tree would yield 150 board feet worth P10/board foot, the trees would be worth at least P13.5 billion from the 11th to 20th year since the start of the project (150 board feet/tree x P10/board foot x 500 trees/ha x 100 ha/municipality x 18 municipalities x 10 years). Even if overhead for the cost of planting materials and monitoring is factored in and calculated also at P0.20/tree/month - hence doubling the cost of the incentive from P118.8 million to P237.6 million - the project would be immensely profitable.

Aside from the economics of the project, he emphasized the salutary effect trees have on erosion control, flood prevention, and environmental improvement. He also said it would have to be profitable for tree farmers.

The Governor's other project idea was the invitation of a foreign wood processing company to set up shop in Cotabato. The come-on would be the wood available in the place and the relaxing environment. He said he was in touch with a Finnish wood tile maker that wanted to set up a plant in the province. This would not only create new markets for Cotabato's wood but would also create jobs, he said.

According to him, his problem with both ideas was to find someone who could write up and market project proposals for him and assist him as well in attracting investors into wood-related industries.

The Governor also complained about the way the devolution of responsibilities in regard environment and natural resources had been carried out. According to him, these were not accompanied by the necessary personnel and budget allocations.

MEETING WITH THE PENRO OIC

Forester Nestor U. Macion, officer-in-charge at the PENRO, emphasized to me that his office had no role in the cutting and transport of logs. He said that it is the CENRO who registers tree plantations. Before trees are cut, one must submit a photocopy of his title, including the date the tree was planted, the species planted, and the signature of the DENR employee who inspected the tree. There is a form for this, he said, and it is distributed free of charge.

It is the barangay captain who certifies that trees come from within his jurisdiction and the CENRO who issues a Certificate of Verification. There is a small fee for this of P20. If the log or lumber is to be transported out of the municipality or city, a Certificate of Timber Origin is required. The fee for this is P20.

For government reforestation projects, only the DENR Secretary may authorize cutting or getting of trees. Urban trees along the road and trees in parks may not be cut, he said. Some species require the approval of the Regional Executive Director of DENR, like molave, narra and Benguet pine.

The PENRO is not involved in market matching in any way. The most assistance they will give a tree buyer is to provide him a list of plantations. No sellers

approach their office for assistance in selling. Sawmills usually have supply contracts even before they start operating.

The PENRO encourages the planting of gemelina, bagras, and mahogany. Mr. Macion, however, had no knowledge about prices of wood from these trees. He said that DENR sells seedlings - gemelina, P2.00 to 2.50; bagras, P5.00; mahogany, P2.00 to 2.50.

DENR, he said, doesn't provide any incentives for planting on private land. Incentives are limited to reforestation projects. These may reach a maximum of P20,000/ha for a three-year project with certain infrastructure requirements. Payments are based on project accomplishment and the approved work and financial plan.

He was aware that some kind of provincial association for the wood industry had been organized. According to him, lumber traders, wood processors, and tree farmers could all join this. But he did not know what happened since to the association.

He said the province now had 16 approved CADCs, up from seven in 1995, and that there were 10 more applications pending. But these are now all under the National Commission on Indigenous People or NCIP.

After meeting the PENRO OIC, I decided against trying to meet the DENR Regional Executive Director in Cotabato City. I felt it more important to get to the CENRO level. I also was apprehensive that he would be replaced anyway after Sec. Cerilles' confirmation. I was told later that he was indeed replaced.

LIVELY CHAT WITH CENRO STAFF

I met with two staff members from the CENRO together with Fr. Fred Epiz and Mr. Jun Obillo. It was an after-supper meeting in the office of Fr. Fred at the Consortium for Development of Southeast Mindanao Cooperatives (CDSMC).

The two men from the CENRO were known to Fr. Fred. One had been lay leader when he was parish priest of Kidapawan. They felt free to speak their minds and Fr. Fred felt at ease with them. They stressed the importance of dealing with the CENRO.

Central Office may make policies but these were all too often not in keeping with actual conditions, they said. Regional and provincial offices were also somewhat removed from field realities. But they knew what was happening. They had staff assigned to every municipality in their jurisdiction and these people moved

around a lot, according to them. They knew their rules well and also knew how to get around these. Even tree-cutting within reforestation areas was possible; what was important was to establish that the tree had been felled by a typhoon or some other natural cause, they said.

They knew what permits were required for different activities, the forms needed to be filled up, and the fees that should be paid. More important, they were willing to share what they knew in seminars for tree farmers if Fr. Fred would set up an NGO that would organize these educational activities or get an office under the governor to do this.

One of them had attended briefings by Nescafe and had bought coffee seedlings and seeds that he was taking care of in a small nursery. He hoped to be able to convince farmers about the viability of coffee.

The other one had at one point taken a leave from DENR to go into business for himself. He was buying wood in Surigao del Sur and selling these in Cebu. Over time he learned the trade and knew what was needed to become profitable.

Fr. Fred mentioned his plan to set up an NGO to be called CADC - Center for Ancestral Domain Claims. This NGO would assist indigenous people (IPs) in the municipalities north of Kidapawan City in organizing tree farm cooperatives, in education on the marketing of trees as wood, in planning the development of their communities, and later on, in putting up enterprises like furniture making, which would add value to their resource before being sold. Hopefully, too, going into wood processing would slow down the rate of utilization of forest materials and tree stands, as the people will be using less of their trees to earn more for themselves. He asked the men if they would help him in these activities. They both answered yes enthusiastically.

After the meeting, I asked Fr. Fred if these men could be trusted. Why not, he replied. I know them, their good side as well their bad; it is possible to build in safeguards.

THE STATE-OF-THE-ART CBFM PAPER

The meeting with the paper-writer gave me insights into what was happening at the Central Office. Sec. Antonio Cerilles had not changed policies in a big way yet, but this conversation took place before the Secretary was confirmed. Changes were expected after he won approval by the Commission on Appointments.

Yes, the paper-writer said, Sec. Victor Ramos had put in place policies favorable to indigenous communities and people residing in forests and areas still classified as forestal, as against big commercial interests. Yes, he had wanted to go more deeply into the economics of community-based forest management, but somehow was unable to do this. No, the DENR was not into market-matching, but Director Romeo Acosta of the Community-Based Forest Management Office (CBFMO) would be the right person to see about this.

The paper itself clearly brings out his concern for the indigenous people, forest-dwellers, and communities in the uplands:

- “The loss and degradation of Philippine forests can be attributed to a number of factors: . . . Second, the bias for commercial utilization as against direct or subsistence utilization in state policies on natural resources and the limited perspective and interests of commercial loggers and exporters . . .” (p. 2)
- “Among the enumerated factors, the most significant are the land classification policies resulting in land tenure insecurity for communities and the bias for commercial utilization . . .” (p. 3)
- “DAO 93-02 embodied the new paradigm to replace the outdated conception of the Regalian Doctrine of government fully controlling the utilization and management of the natural resource of the Philippines.. With DAO 93-02, we come full circle: it is the peoples who depend on these resources, who have nurtured them through time immemorial, and who (have) the most at stake when they are degraded or destroyed, that must be empowered to manage and control our natural resources.” (p. 5)
- “In sum, together with DAO 93-02 and the Indigenous Peoples’ Rights Act, it can now be said that, at least from a policy perspective, the State has reversed its land classification policies and its bias for commercial utilization in favor of recognizing the positive role of indigenous and local communities in natural resource management. . . this paradigm shift resulted mainly from untiring efforts by these communities and nongovernmental organizations which supported them.” (p. 7)
- “As the DENR implements CBFM, it faces important questions and choices. The most obvious one is that of the need to balance the interests of all the stakeholders in the forestry sector. In particular, navigating between the interests of private industry and communities is the most difficult and challenging.” (p. 9)

- “Because there is no level playing field out there in Philippine forests, the balancing act that the DENR must do, if CBRM is to break through the realm of policy as myth into operational reality, requires the government to be biased for communities.” (p. 10)

While insisting on the primacy of indigenous and other people in the forest areas as against commercial interests, it is clear that the interests must be balanced. One way of doing this is suggested in the quote from President Fidel V. Ramos implying that tree farming should be left to small farmers and indigenous communities while big businessmen should focus on wood processing and adding value in some other way. Still, the importance of commercial interests is recognized where forest management cannot be handled by local groups.

The paper of Mr. Fernando Lu of the Philippine Wood Producers Association does not criticize the policy thrust of DAO 93-02. Rather it stresses the difficulty of working in a situation where basic policies change frequently, while it pushes for speedier devolution and decentralization of authorities in regard to CBFM.

MEETINGS WITH CBFMO REPRESENTATIVES

I attended two meetings with CBFMO representatives. Neither was too useful. Those who met us during the second meeting were completely different than those we first met. Hence it was necessary to start the conversation from the beginning and I felt we didn't get far.

I raised the matter of market matching in the first meeting. Director Romeo Acosta said that DENR was not involved in this. He said that this was a point that had been brought up before but that it had been set aside because some sectors within the DENR, himself excluded, thought that it was not right for the agency that was responsible for conservation to be engaged in an activity that would encourage utilization. I disagreed with this because I felt that an effective way of promoting planting and care of trees was to ensure profitability for those engaged in it but in such a way that would encourage phased rather than wholesale cutting down of tree stands, with attention paid to replanting. He said he would take a second look at it.

The point is made in the 30 June 1990 “Master Plan for Forestry Development: Executive Summary.” This study was prepared for the DENR and funded by the Asian Development Bank and the Finnish International Development Agency. On

p. 25 there is a discussion of wood-based industries under the heading of The Master Plan Programs:

“The development of the wood-based industries will be given adequate attention. The industry will be rehabilitated. The country needs to maintain self-sufficiency in wood products for the construction industry and to develop more export wood products especially the non-traditional products that have high value added and are competitive in foreign markets. While they create employment opportunities locally they also earn foreign exchange for the country.

“Developing Favorable Business Environment for the Wood Industry - A shift as soon as possible from the TLA to the TPSA will provide stable tenure for license holders who will be among the mix of forest managers. Longer license permits will be given to processing plants to give them stability and allow them to have a longer business planning horizon.

“Rationalization of the Industry - The industry will be made to evolve into an appropriate mix in terms of type and number to make it more efficient. Assistance will likewise be given to the industry for retooling and for the establishment of new industries in areas where there is no present or limited capacity. Wood processing zones will likewise be established.

“Provision of New Technologies - The industry also needs an infusion of new technologies, not only in terms of machinery but also processing techniques and methods. The eventual shift from the old growth to the second growth forest spells changes in the raw materials. This requires new processing technologies. This is also true in the processing of lesser-known species. Likewise, the industry manpower has to be trained on these new technologies.

“Promoting Further Processing and Downstream Industries - The downstream industries such as furniture, builders' woodworks and handicraft industries should be assured of raw materials. They will also be provided with technical assistance in the form of new technologies and training, and financial assistance in the form of reduced tariff for imported raw materials.

“Development of Community-based Wood Processing Industries - To provide a more solid economic foundation in the communities, assistance will be provided in the establishment of wood-based industries.

“Establishment of a Timber Industry Board - The board will help plan, coordinate, promote and supervise development in the wood industry.”

CONCLUSIONS AND RECOMMENDATIONS

I quoted the page above in full to indicate that in the recent past attention has been paid to economic aspects of forest development and management. However, somehow this set of recommendations was apparently shelved because so little attention, at least in the province of Cotabato, is paid to socio-economic aspects of community-based forest management.

If forests and tree stands are to be maintained properly, appropriate utilization by the people who would be most disadvantaged by improper utilization is as important as prevention of illegal cutting. But for them to engage in appropriate utilization, the system should ensure benefits to them. It is largely a matter of putting in effective incentives and disincentives - and of education and organization around these.

This is why the first recommendation I make is an appeal for more human and material resources to be devoted to the social organization of ISFP beneficiaries and other tree farmers. The idea of Fr. Fred Epiz to set up an NGO to focus on IPs is wonderful. The local NGO can work with the tribal elders and others in the north-eastern section of the province. If Fr. Epiz will be able to mobilize the support and participation of the CENRO and the ENR Division of OPA in his educational activities, this, too, will be very valuable.

In time the local NGO, in cooperation with relevant government agencies, might help in the training of people from the local community in furniture-making or other lines of work that add value to the community's resource. It might also help to raise the needed capital to purchase necessary equipment.

But Fr. Epiz's proposed NGO will be focusing on only one section of the province. Hopefully, other local NGOs will emerge to cover other areas.

This recommendation complements the CBFM paper-writer's view that care of the uplands should be principally in the hands of those who reside there and who have most to lose from environmental degradation. Unless people in the highlands organize themselves to generate power and educate themselves on environmental concerns, including the conscientious management of protected forests and the proper utilization of production forests, they will be unable to discharge properly the responsibilities we want to assign to them.

The second recommendation has to do with clarification, codification and popularization of laws and guidelines on tree cutting, forest product harvesting, trans-

portation of these, downstream processing, and sale of wood products. Conversations with DENR representatives at different levels tended to indicate that not everyone seemed knowledgeable about DENR guidelines on these matters. In fact, CBFMO representatives said there were issues that needed to be resolved that had been brought to the DENR secretary's attention.

The rules not only need to be in place. These also need to be translated into popular forms easy to understand. Otherwise, only a very limited number of people, mostly DENR forestry employees, would know the rules. Yet it is so important that people engaged in tree farming in some way would know exactly what is allowed and what is not, and what forms must be accomplished and what fees must be paid.

This certainly has much to do with setting the stage for increasing the number of economic players in wood-related industries.

My third recommendation is market matching assistance by the Department of Environment and Natural Resources (DENR) in cooperation with the Department of Trade and Industry (DTI) and by the Provincial Government. Some office within DENR should collaborate closely with DTI to monitor the needs of wood-based businesses and the going prices they are willing to pay. On the other hand, within the provincial government, it is important that data on forests and tree stands be maintained conscientiously, so that fairly accurate estimates of wood supplies can be made.

Along with efforts by government offices, NGOs and tree farm cooperatives would also have a role to play. But while the first recommendation is addressed principally to civil society organizations, the second and third are for government agencies to attend to mainly.

The fourth recommendation is intended primarily for the provincial government: upgrading of the Environment and Natural Resources (ENR) Division under the Office of the Provincial Agriculturist (OPA) into an Office of Environment and Natural Resources with personnel assigned to take care of assistance in social organizing, market matching, proposal preparation, and assistance in attracting investments in wood-based industries.

The OPA is oriented primarily toward increasing agricultural production in the lowlands and midlands, as well as in various bodies of water. It is not easy for OPA to provide guidance to ENR concerns. Thus, it seems practical for ENR to stand separately from OPA.

Also, since it seems appropriate to expand ENR's capability to include identifying markets for wood products, preparing project proposals for submission to donor agencies, and backstopping the Governor in his efforts to attract wood-based investments, it is probably just as well for the Provincial Government to upgrade the division into a regular Office for Environment and Natural Resources as many other provincial-level LGUs have done.

These four recommendations are geared not only towards protecting the environment and promoting its development, but also towards making government agencies more effective in this. It also aims to help upland communities benefit more from the resources put in their care in a sustainable way and thus increase household incomes and improve their quality of life.



A CASE STUDY ON SOCIAL FORESTRY IN THE PROVINCE OF NEGROS OCCIDENTAL

QUIDAN-KAISAHAN OF NEGROS OCCIDENTAL, INC.

The Philippines was once covered with millions of hectares of prime forest. In the early part of the 1960s, however, this abundant resource started to decline. Of the Philippines' total land area, only 45% was covered by forest in 1960. Forest cover declined to 24% by the 1980s. By 1996, forest cover was estimated at less than 20% of the entire country's total land area (Antonio G.M. La Viña, *The State of Philippine Forest and the Role of Local Government*, 1999). This shows that the rate of forest degradation accelerated by more than 50% in less than 40 years.

The alarming situation in the country's forests caught the attention of the government. Several measures have been undertaken to respond to the worsening forest situation. Among these are the total banning of logging operation in the remaining primary forest; the suspension and cancellation of many Timber License Agreements and Industrial Forest Management Agreements; and the cessation of the issuance of new agreements and licenses for cutting of natural forests. A massive media campaign against illegal logging has also been undertaken to highlight the immediate concern of conserving and protecting the forests.

Moreover, the national government also launched the Integrated Social Forestry (ISF) Program, which aimed to reforest the affected forest areas. The ISF Program was further strengthened with the issuance of Executive Order No. 216, which launched the Community-based Forest Management Program (CBFM). The CBFM is the national strategy for forest protection and development. It recognizes the role of the local communities in the forestland to protect, rehabilitate, develop and manage the forestland. The CBFM integrates and unites ISF and other people-oriented forestry projects of the government.

THE NEGROS OCCIDENTAL SITUATION

The Negros forest situation is similar to that of the entire country's present state. Thirty three percent (33%) of the total land area of Negros Occidental consists of forestland. Just like the entire country, this land was once covered with forest trees. As early as the 1960s, its forest cover started to decline. At present, the provincial forest is only 4.5 percent of what was originally 259,264 hectares of forest cover. This was revealed by the satellite photographic survey conducted in 1988. Records also show that the forest degradation is primarily due to the massive logging and forest exploitation by concessionaires, as well as the rampant practice of "kaingin" by the local forest occupants.

This alarming situation has caught the attention of the environmentalists and the Provincial Government. Consistent with the national mandate of ultimately bringing back the forest resources, the provincial government implemented the CBFM - Integrated Social Forestry beginning in 1988, prior to the devolution of certain forestry services to local government units (LGUs).

The provincial government's effort was further strengthened by the passage of Republic Act No. 7160 otherwise known as the Local Government Code of 1991. The Code provides the basis for the devolution of some of the environment management functions of the Department of Environment and Natural Resources (DENR) to LGUs, particularly in the protection and the rehabilitation of the forest areas.

However, as this paper argues, the protection and rehabilitation of our forests do not start and end with the mere control of logging and intensified efforts in rehabilitating the forest. Forest preservation by the local communities can only go as far as their household economy can allow. Logging/cutting of the trees by forest dwellers is almost always brought about by their desperate struggle to survive.

It can, therefore, be argued that any forest management program, to be sustainable, should take into consideration the following:

a) *Reforestation and Protection*. This includes the propagation of both commercial and the indigenous species of trees. The commercial species can address the commercial concern of the upland farmers, while the indigenous species will maintain the bio-diversity of the forest.

A more systematic way of cutting trees should also be introduced. For example, cutting will only be permitted to remove the undesirable branches of forest trees.

Programmed cutting can also be strictly observed to ensure that cut trees are replaced.

b) *Integrated Economic Assistance*. Production of forest products can only be realized after 5-10 years. With this consideration, it is imperative that any forest management program should extend livelihood assistance as well. It can be argued that the provision of an on-farm or household level livelihood assistance can inhibit the cutting of premature forest products.

Moreover, marketing assistance must also be extended. This means that the upland farmers will be linked to probable forest product outlets. A linkage with commercial entities may possibly ensure the flow of technical and financial assistance that could lead to a more productive upland endeavor.

c) *Community Participation*. Beyond the concept of just being beneficiaries, the community must also be given the chance to participate in the planning, monitoring, evaluation and management of the program. The upland communities, aside from being beneficiaries must also be given the lead role in the management of the forests.

The succeeding discussion documents the Provincial Government's experience in implementing the CBFM-ISF Program over the years. It also presents an initial assessment of the implementation of the Program at the provincial level. The study then looks into the experience of Barangay Biaknabato, an ISF site in the municipality of La Castellana, as it struggles to prove that community participation is necessary in the implementation of the Program.

CBFM-ISF: THE NEGROS OCCIDENTAL EXPERIENCE

This study assesses the Community-based Forest Management-ISF Program by looking into the ISF Program being implemented by the Provincial Environment Management Office (PEMO) under the Office of the Governor.

Under the ISF Program, the actual occupants of areas classified as forestland are allowed to stay and cultivate the area. For each actual occupant, security of tenure is guaranteed through the Certificate of Stewardship Contract (CSC) for a period of 25 years, which may be renewed for another 25 years.

With the passage of the Local Government Code in 1991, DENR turned-over seventy-nine (79) ISF projects covering 8 cities and 12 municipalities to the Provincial Government. The turn over was covered by a Memorandum of Agreement (MOA)

signed by the Governor, representing the Provincial Government, and the DENR Regional Director.

Table 1 shows the actual ISF sites turned over to the Provincial Government, while Table 2 shows the total project area (22,000 hectares), the number of CSCs issued (8,329), and the actual beneficiaries (9,451). Table 2 also shows the number of residents of particular ISF sites who are not CSC holders, but are engaged in environmental protection. With the signing of the MOA between the DENR and the provincial government, the development of the ISF sites then became the full responsibility of the Provincial LGU. The provincial government then proceeded with the evaluation of the status of all ISF areas.

Table 1
List of Integrated Forestry Sites in Negros Occidental

District	Coverage	Barangay/Sitio Coverage
I	Municipality of Calatrava and cities of Victorias, Cadiz, Sagay, and San Carlos	Gawahon, Igcamalig, Cotcot, Hiyang-hiyang, Manara, Lalong, Marcelo, Balea, Mipasok, Inabaye, Minaabay, Caticlan, Marago-os, Cod-cod, Catuang
II	Cities of Silay, Talisay and La Carlota and the municipalities of E.B Magalona, D.S. Benedicto, Murcia and La Castellana	Tuguisan, Kumaliskis, Bunga, Benejewan, Bagong Silang, Pinowayan, Binitinan, Amayco, Canlandog, Magcorao, Campuestuhan, Tayap, Patag, Lantawan, Canlusong, Biaknabato, Cabacungan, Masulog, Cabagna-an, Mansalanao, Sag-ang, Bago, Mercedes, La Carlota
III	City of Kabankalan and municipalities of Isabela, Ilog, Candoni, Cauayan and Himamaylan	Payong, Cadlum, Matanguilon, Mansumbil, Ballo, Tamlang, Pagtuba-an, Orong, Tapi, Tampalon, Masablay, San Agustin, Riverside, Mangka, Canlamay, San Jose Villa, Lumbia, Tiling, Guijulngan, Caliling, Camalanda-an, Masaling, Nailan, Caningay, Payawan, Mambugsay MPC, Gaid, Mambugsay GEO, Mao, Himamaylan, ENRC Kabankalan
IV	Municipalities of Hinoba-an and Sipalay	Calangcang, Cayhagan, Mambaroto, Damutan, Talacagay, San Rafael, Asia, Buluangan, Culipapa

The evaluation found that most of the distributed CSCs did not have the necessary technical description. Moreover, the local ISF organizations reported by the DENR as existing did not function. There was no local group at all engaged in environmental protection.

To revive the ISF sites, the Provincial LGU declared an "environmental war". Specifically, the objective was to increase forest cover from the baseline of 4.5% to 7% by year 2000. To attain this objective, massive reforestation of all the ISF sites would be pursued.

Complementing the reforestation project of the Provincial Government, forest laws with emphasis on PD 705 or the Revised Forestry Code, were also strictly enforced. To do this, the Provincial Government organized Task Force Ilahas to oversee the enforcement of forest protection laws. The Task Force is a multi-agency body composed of representatives from the DENR, Philippine National Police (PNP) - Provincial Command, Criminal Investigation Command and Regional Mobile Force, and volunteers from the private sector.

THE PEMO AS A PROVINCIAL IMPLEMENTING ARM

The Provincial Environment Management Office (PEMO) was created in 1993 to oversee the environment projects of the Provincial Government. A Provincial Environment and Management Officer heads the office. Its operation started with 19 DENR personnel devolved to the province. Personnel strength was later expanded to 58.

Table 2
Total Area (ha) of ISF Sites & No. of Certificates of Stewardship Contracts Issued

District	Area with CSC (ha.)	# of Beneficiaries		Total # of ISF Beneficiaries
		CSC Holder	Non-CSC Holder	
I	5,551.35	1,873	123	1,996
II	4,846.79	2,014	475	2,489
III	8,489.95	3,182	177	3,359
IV	3,112.29	1,260	347	1,607
Total	22,000.38	8,329	1,122	9,451

Of the total workforce, 62 percent or 31 personnel are directly working in the ISF program. There are four (4) Community Development Officers (CDOs) who supervise the 26 Community Development Assistants (CDAs). Figure 1 reflects the existing organizational structure of the PEMO.

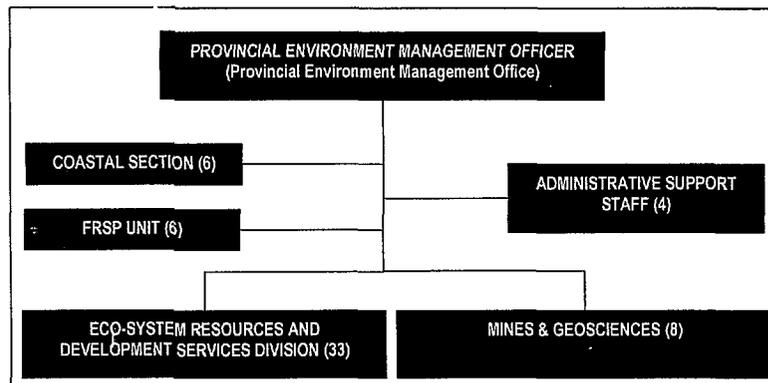
The CDAs are front liners in the implementation of social forestry program. They act as the community organizers in each of the ISF project sites. They conduct capability-building activities, which are deemed necessary in strengthening the ISF organizations. Moreover, they link these organizations to basic service providers and other support groups in the area of land development. The CDAs conduct regular visits to their areas of assignment at least twice a month.

This organizational set-up of the PEMO is reflective of its belief that the ISF sites should act as "nerve centers" of all future sustainable development efforts in the upland areas. Development efforts in the upland areas, as conceived by the PEMO, include the following:

A. Reforestation.

This program includes the maintenance of existing trees and the establishment of agro-forestry projects. PEMO provides seedlings for reforestation, such as gmelina, mahogany, acacia mangium, rain tree and acacia auri. The office also disperses fruit bearing trees that include dalanghita, calamansi, cacao and langka.

Figure 1
Existing PEMO Organizational Structure, Negros Occidental



The PEMO 1998 annual report reflected that 50,988 million trees/seedlings were planted. However, its survival rate was only 58%, as compared to 79% in 1997. The El Niño phenomenon was given as the reason for the low survival rate. Also part of the reforestation program is rainforestation, which utilizes indigenous species of trees. A total 143,129 seedlings were distributed and planted with a survival rate of 94.75%. Planting of this type is encouraged to maintain the area's bio-diversity.

B. Farm Development.

PEMO encourages the adoption of the Sloping Agricultural Land Technology (SALT) by ISF beneficiaries. The PEMO also provides soil and water conservation training to ISF organizations as part of its technical support to lot development. It also sponsors SALT exposure trips to Bansalan, Davao, and Iloilo. The office endorses contouring, rockwalling, terracing, and contour planting. The 1998 Annual Report of the office showed that there were already 45,193 lineal meters of SALT farms. Recently, the PEMO conducted a lot development assessment and planning workshop for all ISF sites to identify SALT activities and the needed farm inputs. The office also extends farm inputs such as vegetable seeds, fertilizers, chemicals and farm implements. In 1998, PEMO distributed 15 units of motorized irrigation pump to the ISF associations.

C. Livelihood Support Program.

This program includes the provision of an alternative source of income, such as working capital for trading, marketing and livestock dispersal. In 1998, PEMO distributed 41 carabaos, 40 goats and 155 heads of cattle. Other livelihood assistance to upland farmers consisted of cash incentives to support rainforestation projects such as rattan and bamboo. The livelihood assistance benefited 264 beneficiaries in 1998. Note, however, that the assistance did not come from the PEMO budget, but through the Office of the Provincial Agriculturist's (OPA) existing programs.

D. Forest Protection and Enforcement.

The PEMO intends to organize a Bantay Bukid Committee for each of the ISF sites. The committee would oversee the implementation of environmental protec-

tion policies and regulations. The committee would have three volunteer-members and would be trained in forest protection and be deputized by the DENR. As of 1996, 5% of the 80 ISF sites or 4 Bantay Bukid Committees have been functional. The low performance rate was attributed to the members' inability to address their household requirements while acting as "bantay bukid".

E. Budgetary Support.

The provincial government solely supports the PEMO. The PEMO's budget for 1999 is PhP9.5M, which includes the salaries of permanent and contractual personnel and its Miscellaneous Operating and Other Expenses (MOOE).

Of the 20% development fund of the province for 1999, the provincial government has appropriated the amount of PhP6.5 Million for environmental protection. The appropriation, however, is managed by the Provincial Committee on Environment, and not by the PEMO. Table 3 shows the annual fund allocation for the Environmental Protection and Rehabilitation Program of the Province from 1993-

Table 3
Environmental Protection and Rehabilitation Program Budget, 1993-1998

Year	Annual Budget	Appropriated for Environment	%
1993	331,882,954.30	7,383,231.40	2.22
1994	430,610,963.46	6,341,501.18	1.47
1995	558,099,238.00	7,033,245.00	1.26
1996	593,887,805.00	8,135,049.68	1.37
1997	686,396,016.00	11,463,198.08	1.67
1998	454,793,216.00	9,806,198.00	2.15
Total	3,056,670,92.76	50,162,423.34	1.69
Year	20% Devt. Fund	Appropriated for Environment	%
1993	45,261,324.98	3,000,000.00	6.63
1994	63,702,142.40	10,000,000.00	15.70
1995	71,133,381.20	3,603,641.70	5.07
1996	76,877,267.20	3,425,993.63	4.46
1997	96,478,338.20	4,500,000.00	4.66
1998	67,829,576.24	6,996,754.48	10.31
Total	421,282,030.22	31,526,389.81	7.80

- 1998. Table 3 reflects the “seriousness” of the provincial government in implementing its “environmental war”. The clear indications of this seriousness are the recognition of the Environment Development Committee (EDC) as a Provincial Development Council (PDC) committee and the allocation of a separate fund for its programs. The P9.5M fund allocated for the PEMO in spite of the provincial resource limitation is another proof of the province’s determination to protect the environment. One wonders, however, if the magnitude of the environmental problem is proportional to the over-all allocation of funds.

Another reason — and maybe one of the major factors — that contributes in putting environment as a priority program of the province is the governor. The governor is a very active environmentalist. He maintains a hands-on policy on the various environmental projects and constantly visits the sites to bring the government closer to the people.

The overall effort of the provincial government is geared towards the reforestation of the province’s forestland. One aspect that could be given attention in the future, however, is the marketing side of the forest products.

F. DENR and PEMO Partnership.

The collaboration between PEMO and DENR started in 1993 with the devolution of some of the environmental functions to LGUs. The signing of the Memorandum of Agreement (MOA) between the Governor and the DENR Regional Director further strengthened this partnership. Upon the signing of the MOA, DENR conducted a strategic planning workshop with PEMO personnel to operationalize the Agreement. The workshop tackled the mechanics and pertinent laws governing the implementation of Social Forestry, and also identified the need to install systems in the monitoring and evaluation of ISF projects.

The PEMO and DENR also agreed that the collaboration would include the conduct of parcellary survey for ISF areas by DENR, while the PEMO would provide the necessary logistical support. Although the initial devolution of DENR functions to LGUs deserves commendations, it must be pointed out that DENR should have accomplished its targeted tasks prior to the devolution.

For the provincial LGU to sustain forest management initiatives, it presupposes that DENR has played its role well. Table 4 defines certain functions that can be further devolved, and those that can be shared by the DENR and LGUs. Of these

functions, the DENR has already admitted that monitoring and evaluation were not undertaken. The reason given was that DENR did not have the necessary personnel to do this function. The recommendations embodied in Table 4 are still subject to the approval of both DENR and LGUs.

BARANGAY EXPERIENCE: THE BIAKNABATO CBFM-ISF ASSOCIATION

The Biaknabato ISF Association is one of the 80 ISF associations of the province. Situated in Sitio Balucanag, Barangay Biaknabato, La Castellana, the association has forty-two (42) members. Thirty-eight (38) of the members are CSC holders, while four (4) are non-CSC holders. The four non-CSC holders are actually tilling the farm lots of the four CSC holders who are classified as absentee-grantees.

Seventy-four and 84/100 (78.84) hectares are being developed. The average area occupied by the individual beneficiary is between 1 to 2 hectares. Almost 40% has been fully developed and planted to forest and fruit-bearing trees, while sixty percent (60%) is being devoted to cash crop production to address the beneficiaries' economic requirements.

The Association was organized in 1984 by the DENR. It became inactive for almost eight (8) years. In 1993, PEMO, through its CDA, revived the organization. In 1996, the Association obtained its legal personality. While working for the registration of the organization, the beneficiaries received technical assistance and farm inputs from the PEMO.

A Bantay Bukid Committee within the Association was organized in 1993, which became non-functional in 1996.

The livelihood of the forty (40) ISF occupants depends mainly on their 1-2 hectare-forestland. Since they are obliged to do reforestation in their farm lots, production of cash crops is minimal. To compensate for this, the occupants resort to cutting trees to make charcoal/ firewood, and ultimately selling them to neighboring towns.

The PEMO allows this practice provided that the ISF occupant gets clearance from the barangay captain, and secures a Permit to Cut from DENR through the PEMO's community development assistant. The Association, in addition, should ensure that only the undesirable branches are cut. Charcoal is sold by the sack, while firewood is sold by the bundle. The prices vary from one ISF occupant to another. The Association looks at the PEMO as the provider of assistance.

A. Municipal and Barangay LGU Participation.

Since the ISF program was lodged at the provincial government in late 1992, the participation of the municipal and barangay LGUs in program implementation is very minimal. Although the municipal LGU wants to get involved in program implementation, it is constrained by the following:

- *The traditional role of the LGU.* Even before the devolution of the Program to the provincial LGU, the municipal LGU has been treated as a passive beneficiary of the Program. The participation of the LGU has always been confined to the "for information" aspect of the program. With the devolution, the PEMO, in the eyes of the municipal LGU, just replaced the DENR. Unfortunately, the PEMO did not do much to correct the system. Thus, after seven years, the implementation of CBFM-ISF still remains in the hands of the PEMO. For the municipal and barangay LGUs to take active roles in the implementation of the Program, it would take more than the clarification of shared responsibilities. This might need a "devolution" of funds from the national/provincial LGUs to ensure the sustainability of the Program.
- *Lack of technical capability.* The LGU does not have a clear understanding of the Program. The inability of DENR to provide/ develop the technical capability of the LGUs, even with the presence of a circular directing the DENR to do so, contributed to the lack of technical capability of the LGUs.
- *Lack of funds.* A fourth class municipality like La Castellana has a low fund level. The Program would have greater consequences in the allocation of the municipal funds. Environmental protection is not the priority of the municipal LGU, since the program is used to having a separate funding from the National and Provincial LGU.
- *Lack of participation.* Participation can be encouraged if enough information is being provided to the stakeholders. The municipal and the barangay LGUs in La Castellana have no information as to the status of program implementation.

RECOMMENDATIONS

Although forest protection and management is a shared responsibility of the communities and the government, the local actors, i.e. the communities and their

barangay and municipal LGUs, are the ones in the better position to implement the Program. In this sense, the devolution of environmental protection and management function is a rational and timely decision.

However, the devolution of functions does not end with the mere transfer of responsibilities. Technical and financial capacities must also be passed on not only to the provincial but also to the municipal and barangay LGUs. The following will be necessary:

A. Formation of Environmental Management Structures at the Barangay and Municipal Levels.

Although the formation of ISF Organizations is included in the CBFM framework, it does not provide for the creation of a parallel structure within the barangay LGU. Promoting LGU-PO cooperation in environmental concerns at the barangay level would have facilitated resource generation, program implementation and management, coordination and monitoring. As such, an Environmental Management Committee or Officer within the Barangay Development Council must be established or appointed.

Similarly, as the Joint DILG-DENR-LGU Memorandum suggests, an Environmental Management Office within the municipal LGU needs to be created. However, in the entire province of Negros Occidental, only the city of Silay has created an Environmental Management Office. A common reason for the inability of the other cities and municipalities to set up a similar office is financial constraint. As such, the financial capability of the LGU must be enhanced to enable it to allocate resources for this office.

B. Building the Technical Capability of Communities and LGUs.

The devolution of structures and functions must be complemented with the provision of technical capabilities. Communities and ISF organizations must be able to plan for, protect, manage, and sustain their own forests.

The barangay and municipal LGUs must be able to assist the communities and organizations in this undertaking and responsibility. They must also be able to provide the technical and financial assistance needed by the communities. The provision of education and training on planning, program implementation and man-

agement, and forest resource management (from tree planning to maintenance of cutting) to both LGUs and the communities is therefore imperative. This is an area where both the DENR and PEMO could focus their efforts on. They must transfer their technical capabilities to the LGUs and the communities.

C. Increase LGU Resources for Environmental Concerns

A major hindrance in the devolution of forest management functions is the fiscal limitations of the barangays/ municipalities. With the limited LGU budget, forest protection is usually sacrificed in favor of economic and infrastructure projects.

LGUs must be able to allocate more resources for the Program. They must also be able to raise additional revenues. One way to do this is to devolve licensing functions to the barangays and municipalities.

DENR and PEMO must also transfer funds to the municipal/ barangay LGUs. They must also help and build LGU capabilities in accessing resources from other donors.

D. Ensure Economic Viability of Forest Management Programs.

The forest dwellers' need for livelihood should not be neglected in any forest protection/ management program. The experience in Biaknabato reveals that forest dwellers continue to cut trees in their desperate need to survive.

It takes about 6 to 15 years for a tree to be able to provide income to its owner. Moreover, cutting must be regulated to really serve the real purpose of reforestation. As such, the establishment of household enterprises that will provide alternative sources of income must be supported. Technical, capital and marketing assistance for the people's livelihood must be provided.



■ NOTES ON THE NATIONAL CONSULTATION ■ ON COMMUNITY-BASED FOREST MANAGEMENT

I. BACKGROUND AND RATIONALE

The study "Strengthening the National Government - Local Government Relationship Through Participatory Policy Analysis" emphasizes the building of a constituency that will push for policy recommendations toward strengthening national - local government relations. A strong constituency for policy reform creates a more supportive regulatory and policy environment for local governments. Thus, consultations with the partner agencies, local government units, and other stakeholders were undertaken throughout the project cycle. Further, the study's culminating activity is a national consultation that will bring together top policymakers and stakeholders for each sector. The objectives of the national consultation are:

1. To share the major conclusions and recommendations of the project with the top policy makers and major stakeholders for each sector;
2. To consult the stakeholders on the viability of the recommendations and explore follow-up activities; and
3. To heighten the need for greater synergy between national and local governments, in particular program areas, and in governance as a whole.

The consultation on community-based forest management (CBFM) was the last of the three national consultations conducted as part of the project. It was held on December 3, 1999 at the Sulo Hotel in Quezon City.

II. PARTICIPANTS

Government

1. Undersecretary Ramon J.P. Paje, DENR
2. Director Romeo Acosta, DENR
3. Mr. Domingo Bacalla, DENR-FMB
4. Governor Rafael Coscolluela, Negros Occidental
5. Governor Wilfrido Enverga, represented by Dr. Jose Mario Maximiano, Quezon Province
6. Governor Emmanuel Pinol, represented by Vice-Governor Jesus Sacdalan, Cotabato

Non-Government Organization

7. Dave de Vera, Executive Director, Philippine Association for Intercultural Development (PAFID)
8. Nicanor Perlas, Executive Director, Center for Alternative Development Initiatives (CADI)

AIM and Ford Foundation

9. Victor Tan, Associate Dean, Center for Development Management
10. Gary Hawes, Ford Foundation

Project Team

11. Ernesto Garilao, Project Coordinator
12. Hector Soliman, Deputy Project Coordinator
13. Adrian Cristobal, Garilao and Associates, Case Study Writer for Quezon
14. Teody Peña, Quidan-Kaisahan, represented by Rolly Panganiban, Case Study Writer for Negros Occidental
15. Gerardo Bulatao, Institute for Politics and Governance, Case Study Writer for Cotabato

III. PROCEEDINGS

Atty. Cristobal, who served as the facilitator, gave the welcome remarks and introduced the participants. Prof. Garilao followed with an overview and context of the project. He also gave a brief background on, and an update on the developments of, the first two consultations (i.e., socialized housing and agriculture, which covered both grains production and coastal resource management). Atty. Soliman then presented the major findings and recommendations of the study on CBFM. The presentation was followed by the responses of the three governors, or their representatives, and Usec. Paje.

IV. RESPONSE

Rafael Coscolluela. Gov. Coscolluela observed that the DENR-LGU partnership in his province has been unequal. He said that the devolution of functions has not been accompanied by corresponding resources and authority, with the DENR holding on to important authority but with the responsibility given to the LGU. DENR has also failed to perform some of its functions in CBFM implementation such as the survey of the lots. He said that his province is implementing CBFM on its own initiative and using its own resources.

He recommended that the DENR accept and implement the principles of partnership outlined in the DILG-DENR Joint Memorandum Circular (JMC) 98-01 as the framework for its partnership with LGUs, and to share or transfer some of its authority to LGUs.

Among the challenges he sees facing this partnership, with the possibility of further weakening it, is the newly-appointed DENR Regional Executive Director (Region VI) and the new DENR Administrative Order 99-29. This AO removes the requirement of an LGU endorsement of a CBFM site prior to its approval. Another issue he raised is the practice of some DENR personnel who assign lots and award certificates of stewardships to people who are not from the area. This weakens the security of tenure of long-standing residents in the uplands as well as undermines the credibility of DENR among the project beneficiaries.

Governor Coscolluela ended with the observation that the present policy directions in the DENR run counter to the principles of partnership as laid down in JMC 98-01.

Jesus Sacdalan. Vice-Governor Sacdalan also reported the weak coordination between the provincial government of Cotabato and the DENR. He also explained that the province did not appoint an Environment and Natural Resources Officer (ENRO) to avoid a possible duplication of functions between the ENRO and the DENR through their Provincial/Community Environment and Natural Resources Officer (PENRO/CENRO).

He said that some of the reforestation projects/contracts in the province initiated by the DENR were not given to the community but to contractors who did not come from the province.

Jose Mario Maximiano. Dr. Maximiano expressed similar sentiments: the lack of coordination between the PENRO and the CENRO, and between the province and the DENR. There is also an overlap of functions between the Protected Area Management Board (PAMB) and the PENRO/CENRO. He also reported that though the province has appointed an ENRO, such officer is non-performing. He also noted the neglect of the DENR of the forests in Quezon, which is partially due to the incomplete devolution of functions to LGUs.

He suggested that, as much as possible, PENROs/CENROs assigned to a certain province must come from that area. He also recommended that community participation and information-dissemination must be undertaken in CBFM project sites. Finally, he said that the devolution of environmental management functions must be completed soon.

Ramon Paje. Usec. Paje said that most of the issues raised arise from the ambivalence of the law itself: "is the DENR devolved or not?" This question must be answered clearly in order that functions and responsibilities can be determined and delineated between the DENR and the LGUs. He emphasized that devolved or not, DENR needs partnerships — with LGUs, communities, and the industry or private sector.

He also said that the DENR promotes sustainable forest management and sees a role for industry in forest management. He also clarified that all reforestation activities are now being done by communities/local organizations and not by contractors, consistent with Executive Order 263 which adopted CBFM as the national strategy for forest management. He also elaborated that the DENR, as a policy, will closely involve communities in the management of our forests.

Usec. Paje also mentioned LGUs who want to return the functions devolved to them precisely because of the incomplete devolution in the DENR.

V. OPEN FORUM

Nicky Perlas. In the current debate on the total log ban, Mr. Perlas talked about the leadership and political will in the DENR to create a regulatory and policy framework for sustainable logging. He also shared to the group that among the proposed amendments to the Local Government Code (LGC) is the devolution of funds to LGUs with the capacity to implement forest management projects. Related to this, he raised the question of sustainability of LGU projects and the three-year term of local chief executives. He emphasized that the issue of sustainability of projects beyond the term of the local chief executives has to be addressed.

Dave de Vera. Mr. De Vera raised the point that the current land use classification, which classifies roughly 50% of the country into forest areas, does not reflect the reality anymore. He opined that this classification must be reviewed since it also adds to the ambivalence in the law. Another point he made was the necessity of harmonizing CBFM implementation with other laws such as the Indigenous Peoples' Rights Act (IPRA). He pointed out the lack of capability of National Commission for the Indigenous Peoples (NCIP) to survey ancestral lands as provided under the law. He asked what help can the DENR give in the implementation of the IPRA law, particularly in the survey and development of ancestral lands.

Ramon Paje. Usec. Paje informed the group that the DENR only has PhP 9.7M for forest management. This translates roughly to P4.00 per hectare. He said that the DENR has very limited funds. However, the DENR will assist the NCIP in the implementation of the IPRA law, as provided in its implementing rules.

Ernie Garilao. Prof. Garilao emphasized the need for a systematic effort to help LGUs raise resources to implement the devolved functions.

Gary Hawes. Mr. Hawes suggested the use of watershed areas as an approach to forest management as well as a unit of analysis for the partnership between the DENR and the LGUs.

Nicky Perlas. He opined that an effective partnership between, and the participation of, the civil society and the business sector in forest management can help address the uncertainty caused by the 3-year cycle of local chief executives.

Romeo Acosta. Dir. Acosta admitted that DAO AO 99-29 needs to be reviewed. He clarified, however, that the basis for the release of the AO are field reports which show that most LGUs have not acted on, or are very slow in acting on, applications for CBFM sites. He also clarified that he agrees with the study's point that beneficiaries should be able to utilize forest resources through sustainable cutting. He also shared to the group that, pending the final approval of the Presidential Agrarian Reform Council (PARC), CBFM sites are proposed to be considered as agrarian reform communities (ARCS).

Hector Soliman. Given the scarcity of funds at both the national and local levels, Atty. Soliman asked whether the DENR have a resource-matching program with and for LGUs. He also asked whether the DENR has incentives for LGUs who are actively implementing the devolved forestry management functions.

Atty. Soliman also talked about the possibility of matching funds and programs between the DENR regional office and the provincial governments in order to use scarce resources more efficiently.

Usec. Paje. Usec. Paje said that the DENR has no funds to give to LGUs. Instead, the DENR is looking at the possibility of expanding the resource base of LGUs. One possibility is the inclusion of the 15 km municipal waters in the computation of its area as one of the bases for its IRA. However, the Local Government Code has to be amended for this purpose.

Ernie Garilao. Mr. Garilao raised the question that the study attempted to answer: How can we help provinces implement CBFM better? Among the areas identified for improvement by the participants are:

1. Appointment of a PENRO who understands the province and supports its program. This will go a long way in the implementation of the devolved function and in the partnership between the DENR and the provincial LGU.

2. Establishment of a mechanism whereby issues arising from regional and provincial programs can be threshed out.

3. Since the DENR has no funds to give to LGUs, how can it help LGUs look for money? One possible way is the designation of Integrated Social Forestry (ISF) areas as ARCs. However, the DENR has to lobby for this with the PARC.

Rafael Coscolluela. Gov. Coscolluela shared his frustration with his municipal LGUs. The provincial government undertook a workshop with municipal mayors in 1998 to identify specific roles and responsibilities, as well as shared responsibilities, in environmental management. As of date, no mayor has signified interest in assuming responsibility for their respective areas.

For year 2000, the province will allocate P100,000 for each municipality as an additional incentive for them to assume their responsibility. The municipal LGUs, however, must show that it has both the willingness and the program. It must also provide counterpart funding. As a possible annual source of fund for LGUs for environmental management, Gov. Coscolluela suggested, as is being done in his province, that 10% of the 20% development fund can go to environmental management.

Gary Hawes. He opined that the DENR must give clear signals as to what is its policy. He also stressed the need to innovate approaches to facilitate devolution and the implementation of CBFM. In the implementation of the devolved forestry management functions, models of partnership between the DENR and the LGUs can be created.

Usec Paje. Usec. Paje gave the following commitments and clarifications to some of the issues raised in the consultation:

1. On DAO 99-29, he said that it will be studied further and brought to the Department as an issue.

2. On the designation of PENROs, he said that this is totally within the control and discretion of the Secretary. However, governors can make recommendations to him.

3. On the use of watersheds as a development approach, he said that the Medium-Term Development Plan already adopts this approach. He also said that DENR programs are geared towards this approach

4. On the designation of ISF areas as ARCs, he agreed that the DENR must take a more active role in pushing for the development and funding of certain ISF areas as an ARC.

Ernie Garilao. Prof. Garilao added that another possible source of fund for CBFM/ISF sites is for the DENR to look for overseas development assistance (ODA funds) for ISF areas that have already been designated as ARCs.

V. CLOSING REMARKS

Atty. Soliman thanked the participants to the consultation. He also informed the group that the results of the study will be published and posted in the Ford Foundation's website.



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QUIDAN-KAISAHAN OF NEGROS OCCIDENTAL, INC. is a nongovernment social development organization that works in the areas of agrarian reform, local governance, sustainable development, urban development and gender equity. Quidan-Kaisahan is translated in English as "Solidarity of the Nameless Ones".

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