NATIONAL ADMINISTRATIVE REGISTER · [DENR ADMINISTRATIVE ORDER NO. 2003-21, JUNE 17, 2003] · SEPTEMBER 9, 1981

AMENDING CERTAIN PROVISIONS OF DEPARTMENT ADMINISTRATIVE ORDER NO. 99-53 (THE REGULATIONS GOVERNING THE INTEGRATED FOREST MANAGEMENT PROGRAM (IFMP)

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Pursuant to Presidential Decree 705 of 1975. as amended, Executive Order (EO) 725 dated September 9, 1981, EO 278 dated July 25, 1987, EO 192 dated June 10, 1987 and EO 292 dated July 25, 1987 and Sec. 2, Article XII of the 1987 Constitution, and in order to provide standard procedure in the processing of application for conversion of Timber License Agreement (TLA) to an Integrated Forest Management Agreement (IFMA), Section 9 of Department Administrative Order No. 99-53 is hereby amended as follows:

> SECTION 9.1 Qualified Applicants for IFMA. — Any natural or juridical person who possesses the following qualifications may apply for an IFMA:
>
> 9.1.1 New application
>
> 9.1.1.1 A Filipino citizen of legal age; or, a registered single proprietorship company;
>
> 9.1.1.2 Partnership, cooperative or corporation whether public or private, duly registered under Philippine laws.

9.1.2 TLA holders who opt to convert their TLAs to IFMAs, subject to Section 9.2 hereunder;

SECTION 9.2 Conditions under which conversion can be allowed. — For a TLA to be converted town IFMA, the following conditions shall have been satisfied:

> 9.2.1 TLA holder shall have signified in writing such intention for conversion not later than one (1) year prior to the date of expiration of the TLA to the Secretary; and
>
> 9.2.2 The applicant has shown satisfactory performance on the management and operation of the TLA and has complied with the terms and conditions thereof, as evidenced by a comprehensive performance evaluation commissioned, or undertaken, by authority of the Secretary.

As a matter of procedure, the satisfactory performance and compliance to the terms and conditions of the TLA and pertinent rules and regulations should be determined based on performance standards and performance evaluation procedures prescribed by the DENR on at least, but not limited to the TLA holders' last five (5) year performance. The forest charges, including penalties and surcharges, if any, reforestation deposits, silvicultural fees or administrative fees due under the license shall have been fully paid as of the time of filing of the application for conversion.

SECTION 9.3 Size of Area. — The area that may be allowed for conversion may extend up to the size of the TLA area at the time of the conversion, subject to the exclusion of the following:

> 9.3.1 Areas prohibited for IFMA under Section 5 of DAO 99-53;
>
> 9.3.2 Other contentious areas which, by virtue of the subsequent issuance of pertinent laws, rules and

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regulations while the TLA is still in force, can not be made available for IFMA as per Section 5 of DAO 99-53.

If the area is found to be within an ancestral domain claim or title, that the required free and prior informed consent was properly obtained, before the filing of the application, from the Indigenous Peoples (IPs) concerned pursuant to Section 59 of Republic Act No. 8371, otherwise known as the Indigenous Peoples Act of 1987 and National Commission on Indigenous Peoples (NCIP) Administrative Order No. 3, Series of 2002.

SECTION 9.4 Application Requirements on Conversion of TLA to IFMA. — Just like an original applicant, a TLA holder who intends to convert its TLA into an IFMA is required to submit the application requirements prescribed under Sec. 10 of DAO 99-53.

An application for conversion shall not be deemed perfected and shall not be given due course unless the conditions under Sec 9.2 of this order, and the required application requirements, have been fully complied with.

This Order shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation and upon acknowledgement by the UP Law Center.

Adopted: 17 June 2003

(SGD.) ELISEA G. GOZUN
Secretary

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