

ADDENDUM TO DENR ADMINISTRATIVE ORDER NO. 2007-17 ON THE RULES AND REGULATIONS GOVERNING SPECIAL USES WITHIN PROTECTED AREAS

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Adopted: 15 March 2018

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Pursuant to Section 10 (f) of RA 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act of 1992 and Rule 11.1.6 of its Revised Implementing Rules and Regulations (DAO No. 2008-26), and in order to ensure the proper determination assessment and collection of fees for Special Use Agreement in Protected Areas (SAPA), the following provisions are hereby added to DAO No. 2007-17 as its Annex C to read as follows:

ANNEX C. GUIDELINES AND PRINCIPLES IN DETERMINING DEVELOPMENT FEES FOR ACCESS TO AND SUSTAINABLE USE OF RESOURCES IN PROTECTED AREAS

- The DENR shall impose development fees based on the fixed percentage of the zonal value of the land and improvements thereon. The fees shall be equivalent to five percent (5%) of the most recent zonal value of the commercial zone in the nearest barangay or municipality where the project area is located multiplied by the size of the area for development and one percent (1%) of the value of improvement as premium to the protected area. The most recent zonal values prescribed by the Bureau of Internal Revenue (BIR) for the commercial zone within the nearest .barangay or municipality will be used as basis for the computation of SAPA development fees. Provided further, that the said fee shall be re-evaluated every five years.
- Zonal value shall refer to the amount set by the BIR with the assistance of realtors and other knowledgeable persons in the area as the basis for capital gains, transfer, donor's and creditable withholding taxes, expropriation and other transactions with the Government.
- Development fee shall refer to the fee for the use of land or other resources for the privilege of undertaking small, medium and other bigger scale development. The development fee shall be paid by the proponent upon approval of the SAPA by the Secretary and annually thereafter by depositing the amount to the Integrated Protected Area Fund (IPAF). The proponent shall present the proof of deposit to DENR through the Protected Area Superintendent (PASU) who shall release the SAPA to the proponent upon confirmation of deposit/payment.
- The annual SAPA fee shall be paid upon issuance of SAPA and annually thereafter within thirty (30) days from the date of issuance. Failure to pay within the prescribed period shall be subject to surcharges of 8.33% monthly for late payment or 100% for one (1) year.
- An Administrative Fee in the amount of Five Thousand Pesos (PhP5,000.00) shall be paid by the proponent for every SAPA application filed to cover the cost of examining, assessing, and processing the requirements submitted by the proponent relative to the application for a special use agreement in a specific protected area The Administrative Fee shall be collected by the DENR and deposited to the IPAF.

- Environmental programs and/or projects implemented and services rendered by the proponent shall be accounted for by the DENR to ensure the protection of biodiversity and sustainability of ecosystem services of the concerned protected area.

An annual report on the accomplishments of such programs or projects shall be submitted to the concerned PAMB and shall be used to monitor the contribution of such programs and projects to the conservation of biological diversity and sustainability of ecosystem services of the particular protected area.

Annex B*. Flow Chart for the Processing of SAPA is hereby amended to reflect the payment of corresponding fees by the proponent.

All existing Memorandum of Agreement (MOA) on Special Uses within Protected Area shall be converted into SAPA in accordance with DAO 2007-17 and this Order.

This Administrative Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of receipt of a copy thereof by the Office of the National Administrative Register (ONAR).

(SGD) ROY A. CIMATU
Secretary

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