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EXECUTIVE ORDERS

MALACAÑANG
MANILA

EXECUTIVE ORDER NO. 96

CREATING THE ATLAS COMMISSION AND DEFINING ITS POWERS AND FUNCTIONS

WHEREAS, the mining operation of the Atlas Consolidated Mining and Development Corporation has affected vegetation in the old abandoned mine site in the Province of Cebu.

WHEREAS, there is a need to reforest and revegetate the exposed soil and rock structures to prevent erosion, oxidation and pollution;

WHEREAS, sometime in August, 1999, mine water from the Biga open mine pit of the Atlas Consolidated Mining and Development Corporation spilled into the Sapangdaku River and the Tañon Strait;

WHEREAS, there is a need to rehabilitate, protect and develop the Sapangdaku River and the Tañon Strait and other areas affected by the spillage of mine water;

WHEREAS, under Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987, the President has the continuing authority to reorganize the administrative structure of the Office of the President.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation. - There is hereby created a Commission under the Office of the President to be known as the Atlas Commission ("Commission") which shall serve as the planning, policy and program coordinating body for the rehabilitation, protection and development of the Sapangdaku River and the Tañon Strait and other areas affected by the mining operation of and the spillage of mine water from the Atlas Mines in the Province of Cebu.

SECTION 2. Composition. - The Commission shall be composed of a Chairman and six (6)

Commissioners who shall be appointed by the President of the Philippines.

SECTION 3. Powers and Functions. - The Commission shall have the following functions and responsibilities:

- a. Formulate and implement, in coordination with the concerned agencies of the

Government, programs and projects for the rehabilitation, regeneration, revegetation and reforestation of mineralized areas, aquaculture, watershed development and water conservation, and social-economic development of the areas affected by the mining operation and the spillage of mine water;

- b. Review all existing policies, programs and projects, researches and studies as well as other initiatives to rehabilitate, protect and development the affected areas;
- c. Adopt a process of maximum consultation with the local government units concerned and all interest groups in the localities to ensure that their needs, concerns and ideas are considered in the formulation and implementation of programs and projects for the rehabilitation, protection and development of the affected areas;
- d. Negotiate and enter into management and /or consultancy contracts in pursuit of the rehabilitation, protection and development of the affected areas;
- e. Accept or receive donations and conveyances by gratuitous title or funds, materials and services for use in the rehabilitation, protection and development of the affected areas, subject to the usual accounting and auditing rules and regulations;
- f. Arrange and negotiate for grant or loan financing of its programs and policies with local and/or international financing institutions and/or private organizations, subject to the concurrence of the Secretary of Finance and the Secretary of Budget and Management.
- g. Call upon any agency of the Government for such assistance as may be necessary in the performance of its functions;
- h. Submit periodic reports to the President on the status of the rehabilitation, protection and development efforts; and
- i. Perform such other functions as may be directed by the President.

SECTION 4. Organizational Support. - The Commission shall establish and maintain a Secretariat which shall provide technical and administrative support to the Commission and which shall be headed by an Executive Director who shall be assisted by a Deputy Executive Director. The Executive Director shall implement the policies of the Commission and manage the day-to-day operations thereof. The Executive Director shall be appointed by the President upon the recommendation of the Chairman. The

Chairman shall have the authority to appoint, promote and discipline the personnel of the Secretariat.

The Commission, subject to pertinent laws, rules and regulations, may create, organize and set in operation such organizational units necessary for the performance of its powers and functions. Such units shall be staffed by duly qualified personnel appointed by the Chairman.

SECTION 5. Board of Advisors. - There is hereby created a Board of Advisors for the Commission to assist in policy formulation, coordination, management and implementation of the programs and projects of the Commission. The Board of Advisors shall be composed of the following:

- Representative, Department of Environment and Natural Resources
- Representative, Department of Agriculture
- Representative, Department of Public Works and Highways
- Representative, Department of Transportation and Communications
- Representative, Department of Budget and Management
- Representative, Department of Finance
- Representative, Department of Trade and Industry
- Representative, Regional Development Council of Region VII
- Representative of the Governor, Province of Cebu
- Representative of the Mayor, City of Toledo
- One (1) representative from a *bona fide* non-government organization to be nominated by the Commission

SECTION 6. Transfer of Appropriations, Records and Properties. - The applicable appropriations, properties and records of the Tañon Strait Commission, which was abolished by virtue of Executive Order No. 72 dated February 11, 2002, are hereby transferred to the Atlas Commission.

SECTION 7. Funding. - The Department of Budget and Management shall identify and provide the annual budgetary requirements as may be required by the Commission for the implementation of its programs and projects and for its operations.

SECTION 8. Repeal. - All orders, rules, regulations and issuances, or parts thereof, which are inconsistent with this Executive Order, are hereby repealed or modified accordingly.

SECTION 9. Effectivity. - This Executive Order shall take effect immediately upon approval. City of Manila, April 18, 2002.

(Sgd). **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

MALACAÑANG
MANILA

EXECUTIVE ORDER NO. 109

STREAMLINING THE RULES AND PROCEDURES ON THE REVIEW AND APPROVAL OF ALL CONTRACTS OF DEPARTMENTS, BUREAUS, OFFICES AND AGENCIES OF THE GOVERNMENT, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND THEIR SUBSIDIARIES

WHEREAS, in line with the government's program of good governance, there is a need to streamline procedures for the review and approval of government contracts for the expeditious implementation of development projects and the speedy delivery of basic services while promoting transparency, impartiality and accountability in government transactions;

WHEREAS, to achieve the foregoing, the National Economic and Development Authority (NEDA) has recommended the issuance of this Executive Order;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Public Bidding. It is the policy of this Administration that all Government Contracts shall be awarded through open and competitive public bidding, save in exceptional cases provided by law and applicable rules and regulations, as described in Section 2 of this Executive Order.

Except for contracts required by law to be acted upon and/or approved by the President, Department Secretaries shall have full authority to give final approval and/or enter into all Government Contracts of their respective departments and of bureaus, offices, and agencies, government-owned or controlled corporations and their subsidiaries attached or under the control and/or supervision of the Department Secretary, awarded through public bidding, regardless of the amount involved.

Every Department Secretary and Head of a bureau, office, and agency of the government, as well as the Head and governing board of a government-owned or controlled corporation and its subsidiary, shall be responsible and accountable for ensuring that all Government Contracts entered into are in accordance with all existing laws, rules and regulations and are consistent with the spending and development priorities of government.

SECTION 2. Exceptions to Public Bidding. The law and applicable rules and regulations provide for exceptional cases where a Government Contract may be accepted from the requirement of public bidding, as follows:

- a. For infrastructure projects, including supply contracts, civil works, and other related contracts, as provided under Section 62, Chapter 13, Book IV, Revised Administrative Code of 1987, Section 4, Presidential Decree No. 1594, and Executive Order No. 40 dated October 8, 2001 [EO 40] and its Implementing Rules and Regulations;
- b. For procurement of goods, supplies, materials and related services as provided under EO 40 and its Implementing Rules and Regulations; and
- c. For consulting services as provided under EO 40 and its Implementing Rules and Regulations.

SECTION 3. Requirements for Exception from Public Bidding. Where the Department Secretary has made a determination that a Government Contract involving an amount of at least Three Hundred Million Pesos (P300 Million) falls under any of the exceptions from public bidding described in Section 2 hereof, the Department Secretary shall, before proceeding with the alternative modes of procurements as provided by law and applicable rules and regulations, obtain the following:

- a. An opinion from the Secretary of Justice that said Government Contract falls within the exceptions from public bidding; and
- b. Approval from the Director-General of NEDA to proceed with a specific alternative mode of procurement under the exceptional cases provided by law and applicable rules and regulations.

After compliance with the foregoing requirements, except for contracts required by law to be acted upon and/or approved by the President, Department Secretaries shall have full authority to give final approval and/or enter into such Government Contracts excepted from the requirement of public bidding, regardless of the amount involved.

Where a Government Contract, not required by law to be acted upon and/or approved by the President, involves an amount below Three Hundred Million Pesos (P300 Million) and the concerned Department Secretary has made a determination that the Government Contract falls under any of the exceptions from public bidding described in Section 2 hereof, the Department Secretary has full authority to give final approval and/or enter into the Government Contract without need of obtaining the foregoing requirements.

The Department Secretary may delegate in writing to appropriate officials, subject to appropriate ceilings, this authority to determine

whether a Government Contract involving an amount below Three Hundred Million Pesos (P300 Million) falls under any of the exceptions from public bidding described in Section 2 hereof.

SECTION 4. Governing Law for Government Contracts.

- a. BOT Contracts. Contracts undertaken through Build Operate and Transfer (BOT) schemes and other variations shall be governed by the provisions of Republic Act No. 6957, as amended by Republic Act No. 7718, and its Implementing Rules and Regulations.
- b. Contracts for infrastructure projects, including supplies contracts, civil works, and other related contracts. Contracts for infrastructure projects, including supply contracts, civil works, and other related contracts shall be governed by the Revised Administrative Code of 1987, Presidential Decree No. 1594, and EO 40 and its Implementing Rules and Regulations.
- c. Contracts for goods, supplies, materials and related services. Contracts for goods, supplies, materials and related services shall be governed by EO 40 and its Implementing Rules and Regulations.
- d. Contracts for consulting services. Contracts for consulting services shall be governed by EO 40 and its Implementing Rules and Regulations.
- e. Lease Contracts. Lease contracts for goods supplies and materials shall be governed by EO 40 and its Implementing Rules and Regulations. Lease contracts for real estate and other properties shall be governed by Executive Order No. 301 dated July 26, 1987 and guidelines issued by the Department of Public Works and Highways.
- f. ODA-funded Contracts. Government Contracts financed wholly or partly with Official Development Assistance (ODA) funds shall be governed by Republic Act No. 4860, as amended and Republic Act No. 8182, as amended by Republic Act 8555.

NEDA shall issue guidelines for Government Contracts financed with ODA funds with the objective of promoting transparency, impartiality, and accountability in government transactions.

SECTION 5. Joint Venture Agreements. NEDA shall, in consultation with the Department of Justice issue guidelines regarding joint venture agreements with private entities with the objective of promoting transparency, impartiality, and accountability in government transactions and, where applicable complying with the requirement of an open and competitive public bidding.

SECTION 6. Transactions of Government Financial Institutions. Transaction of government financial institutions in the ordinary course of business shall not be covered by the provisions of this Executive Order. Such transactions shall instead be subject to applicable provisions of law and to guidelines, rules and regulations issued by the Department of Finance.

SECTION 7. Requirements for all Government Contracts. All Government Contracts shall be:

- a. Processed completely by the concerned department, bureau, office and agency of the government, including a government - owned or controlled corporation and its subsidiary;
- b. Signed and/or approved by the Head of the bureau, office, and agency of the government, the Head and/or governing board of the government - owned or controlled corporation and its subsidiary and the Department Secretary; and
- c. Accompanied by the certifications issued by (i) the concerned Department Secretary; (ii) the Head of the bureau, office of the agency; and (iii) the Head and governing board of the government-owned or controlled corporation or its subsidiary, that the contracts is in accordance with all existing laws, rules and regulations.

SECTION 8. Authority to Bind the Government. All Government Contracts shall require the approval of the Department Secretary after the Government Contract has been signed and/or approved by the Head of a bureau, office or agency or by the Head and/or governing board of government-owned or controlled corporation or its subsidiary, before the Government Contract shall be considered approved in accordance with law and binding on the government.

Except for contracts required by law to be acted upon and/or approved by the President, the Department Secretary possesses the full authority to approve and/or enter into a Government Contract binding on the government. However, a Department Secretary may delegate in writing to appropriate official, subject to appropriate ceilings, this authority to approve a Government Contract involving an amount of Three Hundred Million Pesos (P300 Million), whether publicly bid or excepted from public bidding, as he sees fit under the circumstances.

For Government Contracts signed by the Head of a bureau, office, and agency of the government, and by the Head and/or governing board of a government-owned or controlled corporation and its subsidiary attached to or under the Office of the President, the Executive Secretary shall approve the Government Contract in accordance herewith.

All Government Contracts entered into a violation of the provisions of law, existing rules and regulations, and this Executive Order shall be considered contracts entered into without authority and are thus invalid and not binding on the government.

SECTION 9. Government Contracts Requiring Presidential Action and/or Approval.

a. All Government Contracts required by law to be acted upon and/or approved by the President, and any subsequent amendments or supplements thereto, shall not be signed until after the NEDA Board, which is chaired by the President of the Philippines, has favorably acted upon or approved the same.

b. All Government Contracts required by law to be acted upon and/or approved by the President, and any subsequent amendments or supplements thereto, shall be submitted to NEDA, through its Director-General, within seven (7) days from the approval by the Department Secretary concerned, for NEDA's review and evaluation.

Government Contracts submitted hereunder shall be accompanied by a complete execution copy of the contract, related agreements, annexes, other approvals permits, including a detailed summary of the pertinent laws, rules and regulations governing the processing and award of the contract, and the certifications issued by (i) the concerned Department Secretary; (ii) Head of the bureau, office or agency; and (iii) the Head and governing board of the government-owned or controlled corporation or its subsidiary, that the contract is in accordance with all existing laws, rules and regulations.

c. Within thirty (30) days from its receipt of the Government Contracts, and any subsequent amendments or supplements thereto, NEDA shall submit its recommendation to the NEDA Board, which is chaired by the President of the Philippines, for appropriate action.

d. Within seven (7) days from the date of NEDA Board's action, NEDA, through its Director-General, shall formally notify the Department Secretary concerned of the action of the NEDA Board, including any comments thereon.

Section 10. **Submission of Government Contracts.** With a view to creating a repository of all important Government Contracts, a complete copy of all Government Contracts involving an amount of at least Three Hundred Million Pesos (P300 Million) shall be submitted to NEDA, through its Director-General, within seven (7) days from the date of signing and/or approval thereof accompanied with a complete copy of its related agreements, annexes, other approvals and permits, a detailed summary of the pertinent laws, rules and regulations governing the processing and award

of the contract, and the certifications required under Section 7 hereof.

Section 11. **Splitting of Government Contracts.** Splitting of Government Contracts is not allowed. Splitting of Government Contracts means the division or breaking up of Government Contracts into smaller quantities and amounts, or dividing contracts implementation into artificial phases or sub-contracts for the purpose of evading or circumventing the requirements of laws and this Executive Order, especially the necessity of public bidding and the requirements for exceptions therefrom in accordance with Section 3 hereof.

Section 12. **Local Government Units.** All contracts of Local Government Units funded by the national government shall be governed by the provisions of this Executive Order and its implementing guidelines, rules and regulations. Furthermore, Local Government Units are encouraged to apply the provisions of this Executive Order for contracts entered into and/or funded by Local Government Units.

Section 13. **Prospective Application.** All Government Contracts, including those presently being processed and/or reviewed by the NEDA Board in accordance with Administrative Order No.7 dated March 23, 2001, shall hereafter be processed and/or reviewed in accordance with this Executive Order.

Section 14. **Implementing Guidelines, Rules and Regulations.** NEDA shall, within thirty (30) days from the effectivity of this Executive Order, issue the appropriate guidelines, rules and regulations to implement the provisions of this Executive Order.

Such guidelines, rules and regulations shall include, among others, provisions governing:

- a. ODA- funded contracts,
- b. Joint venture agreements with private entities, and
- c. Submission of Government Contracts to NEDA.

All such guidelines, rules and regulations shall be subject to the approval of the President of the Philippines.

NEDA may recommend penalties for violations of the provisions of this Executive Order for the approval of the President.

NEDA shall likewise submit, within the same period, a complete list of all Government Contracts required by law to be acted upon and/or approved by the Presidents. For this Purpose, NEDA may request the assistance of all department, bureaus, office or agencies of government, as well as government-owned controlled corporations and their subsidiaries.

Section 15. **Applicability of Existing Laws.** The provisions of the following shall continue to be applicable:

- a. Executive Order No. 292 dated July 26, 1987 or the Revised Administrative Code of 1987;
- b. Presidential Decree No. 1594;
- c. Republic Act No. 6957, as amended by Republic Act No. 7718, and its Implementing Rules and Regulations;
- d. Executive Order No. 301 dated July 26, 1987; and
- e. Executive Order No. 40 dated October 8, 2001 and its Implementing Rules and Regulations.

Section 16. **Repeal and Amendments.** The following orders, issuances, memoranda and other President issuances are hereby repealed:

- a. Executive Order No. 380 dated November 27, 1989;
- b. Executive Order No. 381 dated November 27, 1989;
- c. Executive Order No. 354 dated July 5, 1996;
- d. Administrative Order No. 7 dated March 23, 2001;
- e. Memorandum Circular No. 25 dated February 10, 1999;
- f. Memoranda from the President dated August 25, 1988, September 7, 1998, January 25, 1999, February 5, 1999, February 8, 1999, February 10, 1999, February 23, 1999 and July 12, 1999, all relating to the submission of contracts/agreements on infrastructure and infra-related project worth of P50 Million and above for review by the Office of the President;
- g. Memorandum from the President dated February 8, 2000 on Review of ODA-funded Contracts, and
- h. Memorandum from the President dated June 30, 2000 on the review of contracts disposing government land, whether by lease or sale.

Memorandum Order No. 266 dated November 28, 1989 insofar as it relates to joint venture agreements with private entities is hereby amended accordingly.

All other Presidential directives, issuances, orders, rules and regulations or parts thereof inconsistent with this Executive Order are likewise hereby repealed or modified accordingly.

Section 17. This Executive Order shall take effect immediately upon publication in two (2) newspapers of general circulation.

DONE in the City of Manila, this 27th day of May, in the year of our Lord Two Thousand and Two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **AVELINO J. CRUZ, JR.**
Acting Executive Secretary

Published: Philippine Star, June 7, 2002

PROCLAMATION

MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION NO. 183

REVOKING PROCLAMATION NO. 66, SERIES OF 1999, DECLARING THE LAHAR-AFFECTED RIVERS AND EMBANKMENT AREAS IN THE PROVINCES OF PAMPANGA, TARLAC AND ZAMBALES AS ENVIRONMENTALLY CRITICAL AREAS AND AS MINERAL RESERVATION UNDER THE DIRECT SUPERVISION AND CONTROL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WHEREAS, Proclamation No. 66 dated January 11, 1999, declared the lahar-affected rivers and embankment areas in the provinces of Pampanga, Tarlac, and Zambales as environmentally critical areas as mineral reservation under the direct supervision and control of the Department of Environment and Natural resources.

WHEREAS, the Local Government Code of 1991 mandates that local government units shall have an equitable share derived from the utilization and development of the national wealth within their respective areas, including sharing the same with the inhabitants by way of direct benefits.

WHEREAS, Proclamation No. 66, series of 1999, has virtually deprived the three (3) provinces aforementioned and/or their component cities and municipalities supervision and control over the river systems and embankment areas found within their respective territorial jurisdictions.

WHEREAS, sound governance demands that control and supervision over these river systems and the exploitation and utilization of the sand lahar deposits in the area be returned to the local government units concerned.

NOW, THEREFORE, I GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby revoked Proclamation No. 66 dated January 11, 1999 and hereby set aside the area covered thereby for public and quasipublic purposes under the provisions of Commonwealth Act No. 141, as amended, subject to private rights, if any there be.

The area thus set aside and the disposition of sand and lahar deposits found therein shall be

placed under the direct supervision and control of the local government units where part or parts of the reserve area is/are located.

The Department of Environment and Natural Resources is hereby instructed to issue the necessary guidelines for the implementations of this proclamation, with due regard to the demands of sound environmental management.

This Proclamation shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

DONE in the City of Manila this 23rd day of April, in the year of our Lord, two thousand two.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**

By the President:

(Sgd.) **ALBERTO G. ROMULO**
Executive Secretary

and its future institutionalization into the mainstream of local government units (LGUs).

The members of the MAC-NSP shall include the DENR Undersecretary for Policy and Planning, Department of Interior and Local Government Assistant Secretary for Local Government, Directors of the Environmental Management Bureau, Mines and Geo-sciences Bureau, Lands Management Bureau, and Forest Management Bureau, Presidents of the Leagues of Provinces, Cities, and Municipalities of the Philippines. The MAC-NSP shall be instituted as soon as possible, and for this purpose, an interagency memorandum agreement shall be executed by and between DENR, and the participating agencies defining therein the extent of each parties participation and responsibilities.

A National Support Program Management Office (NSPMO) shall be created under the Office of the Undersecretary for Environment and Natural Resources Legal, Lands and International Affairs to be directly supervised by a program director and assisted by a deputy program director designated by the DENR Secretary as recommended by Undersecretary for Environment and Natural Resources Legal, Lands and International Affairs. The main functions of the NSPMO shall be to manage the implementation of the program and to serve as the secretariat of the MAC-NSP. The expertise of the present staff of the local EPM Project shall be tapped to initially operationalize the NSPMO. Additional staff from different units of the DENR Central Office shall be identified and detailed on a full-time basis to the NSPMO.

At the regional level, the Chiefs of the Regional Planning and Management Division shall be designated as the focal persons for purposes of coordinating the program.

A pool of technical experts shall be created to respond to the required technical assistance and training needs of LGU expansion areas. The experts shall be drawn from the DENR's Foreign-Assisted and Special Projects Office, Planning and Policy Studies Office, regional offices and sectoral bureaus both at the central office and regional levels, and its attached agencies. If deemed necessary, the technical expertise of other government agencies, academe, NGOs, private entities shall be sought, and for this purpose, agreement shall be entered into by and between the Department and the participating agencies".

DENR ADMINISTRATIVE ORDERS

January 03, 2002

DENR ADMINISTRATIVE ORDER NO. 2002-01

SUBJECT: AMENDING SECTION 4 (PROGRAM MANAGEMENT) OF DENR ADMINISTRATIVE ORDER (DAO) NO. 2000-102 ENTITLED "ESTABLISHING THE NATIONAL SUPPORT PROGRAM ON LOCAL ENVIRONMENT AND NATURAL RESOURCES PLANNING AND MANAGEMENT (ENRPM)"

In the interest of the service and pursuant to Executive Order 192 dated July 10, 1987 mandating the DENR to be the primary agency responsible for the conservation, management and development and proper use of the country's environment and natural resources, the following are issued for the guidance of all concerned:

Section 1. Section 4 (Program Management) of DAO 2000-102 is hereby amended to read as:

"The overall direction and management of the NSP shall be lodged with the Undersecretary for Environment and Natural Resources Legal, Lands and International Affairs who shall chair and get advice from a multi-partite body to be known as the Multi-partite Advisory Committee for the NSP (MAC-NSP) on local ENRPM. The MAC-NSP shall also assist in formulating policies to enhance a policy environment for strengthening the ENRPM process

Section 2. Repealing Clause.

Section 4 of DAO 2000 - 102 is hereby repealed and modified accordingly. The remaining provisions of DAO 2000 - 102 shall remain enforced unless revoked.

Section 3. Effectivity.

This order shall take effect immediately.

(Sgd.) **HEHERSON T. ALVAREZ**
Secretary

Recommending approval:

(Sgd.) **GREGORIO V. CABANTAC**
*Undersecretary for Environment and
Natural Resources Legal, Lands and
International Affairs*

January 22, 2002

**DENR ADMINISTRATIVE ORDER
No. 2002-04**

**SUBJECT: RULES AND REGULATION GOVERNING
THE ISSUANCE OF PERMITS FOR
TREASURE HUNTING, SHIPWRECK/
SUNKEN VESSEL RECOVERY AND
DISPOSITION OF RECOVERED TREASURES/
VALUABLE CARGOES, INCLUDING
HOARDED HIDDEN TREASURES**

Pursuant to Section 4(8), Chapter 1, Title XIV, Book IV of the Administrative Code of 1987 and Executive Order No. 35, dated 17 September 2001 entitled, "Transferring the Function of Issuing Licenses or Permits for Treasure Hunting and Shipwreck Recovery from the Office of the President to the Department of Environment and Natural Resources", the following rules and regulations are hereby promulgated for the guidance of all concerned:

SECTION 1. DECLARATION OF POLICY

It is hereby declared to be the policy of the state that the discovery/recovery of hidden treasures, shipwrecks/sunken vessels and/or the valuable cargoes found therein and their disposition shall be undertaken under the full control and supervision of the State in order to ensure the protection of interest of the Government, rehabilitation of disturbed areas and the preservation of important cultural properties and national cultural treasures.

SECTION 2. SCOPE AND COVERAGE

The Administrative Order shall govern the issuance of Permits for the following:

- a. Treasure hunting activities in Government land or private land;
- b. Shipwreck/sunken vessel recovery activities; and
- c. Disposition of recovered hidden treasures or things of value hoarded in secret/undisclosed places prior to the effectivity of these rules and regulations. This includes the transport and/or sale of hoarded gold bars, gold coins, platinum, silver, nickel babbits, jewelries, gemstones, etc., or the so-called "Yamashita Treasures".

This Administrative Order, however, does not cover the issuance of Permits for the discovery/recovery of hidden treasures, shipwrecks/sunken vessels recovery exclusively for materials of cultural and historical values, such as object of arts, archeological artifacts, ecofacts, relics and other materials embodying the cultural and natural heritage of the Filipino nation, as well as those of foreign origin, which shall be governed by Republic Act No. 8492, otherwise known as the National Museum Act of 1998.

SECTION 3. OBJECTIVES

The objectives of this Administrative Order are:

- a. To rationalize the system of evaluation of applications for Treasure Hunting and Shipwreck/Sunken vessel Recovery Permits; and
- b. To provide the appropriate guidelines for hunting the hidden treasures and disposition thereof, including recovery of shipwrecks/sunken vessels and valuable cargoes therein, to protect the interest of the Government and to preserve the cultural heritage of the Filipino people through the preservation and protection of national cultural treasures.

SECTION 4. DEFINITION OF TERMS

As used in and for purposes of these rules and regulations, the following terms shall mean:

- a. **Area Clearance** - refers to a clearance issued by the concerned agency/ies allowing an applicant to conduct treasure hunting or shipwreck/sunken vessel recovery activities as shown in the submitted technical and environmental work programs.
- b. **Artifacts** - refers to articles that are products of human skills or workmanship, especially in the simple product of primitive arts or industry representing past eras or periods.
- c. **Bureau** - refers to the Mines and Geosciences Bureau.
- d. **Department** - refers to the Department of Environment and Natural Resources of the Republic of the Philippines.
- e. **Digging** - refers to the process or activities of excavating hidden treasures buried underground for years or centuries.
- f. **Director** - means the Director of the Mines and Geosciences bureau.
- g. **Environmental Compliance Certificate** - refers to a document issued by the Secretary or the concerned Regional

- Executive Director of the Department of Environment and Natural Resources certifying that based on the representation of the proponent and the preparer, the proposed project or undertaking will not cause significant negative environmental impact and that the proponent is committed to undertake all the mitigation measures stated in the Initial Environment Examination.
- h. **Environmental Impact Assessment** - refers to a process of predicting the likely environmental consequences of implementing a project or undertaking and designing appropriate preventive, mitigating and enhancement measures.
 - i. **Environmental Work Program** - refers to a comprehensive and strategic management plan to achieve the environmental objectives, criteria and commitments including protection and rehabilitation of the disturbed environment during and after the treasure hunting or shipwreck/sunken vessel recovery.
 - j. **Hidden Treasures** - refers to any hidden and unknown deposit of mineral products, money, jewelry, or other precious object, the lawful ownership of which does not appear.
 - k. **Initial Environment Impact Examination (IEE)** - refers to the document required of proponents describing the environmental impact of and mitigation and enhancement measures for projects or undertakings located in an Environmentally Critical Area.
 - l. **Permit** - refers to the Permit issued for Treasure Hunting or Shipwreck/Sunken Vessel Recovery.
 - m. **Permit Holder** - refers to a holder of a Permit for Treasure Hunting or Shipwreck Recovery.
 - n. **Private Land** - refers to the titled land belonging to any private person or entity which includes alienable and disposable land being claimed by a holder, claimant or occupant who has already acquired a vested right thereto under the law, although the corresponding certificate or evidence of title or patent has not been actually issued.
 - o. **Relics** - refers to objects possessing cultural properties which, either as a whole or in fragments, are left behind after the destruction or decay of the rest of its part and which are intimately associated with important beliefs, practices, customs and traditions, periods and personages.
 - p. **Secretary** - refers to the Secretary of the Department of Environment and Natural Resources.
 - q. **Shipwreck** - refers to a sunken vessel due to acts of war or of rough sea conditions or maritime accident which possesses treasures and valuable cargoes.
 - r. **Shipwreck Recovery** - involves any and all underwater activities such as but not limited to surveying, locating and exploring, salvaging and recovery of sunken vessels and all cargoes and other valuable items therein, including the process of securing, preservation, documentation and disposition of the salvaged or recovered valuables.
 - s. **Technical Work Program** - refers to a detailed outline of activities and financial plan to be followed in the treasure hunting or shipwreck/sunken vessels recovery.
 - t. **Treasure Hunting** - refers to any and all inland activities such as but not limited to locating, digging or excavating, securing, transporting and disposition of recovered treasures.
 - u. **Site** - refers to the actual ground location of diggings, excavations or shipwreck/sunken vessel recovery activities.

Section 5. Qualification of Applicants

The following persons may apply for a Treasure Hunting or Shipwreck/Sunken Vessel Recovery Permit:

- a. In case of an individual - must be a Filipino citizen, of legal age, with capacity to enter into contract and capable of conducting Treasure Hunting or Shipwreck/Sunken Vessel Recovery activities.
- b. In case of partnership, association or corporation - must be organized or authorized for the purpose of engaging in Treasure Hunting or Shipwreck/Sunken Vessel Recovery, duly registered in accordance with law, and with technical and financial capability to undertake Treasure Hunting or Shipwreck/Sunken Vessel Recovery activities.

Section 6. Filling of Application

All applications for Treasure Hunting or Shipwreck/Sunken Vessel Recovery Permit shall be made under oath and shall be filed with the Bureau where all legal, technical, financial and operational requirements shall be evaluated. An application fee in the amount of Ten Thousand Pesos (PhP 10,000.00) shall be paid to the Bureau.

Section 7. Requirements

All applications shall be accompanied by the following:

a. Legal and Administrative

1. Prescribed Personal and/or Corporate Information Sheet;
2. For partnerships, associations or corporations:
 - 2.1 Certified true copy of Certificate of Registration issued by the Securities and Exchange Commission (SEC) or concerned authorized Government agency;
 - 2.2 Certified true copy of Articles of Incorporation/Partnership/Association and By-laws; and
 - 2.3 Organizational and Operational Structure.
3. Consent of landowner(s) concerned, when the activities are bound to affect private lands or consent of the concerned Government agency, when the activities affect Government buildings, dams, watersheds and other areas or sites reserved or used for purposes affecting vital national interest, military or naval camps, bases and reservations, shrines and other hallowed places; or consent of concessionaires when the permit area affects aquaculture or fishery projects or beach/marine recreational areas, if applicable;
4. Area Clearance from concerned Government Agency, when the activities affect public land or if the area applied for is located near submarine cables, pipelines, ports and harbors, or within protected seascape/areas or marine parks, if applicable;
5. Certified true copy of Joint Venture Agreement(s), if any; and
6. Free and prior informed consent of indigenous cultural community in areas covered by ancestral land/domain.

b. Technical

1. Technical description of the site expressed in terms of latitude and longitude, which shall not be more than one (1) hectare of land or twenty (20) hectares for bodies of water accompanied by a vicinity and location map duly prepared and certified by a licensed Geodetic Engineer: *Provided,*

That a larger area may be allowed on a case to case basis subject to prior approval by the Secretary;

2. Technical Work Program, including appropriate technology, manpower, equipment and cost estimates;
3. Environmental Work Program, including the nature and extent of predicted damages to the environment, if any, and the proposed restoration/rehabilitation program and budgetary requirements. This shall be the basis for the assessment of the required surety bond for the restoration/rehabilitation works;
4. ECG, if applicable; and
5. Curriculum vitae of technical person/s who shall undertake the Technical and Environmental Work Programs.

c. Financial

1. Latest income/corporate tax return, if applicable;
2. Certified true copies of latest audited financial statement, if applicable; and
3. Bank guarantees/references, credit lines, cash deposits, and other proofs or evidence of the sources of funding.

Section 8. Evaluation and Approval

Within (30) working days upon payment of a non-refundable application fee and submission of the complete requirements to the Bureau, the application shall be processed and evaluated by the Technical Review Committee, the members of which shall be constituted by the Director.

The Technical Review Committee shall assist the Director on the following:

- a. Plotting of area applied for in control map(s);
- b. Evaluation and review of application;
- c. Determination of the amount of surety bond to be posted;
- d. Monitoring of compliance with the permitting terms and conditions;
- e. Recommendation of any measure in connection with authorized activities; and
- f. Preparation of progress report on the said activities.

If necessary, the evaluation shall include a field assessment/verification of the location, public or private structures that may be affected based on the submitted Technical and Environmental Work Programs. The corresponding field verification fee

of Two Thousand (PhP 2,00.00) per man per day shall be paid by the applicant.

The Director shall endorse the results of the Technical evaluation of the application to the Secretary for consideration and approval, including the recommendation for the amount of surely bond to be posted by the Applicant.

After the approval, the Permit shall be forwarded to the Bureau for numbering and releasing.

Section 9. Posting of Bond Releasing of Permit

A surety bond shall be posted by the Applicant upon approval but before the release of the Permit, to answer for and guarantee payment to whatever actual damages that may be incurred during locating, digging and excavating activities. The Applicant shall post the bond in the Government Service Insurance System (GSIS) or any reputable bonding company in case of the former's failure to provide the same. The proof of posting of the surely bond shall then be submitted to the Bureau, prior to numbering and release of the Permit to the Applicant.

Section 10. Term of the Permit

The Permit shall have a term of one (1) year renewable once for a period of one (1) year.

In case exploration is required for Shipwreck/Sunken Vessel Recovery with an applied area of more than twenty (20) hectares, the Permit shall have a term of two (2) years. The first year thereof shall be allotted for exploration while the second year shall be allotted for the Shipwreck/Sunken Vessel Recovery activities: *Provided*, That the area for the Shipwreck/Sunken Vessel Recovery activities shall be reduced to not more than twenty (20) hectares after the first year of exploration.

Section 11. Terms and Conditions of the permit

The Permit shall contain the following terms and conditions:

- a. The Permit for Treasure Hunting and/or Shipwreck/Sunken Vessel Recovery shall be for the exclusive use and benefit of the Permit Holder and shall not be transferred or assigned.
- b. The Permit Area may be inspected and examined any time by the Secretary or his authorized representative(s). Other concerned agencies may also undertake inspection in the Permit Area in coordination with the Department/Bureau.
- c. The boundaries of the Permit Area for Shipwreck/Sunken Vessel Recovery shall be properly marked with buoys or beacons

visible at reasonable distance to prevent maritime accident.

- d. The Permit Holder shall commence its activities within three (3) months from the issuance of the Permit.
- e. The Permit Holder shall not destroy any building or structure erected on the Permit Area without the consent of the owner.
- f. The Permit holder shall submit a quarterly activity report detailing thereon the accomplishment/progress of work as per submitted and approved Technical Work and Environmental Work Programs not later than ten (10) days after the end of each quarter.
- g. The Permit Holder shall immediately notify the Department/Bureau within twenty-four (24) hours upon discovery of valuable items in the area applied for.
- h. The Permit Holder shall assume full responsibility and be liable for damages that may be occasioned by its operation under the Permit.
- i. Upon the recommendation of the Director, the Secretary may at any time suspend or revoke the Permit when in his opinion, public interest so requires or upon failure of the Permit Holder to comply with the terms and conditions thereof or of relevant laws, rules and regulations and local ordinances without any responsibility on the part of the Government as to the expenditures that might have been incurred or as to other damages that might have been suffered by the Permit Holder.
- j. The Permit Holder shall conform to applicable laws, rules and regulations.
- k. Withdrawal by the Permit Holder from the Permit Area shall not release it from any and all financial, environmental, legal and/or other obligations.
- l. The Permit Holder shall comply with any additional terms and conditions which the Secretary or Director may impose, or requirements that the Department or Bureau may thereafter prescribe.

Section 12. Valuation and Disposition of Recovered Treasure/Valuable Cargoes

Upon discovery of valuable items such as monies, things and article of value, resulting from Treasure Hunting and Shipwreck/Sunken Vessel Recovery activities, the National Museum shall be called upon to determine whether or not they are considered to have cultural and/or historical value. In the event that the items are considered to have

historical and cultural value, it shall be turned over to the National Museum for appropriate action. Otherwise, the same be turned over to the Oversight Committee for valuation and disposition.

All treasures found shall be allowed for export only upon the approval of the National Heritage Commission and other concerned Government agencies.

Section 13. Oversight Committee

An Oversight Committee shall be created within thirty (30) days from the date of effectivity of these rules and regulations to oversee all the diggings, excavations and/or shipwreck recoveries; and to take possession for valuation and eventual disposition of all monies, things and articles of value without historical and cultural values. The Committee shall be composed of the Secretary or his duly authorized representative as the Chairperson; technical personnel from the MGB, National Museum, Central Bank and the Permit Holder or his representative as members. A representative from the Philippine Coast Guard will be added as a member of the Oversight Committee if the activity involves Shipwreck/Sunken Vessel Recovery.

Section 14. Sharing

After an audited report of expenses has been evaluated and approved by the Oversight Committee, the sharing of the net proceeds shall be as follows:

- a. For Treasure Hunting within Public Lands - Seventy-five percent (75%) to the Government and twenty-five (25%) to the Permit Holder;
- b. For Treasure Hunting in Private Lands - to be agreed upon among the Government, Permit Holder and Landowner(s); and
- c. For Shipwreck/Sunken Vessel Recovery - Fifty percent (50%) to the Government and Fifty percent (50%) to the Permit Holder.

Section 15. Government Rights

All intellectual property rights arising from the documentation or recording of the discovery; recovery and other such activities pertaining to Treasure Hunting and/or Shipwreck Recovery by means of still photography, film, video or other forms of electronic media, publication of the images generated thereby and other forms of reproduction or dissemination of the same, belong to the Government and shall be governed by appropriate laws.

Section 16. Confidentiality of Information

All information submitted by the applicants in support of their applications and other data supplied by the Permit Holder shall be treated as confidential by the Government from the time they

are submitted/supplied to the Bureau, Department and/or Oversight Committee up to a period of two (2) years from the expiration of the Permit.

Section 17. Penal Provision

Any violation on the provisions of these rules and regulation shall be penalized in accordance with existing applicable laws, rules and regulations.

Section 18. Transitory and Miscellaneous Provisions

All existing Treasure Hunting and Shipwreck/Sunken Vessel Recovery Permits previously issued by the Office of the President of the Secretary shall remain valid, shall not be impaired and shall be recognized by the Government: *Provided*, That all pending new and renewal applications shall be endorsed to the Bureau for processing, evaluation and approval by the Secretary.

Section 19. Separability Clause

If any provision of these rules and regulations is held or declared to be unconstitutional or invalid by a competent court, the other provisions hereof shall continue to be in force as if the provision so annulled or voided had never been incorporated in these rules and regulations.

Section 20. Repealing and Amending Clause

This Administrative Order amends and/or revokes other orders, rules and regulations inconsistent herewith.

Section 21. Effectivity

This Administrative Order shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation and fifteen days after registration with the Office of the National Administrative Register.

(Sgd.) **HEHERSON T. ALVAREZ**
Secretary

February 11, 2002

DENR Administrative Order No. 2002-07

SUBJECT: **ESTABLISHMENT OF PENR OFFICE IN
IPIL, ZAMBOAGA SIBUGAY PROVINCE**

Pursuant to the **Republic Act No. 8973** approved on November 7, 2000, "*an act creating the Province of Zamboaga Sibugay from the Province of Zamboanga del Sur and for other purposes*" and **Executive Order No. 36**, dated September 19, 2001, from the president Gloria Macapagal Arroyo, "*Providing for the Reorganization of the Administrative Regions in*

Mindanao and other purposes", a PENR Office for the said province is hereby created and established at Ipil, the center for Zamboanga Sibugay Province.

OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR

The Regional Executive Director shall be responsible in the direct supervision and Management of the PENRO, Zamboanga Sibugay Province, which is under the administrative jurisdiction of DENR IX. He shall likewise, promulgate the guidelines in the smooth and efficient transfer of records, personnel, properties and other accountabilities for the operationalization of PENRO Office at Ipil, Zamboanga Sibugay Province

PENR OFFICE

The PENR Office shall have direct supervision and management on two (2) CENR Offices, namely Buug and Ipil, and all municipalities covered by the said CENRO's thereat.

CENR OFFICE ISABELA CITY (Basilan Province)

CENR Office for Isabela City shall remain being excluded in the recent expanded ARMM plebiscite. CENRO Isabela City shall have jurisdiction over all the barangays of the city and shall be directly supervised by the Regional Executive Director of Region IX.

All orders, memorandum, and circular inconsistent herewith are hereby repealed and/or amended accordingly.

This Order shall take effect immediately.

(Sgd.) **HEHERSONT. ALVAREZ**
Secretary

February 20, 2002

DENR Administrative Order NO. 2002-08

SUBJECT: STRENGTHENING THE COASTAL ENVIRONMENT PROGRAM (CEP) THROUGH THE ESTABLISHMENT OF THE COASTAL AND MARINE MANAGEMENT OFFICE (CMMO) AS THE NATIONAL COORDINATING OFFICE FOR ALL COASTAL AND MARINE ENVIRONMENT ACTIVITIES.

Pursuant to Executive Order (EO) No. 192, and consistent with the on-going Department of Environment and Natural Resources (DENR) organizational development, the Department, by virtue of its mandate and in fulfillment of the objectives set forth in the Constitution; in accordance with the objectives set forth in Chapter 17 of the Agenda 21 of the United Nations Conference for Environment and Development

(UNCED) and relevant sections of the Philippine Agenda 21 (PA-21), and of such other international protocols and treaties to which the Philippines is a signatory including but not limited to the United Nations Conventions on the Law of the Sea (UNCLOS) and the Marine Pollution Convention (MARPOL); and in order to provide policy guidance and technical assistance and support the information needs for coastal resource management (CRM), a Coastal and Marine Management Office (CMMO) is hereby established as an interim administrative arrangement to ensure the efficiency and effectiveness of the Department in the delivery of services pending approval of congressional initiatives to strengthen the national government's programs in coastal management.

SECTION 1. RATIONALE.

The challenge of sustainable development of the coastal and marine environment parallels that of terrestrial resource management in the critical need to achieve a balance between economic development and the protection of the environment. The expanding use of coastal and marine resources and the conflict between many of these uses have made it difficult to coordinate coastal and marine related activities. This calls for the adoption of coastal and marine environment strategies, which are integrated, cross-sectoral and holistic in nature. The creation of the CMMO is an action of Department to strengthen and consolidate its role in coastal resources management both internally and externally. The Department has implemented coastal programs and projects over a decade in the form of grants, investments, and regular programs ranging from watershed management systems, pollution prevention and abatement, biodiversity conservation, private sector investment, and community-based approaches. This broad arena of concerns in the coastal sector will become more complex in the long run thus making it imperative for the Department to strengthen its organizational capacity to maintain sustainable development in the coastal areas. This will necessitate not only collaborative efforts between and among government agencies but also strengthening and building coordinative mechanisms that will support and advance coastal and marine related policies and programs. Externally, the CMMO shall enable the Department to assume the leadership function in coastal and marine management by setting a national framework for coastal management and providing supportive role to the Local Government Units (LGUs) in the implementation of programs and projects.

SECTION 2. BASIC POLICY.

It is the policy of the Department to exert maximum effort to implement the spirit and letter of the Constitution and of laws defining its mandate related to pursuing the objectives of EO No.192; the Philippine Fisheries Code (RA 8550); Joint DA-DENR Memorandum Order No. 2000-1,

which defines areas of collaboration with the Department of Agriculture (DA) in the implementation of the Philippine Fisheries Code; the Agricultural and Fisheries Modernization Act (RA 8435) which mandates the Department, in collaboration with the DA to provide training in coastal resources management and sustainable fishing practices; and the Local Government Code (RA 7160), which provides for general guidelines in maintaining ecological balance for LGUs.

The Department upholds internationally accepted principles on integrated coastal and marine management. First, the precautionary approach shall be used in the management of the coastal and marine resources. Second, a broad spectrum of the stakeholders shall be involved in all stages of coastal and marine environment management planning. Third, the Department firmly supports the devolution of coastal management functions as provided by law and shall continuously assess which of its activities are best implemented by LGUs. Fourth, The Department shall support multi-sectoral and multi-institutional collaboration and cooperation that is intrinsic to coastal and marine environment management. Fifth, the maintenance of healthy and productive coastal and marine ecosystems shall be regarded as fundamental to the management of these areas. Lastly, coastal and marine resources shall be allocated to uses that provide long-term socio-economic benefits compatible with the maintenance of sustainable ecosystem.

SECTION 3. SCOPE AND COVERAGE.

The CMMO shall coordinate and integrate all activities of the Department on coastal and marine environment. It shall be responsible for the formulation of policies; coordination and integration of the development and implementation of coastal programs and projects; and establishment and maintenance of coastal and marine information management system.

SECTION 4. ORGANIZATIONAL STRUCTURE.

The CMMO shall be headed by an Executive Director and Deputy Executive Director, both appointed by the Secretary. The Executive Director shall report directly to the Secretary.

The CMMO shall be composed of three (3) units, namely: 1) Planning and Policy Development (PPD); 2) Information Education and Communication (IEC); and 3) Information Management (IM). (See Annex A organizational chart of the CMMO)

There shall be a Coastal and Marine Management Division (CMMD) and Coastal and Marine Management Section (CMMS) at the regional and CENR offices, respectively, where there are coastal areas.

SECTION 5. FUNCTIONS AND RESPONSIBILITIES.

The CMMO shall be the national coordinating office of the Department for coastal and marine resource environment management and development. It shall enhance local government capacity for coastal and marine resource management.

The following are the functions and responsibilities of the CMMO, the Executive Director, and the three (3) units in the CMMO head office.

The Coastal and Marine Management Office shall:

1. Formulate and oversee the implementation of a national coastal and marine environment management framework;
2. Provide overall policy guidance to the Department on matters pertaining to a) coastal and marine environment management including the review of standards and policies; b) identification and establishment of mechanisms for adoption of best practices for coastal and marine environment management; and c) monitoring of compliance to international commitments and local development plans;
3. Provide technical assistance to other government agencies (OGAs), LGUs, non-government organizations (NGOs) and other parties in the implementation of programs and projects and in the conduct of trainings/workshops/seminars on matters related to coastal and marine environment;
4. Develop and supervise an information management system for coastal and marine environment;
5. Disseminate information materials pertaining to coastal and marine environment and regularly hold social marketing and advocacy events such as, but not limited to "Month of the Ocean" and "International Coastal Clean-up" celebrations;
6. Coordinate all DENR programs and projects related to coastal and marine environment including, but not limited to the following:
 - a. Coastal Resources Management Project (CRMP) of the Natural Resources Management Program (NRMP);
 - b. Southern Mindanao Integrated Coastal Zone Management Project (SMICZMP);
 - c. Partnership in Environmental Management for the Seas of East Asia (PEMSEA) and the Manila Bay Environmental Management Project (MBEMP);
 - d. USAID-Assisted Ecogovernance Program (Coastal Component); and

- e. All other DENR national and site-specific coastal and marine management and development programs and projects.
- 7. Coordinate with the DA-Bureau of Fisheries and Aquatic Resources (DA-BFAR), other government agencies (OGAs), NGOs, business/private sectors and the academe on matters pertaining to coastal and marine environment;
- 8. Assist the Ecosystems Research and Development Bureau (ERDB) in developing a research agenda on coastal and marine environment issues; and
- 9. Perform other related functions as deemed appropriate by the Secretary.

The Executive Director shall:

- 1. Supervise and coordinate all the tasks of the CMMO;
- 2. Coordinate with the REDs/AREDS through the Undersecretary for Environment and Natural Resources for Operations with respect to programs and activities implemented at the regional level; and
- 3. Perform other functions as deemed appropriate by the Secretary.

The three (3) units of the CMMO shall:

A. Planning and Policy Development (PPD) Unit

- 1. Planning and Policy Research
 - a. Formulate development plans for coastal and marine environment;
 - b. Review standards and benchmarks related to coastal and marine environment including small islands, foreshore, marine protected areas and seascapes;
 - c. Conduct policy research related to coastal and marine environment;
 - d. Identify responsibilities and commitments in relation to international conventions, treaties and protocols, and recommend official position on issues concerning coastal and marine environment;
 - e. Review and recommend revision of coastal and marine policies;
 - f. Ensure funding of CMMO national, regional, and local offices; and
 - g. Perform other related planning and policy research activities.
- 2. Project Development, Monitoring and Evaluation (PDME)
 - a. Design of specific projects for local and foreign funding;
 - b. Monitor and evaluate programs and projects based on formulated guidelines;

- c. Documents field experience/lessons learned and recommend best practices (local and international experiences); and
- d. Perform other related functions/activities.

B. Information, Education and Communication (IEC) Unit

- 1. Technical, Education and Capability Building
 - a. Identify requirements for capacity building;
 - b. Develop and conduct relevant training programs on coastal and marine environment to CMMO field offices; and
 - c. Facilitate technology transfer on matters related to coastal and marine environment to CMMO field offices; and
 - d. Perform other functions/activities.
- 2. Public Affairs
 - a. Develop information kits and other communication materials related to coastal and marine environment;
 - b. Issue press statements and handle media relations;
 - c. Develop and disseminate policy documents and guidebooks particularly Philippine Coastal Management Guidebook Series;
 - d. Spearhead activities for socio-civic action such as "Month of the Ocean", "International Coastal Clean-up" celebrations and other related coastal activities;
 - e. Coordinate with the LGUs and other agencies for advocacy and for awards/recognition; and
 - f. Perform other related functions/activities.

C. Information Management Unit

- 1. Establish and maintain database on coastal and marine environment;
- 2. Establish linkage with other information networks (local and international); and
- 3. Perform other related functions/activities.

SECTION 6. COASTAL AND MARINE MANAGEMENT DIVISION.

A Coastal and Marine Management Division (CMMD) is hereby created in all Regional Environment and Natural Resources Offices (RENROs) except Cordillera Administrative Region (CAR), under the Office of the Assistance Regional Executive Director (ARED) for Technical Services. It shall be headed by a Division Chief to be appointed by the Secretary. In the interim, the OIC Division Chief shall be designated by the Secretary upon the recommendation of the Regional Executive Director (RED).

The CMMD shall have the following functions and responsibilities:

1. Prepare action programs and implementation strategies on coastal and marine environment;
2. Supervise and monitor the progress of all coastal and marine environment programs and projects;
3. Provide technical assistance to LGUs, NGOs and POs in program and project conceptualization/implementation, including sourcing of funds and other resources;
4. Coordinate with LGUs and other concerned sectors and agencies in the creation of task forces on coastal and marine environment;
5. Provide technical assistance and maintain pool of experts for Coastal and Marine Management Section (CMMS), LGUs, POs and all clientele;
6. Assist the RED/ARED on technical matters, and in linking/networking with other agencies and the private sector including regional representation in inter-agency task forces, councils/committees;
7. Conduct information and education campaign;
8. Compile and consolidate reports from CMMS before submission to the CMMO national office; and
9. Perform other related functions/activities.

SECTION 7. COASTAL AND MARINE MANAGEMENT SECTION.

A Coastal and Marine Management Section (CMMS) in all Community Environment and Natural Resources Offices (CENROs) with coastal areas is hereby created. It shall be headed by a Section Head to be designated by the RED upon the recommendation of the Provincial Environment and Natural Resources Officer (PENRO). The Section Head shall supervise the implementation of all programs and projects on coastal and marine environment (See Annex B).

In provinces with coastal areas where the PENRO is the smallest unit, a CMMS shall likewise be created in the said office.

The PENRO shall monitor and coordinate the CMM activities at the provincial level.

In the case of the National Capital Region (NCR), the functions of the CMMS shall be integrated in the CMMD.

The CMMS shall have the following functions and activities:

A. Planning and Project Implementation Unit

1. Assist the LGU in the preparation of coastal and marine environment profile, plans and formulation of local legislation/ordinances;
2. Implement coastal and marine environment projects in the localities;
3. Assist in the formulation of small island physical framework plan;

4. Establishment and monitoring of marine sanctuaries in coordination with LGUs and concerned agencies/NGOs;
5. Coordinate with concerned agencies and other sectors on coastal and marine activities;
6. Maintain coastal and marine database and compile related studies; and
7. Perform other related functions/activities.

B. Policy Compliance Unit

1. Monitor the compliance of coastal and marine laws and regulations (national and local), and recommend appropriate measures (police, prosecution, etc.) on any violation;
2. Recommend abandoned, unutilized, undeveloped fishponds in the public domain for reversion to mangrove forest in collaboration with DA-BFAR and LGUs;
3. Monitor the compliance of community-based forest management agreement (CBFMA) in mangrove areas and foreshore lease agreement;
4. Monitor the deputation of ENR Officers; and
5. Perform other related functions/activities.

C. IEC and Linkaging Unit

1. Conduct/assist LGUs in information, education campaigns on coastal and marine environment programs;
2. Disseminate relevant laws, rules and regulations to LGUs, NGOs and other stakeholders; and
3. Maintain a network of interested NGAs, NGOs, private sector and the academe experts for coastal and marine environment protection and conservation.

SECTION 8. COORDINATING MECHANISM.

The existing offices of the Department are required to provide support to the CMMO in the following areas;

1. For the Office of the Undersecretary for Environment and Natural Resources (ENR) for Operations to ensure that the Key Result Areas (KRAs) of the field offices reflect the targets and performance indicators relevant to coastal management as determined in consultation with the CMMO and that the policies and implementation activities of the Environmental Management Bureau (EMB) and the Mines and Geosciences Bureau (MGB) are consistent with and supportive of the mandate of the CMMO;
2. For the Office of the Undersecretary for Policy and Planning to ensure that appropriate policy support is provided to the CMMO by way of policy review and promulgation of issuances and directives in the areas of, but not limited to, mangrove management and protected seascapes as exercised by Forest Management Bureau (FMB) and Protected Areas and Wildlife Bureau (PAWB), respectively;

3. For the Office of the undersecretary for ENR Legal and Legislative Affairs to monitor and liaise with Congress on pending bills related to coastal and marine resources management; and through the Land Management Bureau (LMB), coordinate with CMMO on the formulation of policies on foreshore management;
4. For the Office of the Undersecretary for Special Concerns (Focal Point or National Coordinator for Certain Commissions) to coordinate with the CMMO on matters relevant to coastal management such as, but not limited to, Lingayen Gulf Coastal Area Management Commission (LGCAMC) and the Presidential Commission on Integrated Conservation and Development of the Sulu-Celebes Seas (PCICDSCS);
5. For the Office of the Assistant Secretary for Finance and Management Services to provide the necessary financial and logistical support to the CMMO including but not limited to budgetary allocation, personnel complement, and office space, supplies and equipment; and
6. For the Foreign Assisted and Special Project Office (FASPO) to assist the CMMO in the determination of investment/financing gaps and opportunities for local and international funding.

SECTION 9. TRANSITORY PROVISION.

The Coastal Environment Program Coordinating Office (CEPCO) shall serve as the core unit of the CMMO. The officials and staff working in the CEP in central and local offices will be temporarily designated to staff the newly created offices. Likewise, the CEP budget and equipment shall be turned-over to the said offices. The RED shall designate DENR personnel to temporarily staff the CMMD and CMMS offices until qualified personnel have been recruited/appointed as provided in Annexes C and D.

The new position items for the above offices shall be created out of the vacant position items in the concerned offices, upon the approval of the Department of Budget and Management (reclassification of position items). The designated CMMO Executive Director shall prepare a one-year (1) plan for the full operationalization of the CMMO within ninety (90) days upon the signing of this Order. The CMMO shall use available and existing resources of the CEP, CRMPPMO and other coastal related programs and projects for the full operationalization of the CMMO.

SECTION 10. REPEALING CLAUSE. DAO 19, s. 1993 Section 5(i), (k) and (l) of DAO 2001-29 and all other orders, circulars, official instructions or parts thereof inconsistent with the provisions of this Order are hereby repealed.

SECTION 11. EFFECTIVITY.

This Order shall take effect immediately.

(Sgd.) **HEHERSON T. ALVAREZ**
Secretary

DENR MEMORANDUM CIRCULARS

January 23, 2002

**DENR MEMORANDUM CIRCULAR
NO.2002-01**

SUBJECT: INITIAL DESIGNATION OF AIRSHED FOR METRO MANILA

Pursuant to Section 9 of the Philippine Clean Air Act of 1999 (RA 8749) and Sections 1 to 11, Rule XIV, Part V of the Implementing Rules and Regulations (DENR Administrative Order 2000-81) the following areas are hereby and initially designated part of Metro Manila airshed:

Region III

Province of Pampanga to include the municipalities/cities of Mabalacat, Balibago, Angeles City, San Fernando City, San Simon, Apalit, Sta.Rita, Bacolor, Lubao, Guagua, Sasmooan, Prado and San Roque.

Province of Bulacan to include the municipalities/city of Calumpit, Malolos, Balagtas, Marilao, Meycauayan, Sta. Maria, Angat, Baliuag, San Rafael, Norzagaray, San Jose Del Monte City, and Muzon;

Province of Bataan to include the municipalities/city of Hermosa, Orani, Samal, Abucay, Balanga, Pilar, Orion, Limay and Mariveles.

National Capital Region

The National Capital Region to include the municipalities/cities of Valenzuela, Navotas, Malabon, Manila, Mandaluyong, Makati, San Juan, Pasig, Marikina, Quezon City, Caloocan, Muntinlupa, Las Piñas, Parañaque, Pasay, Taguig and Pateros;

Region IV-A

Province of Rizal to include the municipalities/city of Taytay, Angono, Cainta, San Mateo, Montalban, and Antipolo City;

Province of Cavite to include the municipalities/cities of Kawit, Cavite City, Bacoor, Imus, Noveleta, Tanza, General Trias, Naic, Ternate, Maragondon, Magallanes, Indang, Alfonso, Dasmariñas, Carmona, and Trece Martirez City;

Province of Laguna to include the municipalities of San Pedro, Sta. Rosa, Cabuyao, Canlubang, Calamba, and Los Baños;

Province of Batangas to include the municipalities/cities of Sto. Tomas, Tanauan, Malvar, Lipa City, Batangas City, Cuenca, San Jose, Bauan, San Pascual, Nasugbu, and Lian.

This designation is based on the criteria set forth under DAO 2000-81 and Article II, Section 1.02 (c) of the Metro Manila Air Quality Improvement Sector Development Program Loan Agreement having the same or almost similar topography (i.e. few meters difference in elevation), physical development (i.e. urbanization, industrialization, activities etc.), affected by a common meteorological condition (i.e. wind velocity, wind speed, temperature), and results of ambient air monitoring (per baseline air quality data).

Further, pursuant to Section 12, Rule XV, Part V of the DAO 2000-81, the airshed shall be re-designated upon consultation with appropriate local government authorities, the Secretary of the Department, upon recommendation of the Bureau shall, from time to time, review, revise, amend and/or expand the designation utilizing eco-profiling, approved air monitoring techniques, validation and scientific studies.

The Circular takes effect immediately and shall remain enforced unless repealed or revoked in writing.

(Sgd.) **HEHERSON T. ALVAREZ**
Secretary

June 19, 2002

**DENR MEMORANDUM CIRCULAR
NO. 2002-03
Series of 2002**

**SUBJECT: Interim Guidelines for the Designation
of an Airshed**

Pursuant to Section 8 (f) and 9 of Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999 (the "Act") and Sections 2 and 3, Rule XV of Department Administrative Order ("DAO") No.2002-81, the following interim guidelines in the designation of airsheds are hereby promulgated.

Section 1. Basic Policy

It is the policy of the State to formulate a holistic national program of air pollution management that shall be implemented by the government through proper delegation and effective coordination of functions and activities. To achieve said policy, airsheds are to be designated as part of the air quality control action plan mandated under the Act and consistent with the Integrated Air Quality Improvement Framework.

Section 2. Objectives

The objectives of these guidelines are the following:

1. to subdivide the national ambient air into manageable subsets and recognize broader public participation in the management thereof;
2. to allow various meteorological conditions for the prediction of air quality and bring source emissions into compliance with the standards;
3. to recognize geo-political implementation requirements for national attainment of air quality targets and goals by complying with the national ambient air quality guideline values or the protection of public, health, safety and welfare;
4. to recognize regional differences in terms of public needs and standards such as bubble standards and programmatic compliance and;
5. to complement and support the proposed land use regulations of the country.

Section 3. Definition of Terms

- (a) Department - refers to the Department of Environment and Natural Resources.
- (b) Bureau - refers to the Central office of the Environmental Management Bureau and its Regional Offices under the Department.
- (c) Major sources - refer to air pollution source equipment that emit equal to or more than 100 tons of pollutant per year.
- (d) Urban areas - refer to areas with populations equal to or greater than 200,000 and having at least P50 million annual income.
- (e) Area sources - refer to sources of emission which, in themselves do not emit significant air pollutants, but when considered collectively with other similar

sources become significant. Paint processing and residential combustion are example of area sources.

Section 4. Criteria for the Designation of Airshed

4.1 General Requirements

The following information/documents shall be used as reference in the designation of airshed:

- a) Meteorology data (wind speed and direction) of the area or areas under consideration;
- b) NAMRIA - generated topographic maps; or GIS, if available; and
- c) Population distribution.

4.2 Other Data Requirements

If available, the following additional data/document shall also be referred to in the determination and designation of an airshed:

- a) Land - use map;
- b) Major sources of emission, point and non- point, or emission inventory; and
- c) Air quality data, if available.

4.3 Screening Procedures for the Identification of an Airshed

The screening procedures shall be applied by the Bureau for purposes of designating an airshed, as required by section 9 of RA 8749, in areas without, or those with incomplete air quality data.

- a) Using a NAMRIA- generated topographic map or land - use map, divide the areas which have similar geographic features and sharing common boundaries such as those which are bounded by mountain ranges or similar features that may affect dispersion, movement, or diffusion of atmosphere pollutants;
- b) Meteorological data (wind speed and direction) or wind rose shall be used to determine areas which have similar characteristics or profiles that affect dispersion, movement or diffusions of atmospheric pollutants.
- c) Hotspots areas or areas that may possibly be affected by highly irregular or occasional events. This may include but not limited to special economic zones, industrial parks, highly urbanized cities or municipalities, geothermal explorations and reservations, or other economic

activities, which in the opinion of the Bureau may significantly affect air quality in that particular area.

- d) An area with a total population of at least one (1) million people [Ref.: Appendix 4, Title 17, California Code of Regulations, Section 7033000-70306]
- e) If available, the total annual emission in any of the following shall be considered:
 - i) Total annual NOx emissions of 40,000 tons per year
 - ii) Total annual SOx emission of 19,000 tons per year
 - iii) Maximum annual Lead emission of 0.5 ton per year

[Ref.: Appendix 4, Title 17, California Code Regulation, Section 703000-70306]

- f) Data profiles from items (a) to (d) shall be evaluated to assess and determine the boundaries or limits of an airshed. However, if the Bureau finds that there are areas with distinctly different air quality deriving from sources and conditions not affecting airsheds, the Bureau may designate, identify or determine a smaller airshed using political boundary lines to the extent practicable.
- g) Other information such as emission inventories or air quality data are Additional determining factors in the boundaries or limits of the airshed, provided that representative data are available.

Section 5. Responsible Agencies

Pursuant to Section 9 of RA 8749, the Department through the Bureau shall be mainly responsible for the designation of airshed. Local government units shall be consulted by the Department, as necessary, in order to designate an airshed.

Section 6. Review of Designation

Pursuant to Section 9 of RA 8749, the Department shall review the designation of airshed boundaries as more data become available or as the need arises. The change of pollution control technology shall also warrant the review of the airshed designation.

Further to Section 9 of RA 8749, revision of the designation of an airshed shall be done upon consultation with appropriate local government authorities.

Mineral Gazette

Section 7. Effectivity

This Order shall take effect immediately.

Approved by:

(Sgd.) **HEHERSON T. ALVAREZ**
Secretary

Recommending Approval:

(Sgd.) **JULIAN D. AMADOR**
Director

June 24, 2002

DENR Memorandum Circular

No. 04

Series of 2002

SUBJECT: LIST OF CLASSIFIED WATER BODIES IN 2001

Pursuant to DENR Administrative Order (DAO) No. 34, Series of 1990 which amended Sections 68 and 69, Chapter III of the NPCC Rules and Regulations specifically Section 68 (C) - General Provisions of Water Classification and in accordance with the Manual of Procedure for Water Classification, the following water bodies are hereby officially classified as follows:

NAME	STATION	LOCATION	REGION	CLASS
1. Alaminos River		Pangasinan	1	C
2. Marang River		Nueva Vizcaya	2	C
3. Akulan River		Apayao	CAR	A
4. Budacao River		Benguet	CAR	A
5. Depanay River		Benguet	CAR	A
6. Pugo River	Upper	Benguet	CAR	B
7. Kamanitohan River		Albay	5	C
8. Banate Bay		Iloilo	6	SB
9. Bago-Pulupandan Coastline		Negros Occidental	6	SB
10. Coastal Waters of Dumaguete City		Negros Oriental	7	SB
11. Coastal Water of Danao City		Cebu	7	SC
12. Bacan River		Leyte	8	C
13 Pagsangaan River		Leyte	8	C
14. Tigbao River	Upper	Zamboanga del Sur	9	A
	Lower	Zamboanga del Sur	9	B
15. Salug Daku River	Upper	Zamboanga del Sur	9	A
	Lower	Zamboanga del Sur	9	B
16. Luit River	Upper	Misamis Oriental	10	A
	Lower	Misamis Oriental	10	C
17. Malita River		Davao del Sur	11	B
18. Marbel River		South Cotabato	12	C

19. Taguibo River	Upper	Agusan del Norte	13	A
	Middle	Agusan del Norte	13	C
	Lower	Agusan del Norte	13	D

Henceforth, all industrial establishments, business, commercial and agricultural firms, political subdivisions, government-owned or controlled corporations and other similar entities and instrumentalities, including persons and discharging liquid wastes into the said water bodies are hereby required to observe and comply with the foregoing classification.

This memorandum Circular shall take effect immediately.

(Sgd.) **HEHERSON T. ALVAREZ**
Secretary

DENR SPECIAL ORDER

January 25, 2002

DENR Special Order No. 2002-102
Series of 2002

SUBJECT: TRANSFER OF THE CIVIL SOCIETY ACTION NETWORK (CSAN) OFFICE TO THE SPECIAL CONCERNS OFFICE (SCO)

In the interest of the service, and consistent with Executive Order (EO) No. 192, the Civil Society Action Network (CSAN) Office is hereby transferred under the Special Concerns Office (SCO).

Henceforth, all functions and responsibilities of the CSAN office shall now be performed by the SCO. Likewise and in view of the designation of Mr. Samuel C. Songcuan as one of the program managers of the Ecogovernance Program, all functions of the CSAN Executive Director are hereby transferred to the SCO Director.

This order shall take effect immediately and shall supercede all orders inconsistent herewith.

(Sgd.) **HEHERSON T. ALVAREZ**
Secretary

Mining shall be pro-people
and pro-environment in
sustaining wealth creation
and improved quality of
life.