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ALLOCATING FOREST LANDS

Commonly Issued Allocation Instruments



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ACRONYMS

CADC	- Certificate of Ancestral Domain Claim
CADT	- Certificate of Ancestral Domain Title
CALC	- Certificate of Ancestral Land Claim
CALT	- Certificate of Ancestral Land Title
CBFMA	- Community-Based Forest Management Agreement
CDA	- Cooperative Development Authority
CDMP	- Comprehensive Development and Management Plan
CENRO	- Community Environment and Natural Resources Officer
CSC	- Certificate of Stewardship Contract
DAO	- Department Administrative Order (DENR)
DENR	- Department of Environment and Natural Resources
DILG	- Department of the Interior and Local Government
ECC	- Environmental Compliance Certificate
ENR	- Environment and Natural Resources
EO	- Executive Order
FLGMA	- Forest Land Grazing Management Agreement
FLUP	- Forest Land Use Plan
FMB	- Forest Management Bureau
ICC	- Indigenous Cultural Community
IEE	- Initial Environmental Examination
IFMA	- Integrated Forest Management Agreement
IP	- Indigenous Peoples
JMC	- Joint Memorandum Circular
LGU	- Local Government Unit
MOA	- Memorandum of Agreement
NCIP	- National Commission on Indigenous Peoples
NGO	- Non-Government Organization
NIPAS	- National Integrated Protected Areas System
NPC	- National Power Corporation
PACBRMA	- Protected Area Community-Based Resource Management Agreement
PAMB	- Protected Area Management Board
PAWB	- Protected Areas and Wildlife Bureau
PD	- Presidential Decree
PENRO	- Provincial Environment and Natural Resources Officer
PO	- People's Organization
RA	- Republic Act
RED	- Regional Executive Director
SEC	- Securities and Exchange Commission
SIFMA	- Socialized Industrial Forest Management Agreement
TLA	- Timber License Agreement
UPLB	- University of the Philippines - Los Baños

INTRODUCTION

Allocation is assigning to a responsible resource manager certain sections of forest lands for a specific purpose. Under the Regalian doctrine, only the State can allocate public forests and forest lands for protection, development and management either on a permanent or temporary basis.

Allocation is done by the State, mainly through Congress, the Office of the President, the Department of Environment and Natural Resources (DENR), or the National Commission on Indigenous Peoples (NCIP) in the case of ancestral domains.

In any area covered by ancestral domains, no project may be introduced without the *free and prior informed consent* of concerned indigenous peoples.

Why allocate forest lands?

The State “allocates” public forests and forest lands (also called timberlands) to various interested individuals, organization or entities to put these areas into effective and responsible “on-site” management.



Management includes protection, preservation, conservation, development, rehabilitation, production and harvesting, and other technically accepted forest management activities. Managing forests and forest lands entails responsibility, some authority and accountability.

Land allocation responds to the need to close “open access” timberlands—areas not under any management arrangement where anybody, even with no authority, can just get in and out and exploit their resources without having any accountability. “Open access” also refers to areas already allocated but have been abandoned by their assigned but negligent managers.

With certain areas of forest lands allocated and specifically assigned to them, responsible resource managers are expected to preserve, rehabilitate and protect these areas from illegal activities, such as encroachment, *kaingin* and illegal cutting/use of forest resources.

Coming up with recommendations and agreements on land allocations to close “open access” areas is the primary purpose of a Forest Land Use Plan (FLUP). This plan, prepared after thorough studies and consultations between and among various stakeholders, provides the basis for assigning timberlands under different management, tenure or allocation arrangements. Executive Order No. 318 (Promoting Sustainable Forest Management in the Philippines) mandates LGUs to incorporate FLUPs in their comprehensive land use plans.

There are five major categories of allocation arrangements:

- Allocation to communities (such as Community-Based Forest Management Agreements or CBFMAs);
- Allocation to private sector (such as Integrated Forest Management Agreements or IFMAs);
- Allocation to local governments (such as co-management agreements);
- Allocation to address needs for public good (such as watershed reservations, biodiversity reserves, other protected areas); and
- Allocation to other government agencies (such as grants to or proclamations in favor of state colleges/universities/ government corporations, civil/military reservations).

Local government units’ (LGUs) role

LGUs should take special interest in the allocation of forests and forest lands and in closing “open access” areas within their jurisdictions. LGUs that invest and take proactive actions in allocating and managing their forests and forest lands could minimize conflicts between and among community members as well as reduce environmental destruction, serve their constituents better and ignite local economic activities. These LGUs are also protecting and managing their forests and forest lands as natural resource assets that will continue to benefit their constituents.

Examples of allocation instruments

The succeeding pages show some examples of tenure instruments commonly issued to communities, the private sector and the LGUs, which may be considered in the FLUP. Also provided are examples of tenure instruments meant to address needs for public good and those issued to other government agencies.

ALLOCATION TO COMMUNITIES

This allows communities, indigenous peoples included, who are residing within and nearby forest lands, to be an active part in managing the forests and be engaged in its sustainable use. Tenure instruments under this type of allocation may apply to production and protected areas as well as ancestral domains.

1. **Community-Based Forest Management Agreement (CBFMA)**

This is a production sharing agreement entered into by and between the government (DENR) and an organized community, for the latter to develop, use, manage and conserve a specific portion of the forest land, consistent with the principles of sustainable development and pursuant to a Community Resource Management Framework.

Governing Policies: Executive Order (EO) No. 263¹ (1995); Department Administrative Order (DAO) 96-29² (1996)

Period of Tenure: 25 years, renewable for another 25 years

Who can Participate: A group of at least 10 local Filipino citizens (or an existing people's organization or PO) residing inside or near forest lands.

General Application Requirements: After a series of meetings, a CBFM area will be selected by the community, along with the Community Environment and Natural Resources Officer (CENRO) and the LGU. The applicants should form a PO (if one has not been formed yet) and have it registered with the Securities and Exchange Commission (SEC) or the Cooperative Development Authority (CDA). The PO submits its application— together with the certificate of PO registration, list of officers, list of members and addresses (including names of spouses), resolution from PO members authorizing their officers to file an application and endorsements from the barangay and municipal/ city councils—to the CENRO.



Issuing Authority: Provincial Environment and Natural Resources Officer (PENRO) - up to 5,000 ha; Regional Executive Director (RED) - more than 5,000 to 15,000 ha; Undersecretary (U/Sec) for Operations - more than 15,000 to 30,000 ha; Secretary - more than 30,000 ha.

Rights, Privileges of Tenure Holder: Occupy/use/develop forest lands within designated area; allocate to members and enforce rights to use and sustainably manage forest land resources; be exempt from paying forest charges on timber and non-timber products harvested from plantations; be consulted on all government projects in the area; be given preferential access to all available assistance in the development of the area; generate income/proceeds from use of forest resources within the area; enter into contracts with private/government entities.

Examples of Allowable Activities: Forest protection, reforestation, agro-forestry, harvesting timber/non-timber products.

General Roles, Responsibilities:

Tenure Holder: Prepare/implement plans, including resource use plans; promote transparent and participatory management; pay forest charges (for timber/non-timber products harvested from areas outside the plantations).

LGU: Together with the DENR, monitor implementation in the area; provide technical and other assistance.

Issuing Authority: Together with the LGU, monitor implementation; provide technical and other assistance.

2. Certificate of Ancestral Domain Title (CADT), Certificate of Ancestral Land Title (CALT)

Under the Indigenous Peoples' Rights Act of 1997, Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) have priority rights to develop and manage their ancestral lands and apply for either a CADT or a CALT. CADT refers to a title recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains, while a CALT is a title issued to individuals, families or clans who are members of the ICCs/IPs to own ancestral lands. Ancestral domains refer to all areas belonging to ICCs/IPs, including lands, inland waters, coastal areas and other natural resources. Ancestral lands, on the other hand, refer to lands within ancestral domains that are occupied, possessed and used under claims of individual or traditional groups.

Governing Policy: RA No. 8371³ (1997)

Who can Participate: ICCs/IPs; non-members of the ICCs/IPs concerned may be allowed to take part in the development and utilization of the natural resources subject to the requirements under Sec. 57 of RA No. 8371.

ICCs/IPs, whose ancestral domains have been delineated in accordance with DENR procedures and prior to the enactment of RA 8371, have the right to apply for the issuance of a CADT or a CALT—subject to revalidation of the NCIP—without going through the process outlined in the law.



General Application Requirements: To be submitted are proofs of ancestral domain claims that include the testimony of elders or community under oath and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such ICCs/IPs, which shall be any one of the following authentic documents: written accounts of the ICCs'/IPs' customs and traditions; written accounts of the ICCs'/IPs' political structure and institutions; pictures showing long-term occupation such as those of old improvements, burial grounds, sacred places and old villages; historical accounts, including pacts and agreements concerning boundaries entered into by the ICCs/IPs with other ICCs/IPs; survey plans and sketch maps; anthropological data; genealogical surveys; pictures and descriptive histories of traditional communal forests and hunting grounds; pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like; write-ups of names and places derived from the native dialect of the community.

It should be noted that any project introduced in any area covered by the ancestral domains requires FREE and PRIOR INFORMED CONSENT of the concerned IPs.

Issuing Authority: NCIP

Rights, Privileges of Tenure Holder: The ICCs/IPs shall have the priority rights in the management, development, harvesting, extraction, exploitation of any natural resources within the ancestral domains.

Examples of Allowable Activities: Forest protection, reforestation, agro-forestry, harvesting of timber and non-timber products.

General Roles, Responsibilities:

Tenure Holder: Develop, control and use lands and territories traditionally occupied, owned, or used; manage/ conserve natural resources within the territories; maintain ecological balance; restore denuded areas.

Issuing Authority: With the consent and involvement of the ICC/IP, initiate delineation of ancestral domain, prepare perimeter maps, publish preliminary census and report of investigation on the area covered, issue/register CADT.

3. Protected Area Community-Based Resource Management Agreement (PACBRMA)

The PACBRMA is similar to the CBFMA issued in production forest lands.

Governing Policies: DAO 2002-02⁴ (2002) which repealed DAO 2000-44

Period of Tenure: 25 years renewable for another 25 years

Who can Participate: Duly organized tenured migrants (including interested IPs). Tenured migrants include those who have actually and continuously occupied a portion of the protected area for at least five years before the designation of the same as a protected area in accordance with the National Integrated Protected Areas System or NIPAS Law, and solely dependent therein for subsistence.

General Application Requirements: For tenured migrant communities: accomplished application form, certificate of registration, list of officers and members (including addresses and names of spouses, if any) certified by the Protected Area

Management Board (PAMB) and resolution from the PO allowing the filing of the application. For interested IPs: accomplished form, NCIP certification that they are indeed IPs, list of council of elders and names of IPs, and proof of consent from the council of elders to apply for a PACBRMA.

Issuing Authority: DENR (the RED shall approve the instrument upon endorsement by the PAMB for areas not exceeding 15,000 ha; the DENR Secretary is the approving authority for areas more than 15,000 ha).

Rights, Privileges of Tenure Holder: Allocate the entire or portion of the area to PO members without creating any vested right therein; develop the area allocated; receive income and proceeds from the development of areas; be informed and consulted on projects to be implemented in the area.

Examples of Allowable Activities: Reforestation, protection, sustainable use of forest products inside multiple-use and buffer zones, except any form of logging/timber cutting involving natural forest.

General Roles, Responsibilities:

Tenure Holder: Formulate a Community Resource Management Plan, which should be consistent with the Protected Area Management Plan, specifying activities pertinent to the management, development, utilization, conservation and protection of the resources in the area.

LGU: Be an active part of the PAMB which endorses the application; inform DENR of the LGU's action on the tenure application (in view of the recently-issued DENR-Department of the Interior and Local Government Joint Memorandum Circular or DENR-DILG JMC 2003-01); and provide technical and other assistance.

Issuing Authority: The DENR, through the Protected Areas and Wildlife Bureau (PAWB) and the regional office, shall undertake periodic monitoring and evaluation of the community-based program. The PAMB, in coordination with the CENRO, shall monitor compliance with the terms and conditions of the PACBRMA holder.

ALLOCATION TO THE PRIVATE SECTOR

Tenure instruments under this type of allocation allow for production sharing, encourage private sector investment and participation in the development, management and use of forests and forest lands.

1. Integrated Forest Management Agreement (IFMA)

This is a production-sharing contract between the DENR and a qualified applicant where the DENR grants the latter the exclusive right to develop, manage, protect and use a specified area of forest land and forest resource.

Governing Policies: DAO 99-53⁵ (1999); DAO 2003-21⁶ (2003)

Period of Tenure: 25 years, renewable for another 25 years

Who can Participate: Filipino citizens of legal age who are technically and financially capable; partnerships, cooperatives or corporations which are either 100 percent Filipino owned or 60 percent owned by Filipinos and 40 percent owned by foreigners, duly registered under Philippine laws. Timber license agreement (TLA) holders may opt to convert their TLAs to IFMAs.

General Application Requirements: Duly accomplished application form with appropriate filing and survey fees. For corporations, partnerships or cooperatives: corporation papers duly certified by the SEC or the CDA, Articles of Incorporation and By-Laws duly certified by the Board Secretary, audited financial statements for the last two years, proof of financial and technical capability, board resolution authorizing any of the officers to file the application in behalf of the corporation, cooperative and/or partnership duly certified by the Board Secretary.

For a TLA to be converted to an IFMA, the following conditions shall have been satisfied:

- The TLA holder shall have signified in writing such intention for conversion not later than one year prior to the date of expiration of the TLA to the DENR Secretary; and

- The applicant has shown satisfactory performance on the management and operation of the TLA and has complied with the terms and conditions thereof, as evidenced by a comprehensive performance evaluation commissioned, or undertaken, by authority of the Secretary.

Issuing Authority: The DENR Secretary, upon the recommendation of the Forest Management Bureau (FMB), shall approve (or disapprove) the IFMA, after which the notice of approval shall be sent to the applicant, copy furnished to the FMB, RED, PENRO, CENRO and the LGUs concerned.

Rights, Privileges of Tenure Holder: Develop, manage, protect and utilize a specified area of forest land and its forest resource; harvest, sell and use planted trees and crops consistent with the principle of sustainable development.

Examples of Allowable Activities: Reforestation, forest protection, harvesting of timber and non-timber products from natural residual forest.

General Roles, Responsibilities:

Tenure Holder: Conduct delineation and marking on the ground of the perimeter boundaries of the IFMA area, including conduct of timber inventory; submit within one year from the date the IFMA was awarded a Comprehensive Development and Management Plan (CDMP) and an Initial Environmental Examination (IEE) for issuance of an Environmental Compliance Certificate (ECC); submit within one year (and every five years thereafter) up-to-date aerial photos of the entire IFMA area.

LGU: Assist in consultation sessions with communities about the delineation of the area for IFMA purposes; endorse delineated areas.



Issuing Authority: Make available to IFMA applicant existing information on the status of the land, resources and dependent communities within or adjacent to the IFMA areas; ensure that IFMA holder complies with the conditions agreed upon, assist the IFMA holder and host communities in the development and implementation of mutually beneficial agreements.



2. Socialized Industrial Forest Management Agreement (SIFMA)

This is an agreement between the DENR and an individual or an organization which is granted the right to develop, use and manage a small tract of forest land.

Governing Policy: DAO 96-24⁷, (1996)

Period of Tenure: 25 years, renewable for another 25 years

Who can participate: Individuals/families who are Filipino citizens, of legal age and preferably residents of the municipality where the SIFMA area is (actual occupants of the area

will be given priority). In the case of government employees, they shall qualify upon getting the consent of their respective heads of agency. Cooperatives and associations, whose members are Filipino citizens and residents of the province where the SIFMA site is, may also participate.

General Application Requirements: Interested individuals, cooperatives and associations may file applications for a SIFMA with the CENRO, paying the appropriate filing fees (depending on the land area applied for, which is a minimum of 1 to a maximum of 500 ha). For individuals/families (1-10 ha), community tax certificates are needed; for cooperatives/associations (1-500 ha), certified true copy of the Certificate of Registration with the CDA or SEC; list of duly elected officers and members and their

addresses and resolution (both duly certified by the Board Secretary), indicating the cooperative's or association's interest in participating in the program.

Issuing Authority: PENRO (1 to 10 ha); RED (11 to 500 ha)

Rights, Privileges of Tenure Holder: Harvest, sell and utilize planted trees and crops except those retained for environmental purposes; export logs, lumber and other forest products (as long as they are allowed by the government) harvested from SIFMA areas; be exempt from forest charges on all plantation products.

Examples of Allowable Activities: Reforestation, forest protection, harvesting of timber and non-timber products from plantations.

General Roles, Responsibilities:

Tenure Holder: Rehabilitate open and denuded areas, and protect existing natural forest vegetation; plant forest tree species, which may include rubber and/or non-timber species such as rattan, bamboo, among others, in not less than 90 percent of the plantable area (remaining plantable areas shall be devoted to permanent agricultural purposes).

LGU: Together with the DENR, endorse validated SIFMA sites and conduct a campaign to inform the public about the program.

Issuing Authority: The RED approves applications, issues cancellation orders and approves transfers of SIFMA areas that are more than 10 ha up to 500 ha.

The PENRO shall do the same for areas of up to 10 ha. The PENRO, which shall maintain a database of all SIFMAs in the province, shall evaluate reports submitted by the CENRO, who shall be directly responsible for implementing SIFMA within its jurisdiction (in coordination with concerned government and non-government units).

The CENRO shall also be responsible for site identification, processing of SIFMA applications, and monitoring and evaluation of the program implementation.

3. Forest Land Grazing Management Agreement (FLGMA)

FLGMAs are the tenure instruments in grazing areas.

Governing Policy: DAO 99-36⁸ (1999)

Period of Tenure: 25 years, renewable for another 25 years

Who can Participate: Filipino citizens of legal age at the time of filing of the application, or corporations, partnerships, associations or other juridical persons registered in accordance with Philippine laws, where at least 60 percent of the capital is owned, controlled and managed by Filipinos.

General Application Requirements: Area to be covered by an FLGMA shall not be less than 50 ha but not more than 500 ha for an individual holder, and not more than 2,000 ha for an association, cooperative or corporation. Applications shall be

submitted to the CENRO which has jurisdiction over the area. If an applicant is a government employee, written permission from the Secretary or Head of Agency is required. If applicant is a naturalized Filipino, a copy of Certificate of Naturalization and a certification from the Office of the Solicitor General that it has not filed or taken any action that may affect his/her citizenship are required.



Examples of Allowable Activities: Use land for grazing purposes, establish a food production area, practice prescribed burning.

Issuing Authority: The DENR Secretary issues the FLGMA; the RED issues the Interim Grazing Privilege.

Rights, Privileges of Tenure Holder: Develop, manage and use grazing lands.

General Roles, Responsibilities:

Tenure Holder: Undertake pasture improvements, pay user's fees, fence the perimeter of the FLGMA, put up required facilities, maintain required animal units of cattle based on the computed grazing capacity, practice rotation grazing, cooperate with DENR in the protection/conservation of forest growth in the area, and preserve trees within the FLGMA area.

Issuing Authority: Monitor and evaluate activities within the FLGMA area.

ALLOCATION TO LOCAL GOVERNMENT UNITS (LGUs)

LGUs now share with the national government the responsibility of maintaining the ecological balance within their respective jurisdictions. The Local Government Code (RA 7160) further devolved certain forest management functions to the LGUs.

1. Co-Management Agreement

An agreement entered into by the DENR and an LGU to co-manage certain forest areas (including mangrove areas).

Governing Policies: RA 7160⁹ (1991); DENR-DILG JMC 2003-01¹⁰ (2003), DENR-DILG JMC 98-01¹¹ (1998)

Who can Participate: Individual or cluster of LGUs

General Application Requirements: Interested LGUs should signify their interest in co-managing forests and forests lands (such as establishing community watersheds, greenbelts, tree parks, reforestation and other co-management areas) to the CENRO. Once everything has been agreed upon, a Memorandum of Agreement (MOA) shall be executed, signed by the DENR and the LGU and witnessed by a DILG representative.



Issuing Authority: CENRO – forest areas up to 1,000 ha; PENRO – more than 1,000 up to 5,000 ha; RED – more than 5,000 up to 15,000 ha; U/Sec for Field Operations – more than 15,000 up to 30,000 ha; and Secretary – more than 30,000 ha.

Rights, Privileges of

Tenure Holder: The MOA defines the tenure holder's rights/privileges which may include developing, managing, protecting and utilizing a specified area of forest land and its forest resource; harvest, sell and use planted trees and crops consistent with the principle of sustainable development.

Under JMC 2003-01, one paramount right of the LGU is that it has to be consulted by the DENR when it comes to any tenure and permit application in forests and forest lands under the LGU's jurisdiction. The LGU is given 15 days to give its comments. If the tenure instrument or permit was issued without the LGU's comments, activities in the forest area will be suspended until such time that the comments of the LGU are received.

Examples of Allowable Activities: Again, allowable activities are specified in the MOA, which may include reforestation, forest protection, harvesting of timber and non-timber products, agro-forestry

General Roles, Responsibilities: The MOA between the DENR and the LGU specifies each other's roles and responsibilities. The following are some of the LGU's and the DENR's roles under JMC 2003-01:

LGU: Provide the necessary funds to make the devolution, partnership and co-management work; approve and enact as ordinance the LGU's FLUP; inform DENR of the action taken by the LGU within 15 days from the date of receipt of document from DENR regarding any tenure application within the LGU's jurisdiction.

Issuing Authority: Initiate coordination meetings with the DILG and the LGU, provide technical assistance to the LGU, approve LGU's FLUPs; deputize LGU officials as environmental and natural resources officers.



2. Communal Forests

Communal forest refers to a tract of forest land set aside by the DENR Secretary, upon the recommendation of the concerned LGU, as its source of forest products for the use of the residents of a municipality/city.

Governing Policies: RA 7160, DENR-DILG JMC 98-01

Who can Participate: Individual LGUs or cluster of LGUs

Rights, Privileges of Tenure Holder: Residents assigned by the LGU to manage the communal forest may cut, collect and remove forest products for their personal use in accordance with existing laws and regulations and subject to the provision that utilization of resources shall be in accordance with sustainable development. For this purpose, the concerned LGU, with the assistance of the DENR, shall prepare a sustainable operations plan prior to any utilization activities.

Establishment of New Communal Forests: The establishment of new communal forests shall be governed by the following guidelines:

- (a) DENR, through its CENRO, together with the concerned city/municipal LGU, shall jointly identify potential communal forest areas within the geographic jurisdiction of the concerned city/municipality.
- (b) Communal forests to be established shall be identified through a forest land use planning (FLUP) to be undertaken jointly between the DENR and the concerned LGU. The ensuing FLUP shall indicate, among others, the site and location of the communal forests within the production forest categorized as such in the FLUP.
- (c) Once the FLUP has been affirmed, the local chief executive shall initiate the passage by the LGU's Sanggunian of a resolution requesting the DENR Secretary to issue an administrative order declaring the identified area as a communal forest. The resolution should be endorsed by the RED to the DENR Secretary, through the FMB. The required

administrative order shall be issued within 60 days after receipt of the endorsement from the RED.

- (d) Upon acceptance of the responsibility for the communal forest, the city/municipal LGU shall formulate the management plan and submit the same to its Environment and Natural Resources (ENR) Council. The management plan shall include provision for replanting by the communities and the LGUs of the communal forests to ensure sustainability.

Limit: The communal forests of each LGU shall in no case exceed a total of 5,000 ha.

3. Community Watersheds

Community watersheds refer to forest lands set aside by the DENR Secretary, upon the recommendation of the concerned LGU as sources of water supply for specific local communities subject to the provision that the utilization shall be in accordance with sustainable development.

Governing Policies: RA 7160, DENR-DILG JMC 98-01

Who can Participate: Cities/municipalities

Identification and Establishment of Community Watersheds:

In accordance with RA 7160 which mandated the Sangguniang Bayan to provide for the establishment, maintenance, protection and conservation of watersheds in their respective areas as sources of water supply for specific communities, the following guidelines shall be followed:

- (a) DENR, through its CENRO, together with the city/municipal LGU shall identify potential watershed areas in the city or municipal territorial jurisdiction that can be sources of water supply for specific communities.
- (b) Community watershed areas to be established shall be identified through forest land use planning (FLUP) to be undertaken jointly by the DENR and the concerned LGU. The FLUP shall indicate, among others, the site and location of the community watershed.

- (c) Once the FLUP has been completed, the local chief executive shall initiate the passage by the LGU's Sanggunian of a resolution requesting the DENR Secretary to issue an administrative order declaring the identified area as community watershed and as source of water supply for specific communities. The required administrative order shall be issued within 60 days after receipt of the resolution.

Where there are already existing springs in forest areas in the municipalities being used as water sources by the communities, the community and the LGU shall initiate the passage of the Sangguniang Bayan resolution requesting the DENR Secretary to issue the necessary administrative order.

- (d) Upon acceptance of the responsibility for the community watershed, the local chief executive, in consultation with the ENR Council, will prepare the Management Plan. Such plan shall be submitted to the Sangguniang Bayan for approval.

For the purpose of formulating the community watershed management plan, the DENR shall, in coordination with the concerned LGU, undertake a forest resource inventory and determine the sustainable level of forest and water utilization and provide the LGU technical and other assistance in all aspects of forest management planning to ensure sustainable development.

ALLOCATION TO ADDRESS NEEDS FOR PUBLIC GOOD

This allows for the proclamation of watershed reservations, biodiversity reserves and other protected areas by the Philippine Congress, President of the Philippines or the DENR to serve the interest of the public (e.g., protect sources of water supply or hydro-electric power). Allocation to address needs for public good may also include Protected Area Community-Based Resource Management Agreements (discussed on pp. 6 and 7).

Declaration of Watershed Reservations, Biodiversity Reserves, other Protected Areas

Governing Policy: RA 7586¹² (1992), EO 192¹³ (1987), RA 9154¹⁴ (2001) and other Presidential issuances/proclamations and laws specifically enacted for watershed/biodiversity/protected areas.

Authority to Declare/Proclaim: RA 7586, otherwise known as the NIPAS Act of 1992, states that the DENR, after conducting public hearings, shall recommend to the President who shall issue a proclamation designating recommended areas as protected areas and provide protective measures until such time that Congress shall have enacted a law.

Example: Establishment of Mt. Kanla-on as a Natural Park pursuant to RA 9154 (Mt. Kanla-on Natural Park Act of 2001)

Examples of Allowable Activities: Protection and conservation activities, academic/scientific research. Geothermal exploration or development of energy and mineral resources may be allowed only by an Act of Congress.

General Roles, Responsibilities:

DENR: The DENR RED of Region 6 shall chair the PAMB, which manages and administers the Park.

LGUs: Local government officials (or their representatives), such as the governors of Negros Occidental and Negros Oriental, the mayors of municipalities and cities with territories within the Park and all the barangay captains shall be included in the PAMB and shall help in the management of the park.

Other Sectors: Representatives of non-government organizations (NGOs) and POs shall also be included in the PAMB and help in park management.

ALLOCATION TO OTHER GOVERNMENT AGENCIES

Allocation under this type includes grants to state colleges/universities and government corporations, as well as civil/military reservations.

1. Grants to State Colleges/Universities

Example: Grant to the University of the Philippines-Los Baños (UPLB) of jurisdiction over the Mt. Makiling Forest Reserve

Governing Policy: RA 6967¹⁵ (1989)

Examples of Allowable Activities: As a training laboratory for the advancement of scientific and technical knowledge, particularly in the preservation, conservation and development of the forest, flora and fauna, and natural resources.

General Roles, Responsibilities:

UPLB: Administer and conserve the forest reserve, as well as preserve the watershed areas.

2. Grants to Government Corporations

Example: Vesting in the National Power Corporation or NPC the complete jurisdiction, control and regulation over the watershed areas and reservations surrounding its power generating plants and properties of said corporation.

Governing Policy: EO 224¹⁶ (1987)

Examples of Allowable Activities: Development and conservation of existing vegetative cover; development, maintenance and management of tree farms within adequately vegetative watersheds for the production of transmission line poles; afforestation, reforestation and physical rehabilitation in critically denuded areas.

General roles, responsibilities:

NPC: Enforce forestry laws, rules and regulations; prepare management plans and programs including formulation/ implementation of measures to prevent denudation of the forest cover and siltation of existing reservoirs; conduct public education/information drive.

3. Civil/Military Reservations

Examples:

- a) Civil reservations include the Manobo Civil Reservation and Higaonon Civil Reservation in Agusan del Sur.
- b) Military reservations include Fort Magsaysay in Nueva Ecija and Fort del Pilar in Baguio City.

REFERENCES

- 1 **EO 263** (Adopting Community-Based Forest Management as the national strategy to ensure the sustainable development of the country's forest land resources and providing mechanisms for its implementation)
- 2 **DAO 96-29** (Rules and regulations for the implementation of EO 263)
- 3 **RA 8371** (Indigenous Peoples Rights Act)
- 4 **DAO 2002-02** (Establishment and management of Community-Based Program in protected areas)
- 5 **DAO 99-53** (Regulations governing the Integrated Forest Management Program)
- 6 **DAO 2003-21** (Amending certain provisions of DAO 99-53)
- 7 **DAO 96-24** (Rules and regulations governing the Socialized Industrial Forest Management Program)
- 8 **DAO 99-36** (Revised rules and regulations governing the administration, management, development and disposition of forest lands for grazing purposes)
- 9 **RA 7160** (Local Government Code)
- 10 **JMC 2003-01** (Strengthening and institutionalizing the DENR-DILG-LGU partnership on devolved and other forest management functions)
- 11 **JMC 98-01**(Manual of procedures for DENR-DILG-LGU partnership on devolved and other forest management functions)
- 12 **RA 7586** (An act providing for the establishment and management of National Integrated Protected Areas System, defining its scope and coverage, and for other purposes)
- 13 **EO 192** (Providing for the reorganization of the Department of Environment, Energy and Natural Resources, renaming it as the Department of Environment and Natural Resources)
- 14 **RA 9154** (Mt. Kanla-on Natural Park Act of 2001)
- 15 **RA 6967** (An act to vest control, jurisdiction and administration of the forest reserve in Mt. Makiling in the University of the Philippines in Los Baños)
- 16 **EO 224** (Vesting in the National Power Corporation the complete jurisdiction, control and regulation over watershed areas and reservations surrounding its power generating plants and properties)

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