NATIONAL ADMINISTRATIVE REGISTER · JUNE 11, 1999

SUPERSEDING DAO NO. 97-05 AND PRESCRIBING THE REVISED GUIDELINES IN THE IMPLEMENTATION OF THE PERTINENT PROVISIONS OF R.A. 1273, P.D. 705 AND P.D. 1067

DENR ADMINISTRATIVE ORDER NO. 99-21, June 11, 1999

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A. In response to the clamor of the geodetic engineering profession and in the furtherance of the government's program of biodiversity preservation, the following revised guidelines are hereby promulgated for the strict implementation of the provisions of R.A. No. 1273; Section 16 paragraphs 7 and 8 of P.D. No. 705 and Article 51 of P.D. No. 1067.

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> SECTION 1. To insure the preservation of ecological balance and protection of the environment, all concerned shall observe in the processing, verification and approval of isolated and cadastral surveys, the requirements of Section 1 of R.A. No. 1273 which amended Section 90 of C.A. 141 otherwise known as the "Public Land Act", Section 16 of P.D. No. 705 otherwise known as the "Forestry Code" and Article 51 of P.D. No. 1067 otherwise known as "Water Code of the Philippines", are quoted as follows:
> a) "Section 1 (I) That the applicant agrees that a strip of forty meters wide starting from the bank on each side of any river or stream that may be found on the land applied for shall be demarcated and preserved as permanent timberland to be planted exclusively to trees of known economic value, and that he shall not make any clearing thereon or utilize the same for ordinary farming purposes even after patent shall have been issued to him or a contract lease shall have been executed in his favor." (R.A. No. 1273)
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> b) "Section 16. Areas needed for forest purposes x x x
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> (7) Twenty-meter strips of land along the edge of the normal high waterline of rivers and streams with channels of at least five (5) meters wide;
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> (8) Strips of mangrove or swamplands at least twenty (20) meters wide, along shorelines facing oceans, lakes and other bodies of water and strips of land at least twenty (20) meters facing lakes; x x x ." (P.D. No. 705)
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> c) "Article 51. The banks of rivers and streams and the shores of the seas, and throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage . . ." (P.D. No. 1067)

Section 2. Implementation

2.1 Original Surveys:

2.1.a Public Lands:

> All alienable and disposable (A and D) lands of the public domain shall be surveyed pursuant to Section 1 Par. (1) of R.A. 1273 whereby a strip of forty (40) meters wide starting from the banks on each side of any river or stream that may be found on the land shall be demarcated and preserved as permanent timberland.

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Likewise, to be demarcated are public lands; along the banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest area, along their margins which are subject to the easement for public use in the interest of recreation, navigation, floatage, fishing and salvage.

2.1.b Private Lands:

Untitled private lands for registration purposes under P.D. 1529 shall be surveyed in accordance with the Revised Manual of Land Surveying Regulations in the Philippines provided that the easement for bank protection of three (3) meters in urban areas and twenty (20) meters in agricultural areas shall be marked by dotted lines in the survey plan.

The survey of these lands shall proceed only after an investigation shall have been conducted by the CENRO and after it has been ascertained that the survey claimant or his predecessor-in-interest has been in continuous, open, exclusive, notorious possession of the land since time immemorial.

The findings of the CENRO shall form part of the supporting documents of the survey returns to be submitted to the Regional Office for approval.

2.1.c Survey Returns Submitted to the Regional Office Pending Approval:

Survey returns submitted for verification and approval without observing the provisions of Items 2.1.a and 2.1.b shall be returned to the Geodetic Engineer concerned for compliance.

2.2 Untitled surveyed Areas:

2.2.a Covered by Public Land Applications:

Lands covered by public land applications which are found to have been surveyed not in accordance with the aforecited laws shall be amended to conform to the requirements of said laws.

2.2.b Subject to Judicial Land Titling: Requests for certified copies of survey plans and technical descriptions to be used in original registration proceedings under P.D. 1529 shall be issued only after a comment and recommendation of the CENRO concerned that such lands have been in continuous, notorious and exclusive occupation of the survey claimant or his/her predecessors-in- interest which would entitle him the confirmation of title through judicial proceedings.

In the event that the survey claimant is found to be not qualified to apply for confirmation of title through judicial proceedings on account of the findings of the CENRO, the survey of the land shall be made to conform with the requirements of 2.2.a.

2.3 Survey of Titled Lands:

2.3.1 Administratively Titled Lands:

The provisions of item 2.1.a and 2.1.b shall be observed as to the above. However, when these lands are to be subdivided, consolidated or consolidated — subdivided, the strip of three (3) meters which falls within urban areas shall be demarcated and marked on the plan for easement and bank protection.

The purpose of these strips of land shall be noted in the technical description and annotated in the title.

2.3.2 Judicially Titled Lands:

When lands judicially titled are subdivided, consolidated or consolidated — subdivided the strip of three (3) meters in urban areas and twenty (20) meters in agricultural areas shall be demarcated and indicated on the plans using dotted lines.

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2.3.3 Complex Subdivision or Consolidation Subdivision Surveys for Housing/Residential, Commercial or Industrial Purposes:

When titled lands are subdivided or; consolidated — subdivided into lots for residential, commercial or industrial purposes the segregation of the three (3) meter wide strip along the banks of rivers or streams shall be observed and be made part of the open space requirement pursuant to P.D. 1216.

The strip shall be preserved and shall not be subject to subsequent subdivision.

B. All orders, circulars, official instruction or parts thereof inconsistent herewith are hereby modified accordingly.

C. The Order shall take effect fifteen (15) days after publication in the newspaper of general circulation.

Adopted: 11 June 1999

(SGD.) ANTONIO H. CERILLES
Secretary

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