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REVISED GUIDELINES IN THE IDENTIFICATION, ESTABLISHMENT AND MANAGEMENT OF COMMUNAL FORESTS IN PALAWAN

PCSD ADMINISTRATIVE ORDER NO. 01, S. 99, July 30, 1999

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Pursuant to Section 17 (b) (2ii) of RA 7160, otherwise known as the Local Government Code, RA 7611 otherwise known as the Strategic Environmental Plan for Palawan and other pertinent rules and regulations, the following guidelines, for the identification, establishment and management of communal forests in Palawan are hereby issued for the guidance of all concerned.

CHAPTER I
Title and Definition of Terms

SECTION 1. Title. — This Order shall be known as the "Revised Guidelines for the Identification, Establishment and Management of Communal Forests in Palawan"

SECTION 2. Definition of Terms. — As used in, and for the purpose of this Order, the following terms shall mean:

2.1 Agro-forestry — a sustainable land management system which increases overall production by combining agricultural crops and/or livestock with forest crops, simultaneously or sequentially through the application of management practices which are compatible with the cultural patterns or customary laws of the local population.

2.2. Annual Work Plan — a detailed work and financial plan that will be undertaken in a given year for the protection, development, management and utilization of the communal forest.

2.3 CENRO — the Community Environment and Natural Resources Office and/or Officer of the DENR.

2.4 Communal Forest (CF) — a tract of land of the public domain declared by the PCSD within the Communal Forest Zone for the municipality/city-government, under whose jurisdiction the area is located, to manage, protect, develop, utilize on a sustainable basis for the production of wood and other forest products for domestic use of its residents and for local government infrastructure.

2.5 Community — a group of people who share common interest, needs, visions, goals and beliefs, occupying a particular territory which extends from ecosystem, geographical, political/administrative and cultural boundaries and any resources that go with it. It also refers to sitios and/or barangays that are located in, near or adjacent to the forestlands for their livelihood, cultural practices, and other economic and sociological activities.

2.6 Critical watershed — a drainage area of a river system supporting existing and proposed hydroelectric power, irrigation works and/or domestic water facilities needing immediate protection or rehabilitation.

2.7 DENR — Department of Environment and Natural Resources

2.8 ECAN — Environmentally Critical Areas Network as defined in RA 7611.

2.9 Environmental Compliance Certificate (ECC) — refers to the document issued by the DENR certifying that the project under consideration will not cause any significant negative environmental impact; that the

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proponent has complied with the requirements of the Environmental Impact Assessment (EIA) system, and that the proponent is committed to implement its approved Environmental Management Plan in the Environmental Impact Study or the mitigation measures in the Initial Environmental Examination (IEE).

2.10 Environmental Impact Assessment — refers to the process of predicting the likely consequences of implementing a project, program or activities, and designing appropriate mitigation and enhancement measures.

2.11 Environmental Impact Assessment (EIS) — refers to the document(s) of studies on the environmental impacts of a project including the discussions on direct and indirect consequences of upon human welfare and ecological and environmental integrity.

2.12 Financing and Business Plan — a component of the Communal Forest Management Plan describing how the protection and management of the communal forest shall be financed.

2.13 Native forest — forest consisting of indigenous species which developed through natural succession.

2.14 PCSD — the Palawan Council for Sustainable Development created and established under RA 7611.

2.15 PENRO — the Provincial Environment and Natural Resources Office and or Officer of the DENR.

2.16 Primary forest or old growth forest — forest which had not been subjected to logging activities.

2.17 Professional Forest Management Team — a group of technical personnel headed by a professional forester organized by the LGU concerned to formulate and implement the Communal Forest Management Plan.

2.18 Protected Area — an area declared as such under local or national legislation, proclamation, order and similar instruments valid and existing at the time of the identification and establishment of the communal forest concerned.

2.19 Provincial ENRO — the Environment and Natural Resources Office and/or Officer of the Province of Palawan

2.20 Resource Utilization Plan — a detailed plan on utilization/exploitation of any forest resource.

2.21 Secondary forest or residual forest — forest that had been subjected to logging activities of whatever form.

CHAPTER II
Basic Policy and Objectives

SECTION 3. Basic Policy. — It is the policy of the state to:

a. protect and advance the right of the Filipino people to a healthy environment;

b. promote and encourage the active participation of communities in the protection, biodiversity enhancement, management, rehabilitation, and utilization of forest resources; and

c. promote equitable access to benefits that could be derived from the enhancement and utilization of communal forests while ensuring and promoting sustainability of Palawan's forest resources.

SECTION 4. Basic Principles . — In accordance with the above policies and the general policies on devolution of government functions as provided for in RA 7160, and on the sustainable development of Palawan as provided for in RA 7611, the following basic principles shall govern the establishment and management of communal forests in the Province of Palawan:

4.1 ECAN Framework — The establishment and management of communal forests shall be consistent with the ECAN Framework. Communal forests may be established only within the buffer zone or multiple/manipulative

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areas of the ECAN and shall be established as such to enhance the protection of the restricted and core zones and the larger watershed which these are part of.

4.2 Partnership and cooperation — The identification, establishment and management of communal forests shall promote partnership and cooperation between and among the local communities, Local Government Units, and the PCSD.

4.3 Devolution to and capabilities-building for LGUs — The management of communal forests shall be devolved to the local government unit concerned and said LGU shall endeavor to enhance its capacities to manage and utilize the forest resources therein on a sustainable basis.

4.4 Forest resource sustainability — The management of communal forest by LGUs shall lead to the sustainability of forest resources, conservation and enhancement of biodiversity, and socio-economic and environmental benefit to the local communities.

4.5 Multiple-use forest management — The multiple uses of communal forests shall be promoted to attain optimum benefits therefrom. In exploiting the opportunities of multiple-use forest management, the complementary of functions shall be considered to attain a balance between the objectives of production and maintenance of environmental quality.

4.6 Gender sensitivity — The management and utilization of communal forests shall provide equal opportunities for men and women to participate and share in the attendant benefits and responsibilities. It shall likewise provide an opportunity for the youth sector to get involved in forest resources and environmental management.

SECTION 5. Objectives. —

5.1 To identify appropriate areas for communal forest zone;

5.2 Ensure the sustainable management of communal forests in Palawan;

5.3 Protect and manage the existing native forest, preserve and enhance biodiversity, develop unproductive forestlands and enhance environmental quality in Palawan.

5.4 Provide sustainable sources of wood and other forest products for domestic, government infrastructure, and other needs in the city/municipality of Palawan where the communal forest is located;

5.5 Rehabilitate denuded and degraded forest lands and increase the forest resources base of the province of Palawan through agroforestry, forest plantations establishment and other forest development activities;

5.6 Generate additional employment and the livelihood opportunities for the people of the province; and

5.7 Strengthen the partnership and cooperation between and among the PCSD, LGUs and local communities in forest management and conservation.

CHAPTER III
Identification and Declaration of Communal Forests Zones

SECTION 6. Identification and Establishment of New Communal Forest — An LGU interested to have a communal forest shall apply to the PCSDS through a resolution by its Sanggunian Bayan. Upon receipt of the resolution, the PCSDS, the CENRO and the concerned LGU shall organize a composite Communal Forest Selection Team (CFST) that will identify and select potential communal forest within the LGU's territorial jurisdiction. The CFST shall be composed of representatives of the PCSDS as Team Leader, concerned LGU, CENRO, and NGO member of ECAN Board and Indigenous People in the area.

The identification and selection process shall take into consideration the ECAN frame-work and the municipal

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and provincial land use plans to ensure that the CFG is consistent with the overall natural resources and environmental conservation and development plan of the LGU and PCSD. The general procedure in selecting CF shall be as follows:

6.1 The CFST shall identify potential communal forest areas within the territorial jurisdiction of the LGU using the ECAN map, updated forest land use/management map, and other available information. The CFST shall validate the identified area on the ground to determine its suitability in accordance with the criteria defined in Section 9 hereof. It shall also consult with concerned barangay officials and representatives of local communities, particularly those residing within or adjacent to the potential CF area.

6.2 The LGU concerned shall then conduct a public hearing on the proposed communal forest within one month upon receipt of the CFST report. If there are no valid objections to the proposal, the LGU concerned shall then pass a resolution requesting for the establishment of the area as its CF. The resolution together with the map and CFST report shall be submitted to the PCSD for review and approval. Upon approval, the PCSD and LGU shall enter into a Memorandum of Agreement. The MOA shall prescribe among others, the responsibilities, accountabilities, and coordination mechanism of the concerned LGU, the Provincial government and PCSD.

6.3 The concerned LGU shall cause the publication of the MOA in newspapers of general circulation in Palawan for two (2) consecutive weeks.

SECTION 7. Criteria for the Selection of Communal Forests . — The CF shall be inside the public domain and shall meet the following criteria:

7.1 The total area, which may include open/cultivated upland farms, brushlands, residual natural forest, shall not exceed 5,000 hectares for each municipality/city.

7.2 The proposed area is outside the maximum protection or core zone or the restricted use/zone of the ECAN or other protected areas under the NIPAS Law, primary or old growth native forests, critical watersheds and other protected areas not included under the NIPAS.

7.3 At least 30% of the area is covered with productive residual natural forest which contains not less than 60 cubic meters per hectare of harvestible timber.

7.4 The area is not covered with encumbrances such as existing and valid Timber License Agreements, Pasture Lease Agreements, Industrial Forest Management Agreements, Socialized Forest Management Agreements, Fishpond Lease Management Agreements tenurial agreements under the Community-Based Forest Management Program, or similar forest land leases or permits, except when holders thereof execute a waiver in favor of the establishment of the communal forest: Provided, that areas covered by existing and valid permits for non-timber forest products may be considered as communal forests, and upon their expiration or cancellation, said permits shall no longer be renewed nor-issued to another except with express recommendation of the concerned LGU.

7.5 The area is not part of an ancestral domain or ancestral land, duly recognized under existing laws, rules and regulations, except upon free and prior informed consent of the Indigenous Peoples.

7.6 The area is outside of military, civil and other reservations, except upon written consent of the government agency assigned by law to administer or manage the reservation concerned.

CHAPTER IV
Development and Management of Communal Forests

SECTION 8. Communal Forest Management Plan . — Upon signing of the MOA, the concerned municipality/city government in consultation with the community shall prepare an indicative Communal Forest Management Plan

(CFMP) to provide directions on how to develop, protect and manage the area sustainably. The plan shall contain among others:

8.1 Vision, mission, objectives of managing the communal forest;

8.2 Brief description of the biophysical and socio-economic conditions of the area including existing vegetative cover and land uses;

8.3 Planned land uses and management strategies, including but not limited to forest protection, rehabilitation and development, forest products harvesting and utilization;

8.4 Intended use(s) of products to be harvested, including provision for access by local residents;

8.5 Organization and structure of professional forest management team including definitions of authority and responsibility and provisions for personnel development;

8.6 Financing plan and business plan;

8.7 Indicators of expected impacts of communal forest management, including method of measurement/evaluation;

8.8 Relevant issues, problems, needs and opportunities in management of the communal forest; and

8.9 Maps showing existing vegetative cover, land uses and envisioned land use allocation for communal forest.

8.10 Inventory of resources inside the communal forest.

8.11 Environmental Impact Statement.

SECTION 9. Annual Work Plan . — An Annual Work Plan (AWP) shall also be prepared detailing the activities to be undertaken within the particular year and taking into account the progress made in previous years. Should harvesting of forest products be undertaken, the AWP shall include a Resource Utilization Plan (RUP).

The RUP shall indicate the resources to be harvested, the approximate area and location of the harvesting operation which shall be indicated in a map, approximate volume or quantity to be harvested, method of harvesting, including extraction and transport systems to be used, disposition of the products, and silvicultural or similar resource-enhancements to be undertaken after harvesting. An inventory of forest products to be harvested shall be attached. In the case of timber harvesting, a location map, tree marking list indicating the tree number, species, diameter and height of trees to be harvested shall be attached.

The LGU may seek the assistance of the PCSDS in the preparation of these plans.

SECTION 10. Review and Approval of the Management Plans. — The Communal Forest Management Plan shall be endorsed by the Sanggunian Bayan of the LGU concerned and forwarded to the PCSDS for review. The PCSDS shall endorse the same to the PCSD for approval.

Copies of the approved CFMP and the AWP shall be furnished the concerned CENRO, PENRO, Provincial ENRO and the PCSDS for their record, monitoring and evaluation purposes. In city/municipalities where the communal forests are established the LGU shall put up notices to inform the public that such documents are available in the aforementioned offices and PCSD.

SECTION 11. Communal Forest Management Options. — The following management options may be adopted by the municipality/city government:

11.1 Directly manage the communal forest. In this case, the LGU shall create a Professional Forest

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Management Team that will formulate and implement the approved management plans.

11.2 The community will manage the Communal Forest by forming a peoples' organization as cooperative, while the LGU will oversee the implementation of the AWP.

In any case, the concerned LGU shall remain the primary agency responsible and accountable for the sustainable management of the communal forest.

SECTION 12. Environmental Impact Assessment. — The concerned LGU shall secure prior to plan implementation an Environmental Compliance Certificate consistent with PD No. 1151 and PD No. 1586 and its revised implementing rules and Executive Order No. 247.

SECTION 13. Protection of the Communal forest . — The concerned LGU shall have primary responsibility of protecting the communal forest from illegal logging, encroachment, fire, pests and diseases and other forms of destruction. The LGU, shall have the authority to apprehend and prosecute forest law violators within the communal forest. The PCSD shall appoint as forest officers, LGU personnel in accordance with existing rules and regulations. The PCSD shall conduct necessary training for appointed forest officers.

CHAPTER V
Utilization of Forest Products in Communal Forests

SECTION 14. Forest Product Extraction. — The extraction and utilization of timber and other forest products shall be in accordance with the approved CF Management Plans, AWP and pertinent laws, rules and regulations pertaining to forest resource use, and shall conduct necessary training for appointed forest officers.

SECTION 15. Payment of Forest Charges and Other Fees — Pursuant to Rep. Act No. 7161 and its implementing rules and regulations and the PCSD Administrative Order No. 02, series of 1999, the municipal/city government shall pay at concerned CENRO and the PCSDS, respectively the corresponding forest charges and other fees for the forest product so extracted.

SECTION 16. Limitations of Resource Extraction . — Forest resource extraction shall be strictly on a non-commercial scale and for the exclusive use of government infrastructure and the residents of the city/municipality, except in cases where there is a Memorandum of Agreement between the concerned, LGU and other municipalities as provided for in Section 18.2 of this Order; Provided, that harvested forest resources in excess of the requirements of the concerned city/municipality may be disposed in accordance with the approved Resources Utilization Plan (RUP).

CHAPTER VI
Monitoring and Evaluation

SECTION 17. Monitoring and Evaluation. — A team composed of representatives of the ECAN Board, the CENRO, PENRO, PCSDS and the Provincial ENRO shall periodically monitor the implementation of CF management plans. A corresponding report shall be submitted to PCSD. The PCSD shall prescribe the monitoring process and minimum indicators.

For any unauthorized change or deviation from its implementation plan, and for any violation of the terms and conditions as specified in the MOA, the PCSD may impose appropriate penalties, including the filing of criminal charges against local officials concerned, as may be prescribed under existing laws, rules and regulations.

CHAPTER VII
Additional Provisions

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SECTION 18. Additional Provisions . —

18.1 The municipal or city government may pass appropriate ordinances to supplement and support this Order, provided such ordinances are consistent herewith.

18.2 Municipalities without existing forestlands suitable for CF purposes as defined herein may forge a memorandum of agreement with other municipalities that have available areas. The PCSD shall affirm such agreements.

CHAPTER VIII
Prohibited Acts

SECTION 19. Prohibited Acts . —The following are prohibited:

19.1 Excessive grazing;

19.2 Conversion of all or any part of the CF area to non-forest use;

19.3 Hunting, taking down, wounding, killing, possessing or in any manner disturbing or destroying the nest or eggs of birds inside communal forests which are not in accordance with the CF plan.

19.4 Use of heavy equipment such as bulldozers, tractors, skidders or trucks in forest harvesting or possession thereof inside the communal forest: Provided, however, that low impact and light harvesting machinery may be allowed in areas where carabao logging is impractical; and Provided finally, that close monitoring and proper documentation shall be done by the monitoring team to ensure sustainability.

19.5 Residing inside the Communal Forest

SECTION 20. Penalties . — Pertinent laws, rules and regulations on penalties and fines covering the said prohibited acts shall apply without prejudice to the dis-establishment of the Communal Forest.

SECTION 21. Effectivity. — These guidelines shall take effect immediately.

Adopted: 30 July 1999

(SGD.) ALFREDO E. ABUEG, JR.
Deputy Speaker, House of Representatives
Chairman, PCSD

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