

**[DENR ADMINISTRATIVE ORDER NO. 2004-28,
August 25, 2004]**

**RULES AND REGULATIONS GOVERNING THE USE OF
FORESTLANDS FOR TOURISM PURPOSES**

Pursuant to the provisions of Section 2, Article XII of the 1987 Philippine Constitution, Executive Order No. 192 of 1987, Executive Order No. 278 of 1987, Act 3820, Presidential Decree No. 705, as amended; Republic Act Nos. 7160 and 7161, and Presidential Decree No. 1586, the following rules and regulations governing the special uses of forestlands for tourism purposes are hereby promulgated.

**Chapter 1
Policies, Objectives and Definition of Terms**

SECTION 1. Policy and Objectives -

1.1 Basic Policy:

It is the policy of the State to promote, encourage, and develop tourism as a major national activity in which private sector investment, effort and initiative are fostered and supported.

In line with the policy of the State on sustainable development and to provide equitable access to forestlands and resources, the government shall allow qualified persons to occupy, develop, utilize and sustainably manage forestlands for tourism purposes.

1.2 Coverage:

These Rules shall apply to the use of forestlands for tourism purposes. While Community-Based Ecotourism is encouraged, use of forestlands for such purpose will be covered by separate guidelines.

1.3 Objectives:

1.3.1 To develop the country's forestlands into productive uses consistent with the concept of sustainable development;

1.3.2 To provide economic opportunities to local communities and other stakeholders;

1.3.3 To ensure equitable share for the government on the use of

forestlands; and

1.3.4 To optimize the use of forestlands through sustainable management and to assure continuous beneficial uses and services of forestlands for the promotion and development of tourism without impairing their environmental and economic values.

SECTION 2. Definition of Terms - For the purpose of this Order, the following terms shall be used in, and understood to mean, as follows:

2.1 Bathing Establishment - areas of high recreational value through the use of water bodies where swimming, surfing, snorkeling and similar recreational activities could be allowed.

2.2 Campsite - an area of forestland which can be used for camping and other outdoor recreation activities.

2.3 Ecotourism - Is a form of sustainable tourism within a natural landscape and cultural heritage area where community participation, protection and management of natural resources, culture and indigenous knowledge and practices, environmental education and ethics as well as economic benefits are fostered and pursued for the enrichment of host communities.

2.4 Entry Fee - the amount offered to be paid by the bidder for the privilege of entering into a Forest Land Use Agreement for Tourism.

2.5 Environmental Compliance Certificate (ECC) - the document issued by the DENR/Environmental Management Bureau (EMB) certifying that based on the representations of the proponent and the preparers, as reviewed and validated by the EIA Review Committee, the proposed project or undertaking will not cause a significant negative environmental impact; that the proponent has complied with the requirements of the EIA System and that the proponent is committed to implement its approved Environmental Management Plan in the Environmental Impact Statement or mitigation measures in the Initial Environmental Examination.

2.6 Forestlands - lands of the public domain comprising of the public forest, the permanent forest or forest reserves, and forest reservations.

2.7 Government share - The amount to be paid by a forestland user as the share of the government in the use of forestland.

2.8 Initial Environmental Examination (IEE) - 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.

2.9 Other Tourism Purposes (OTP) - Leisure or recreational uses of forestland other than those types enumerated on Sec.4.1 to 4.4

2.10. Protected Areas - refer to identified portions of land and water set aside under the NIPAS Act by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human

exploitation.

2.11 Forest Landuse Agreement for Tourism Purposes (FLAgT) - is a contract between the DENR and a natural or juridical person, authorizing the latter to occupy, manage and develop, subject to government share, any forestland of the public domain for tourism purposes and to undertake any authorized activity therein for a period of 25 years and renewable for the same period upon mutual agreement by both parties. It shall include special forest landuses such as Bathing Establishment, Camp Site, Ecotourism Destination, Hotel Site (inclusive of related resort facilities) and Other Tourism Purposes.

2.12 Zonal Value - the value of a piece the land as determined by the Department of Finance/Bureau of Internal Revenue (BIR).

Chapter II

Scope and Coverage

SECTION 3. Areas available for Special Forest Landuse Agreement for Tourism Purposes (FLAgT) - FLAgT may cover all forest lands which are found suitable and available for FLAgT pursuant to Section 9 of this order, subject to vested rights, licenses/leases, permits or other tenurial instruments, if there be any. *Provided*, that areas with vested rights, licenses/permits or other tenurial instruments may be made available for FLAgT upon issuance of a waiver of right by the holder of such vested rights, existing permits/instruments; if the area is covered by a Certificate of Ancestral Domain/Land Claim/Title (CADC/CALC/CADT/CALT), the grant of free and prior informed consent (FPIC) and certification of precondition; and for areas covered by the National Integrated Protected Areas System (NIPAS), upon the fulfillment of appropriate requirements and conformity with policies on protected areas.

SECTION 4. Forest Landuse Agreements (FLAgT) and Allowable Areas - The following are the Forest Landuse Agreements for Tourism Purposes to be approved by the RED concerned, for which the areas shall not to exceed:

	(has)
4.1 Bathing Establishment	- 24
4.2 Camp Site	- 5
4.3 Ecotourism	- 24
4.4 Hotel Site (inclusive of related resort facilities)	- 10
4.5 Other Tourism Purposes	- 10

Should it be necessary for a tourism project to cover a larger area than the above maximum areas to take into consideration the landscape features required of such projects, such areas shall be approved by the Secretary.

SECTION 5. Duration of FLAgT - The FLAgT shall have a maximum duration of twenty five (25) years renewable for the same period.

SECTION 6. Qualified Applicants - The following are qualified to apply for FLAgT:

6.1 A Filipino citizen of legal age.

6.2 An association, corporation, cooperative, partnership or a juridical person at least sixty percent (60%) of the capital of which is owned by Filipino citizens, whether private or public, duly created and/or registered under Philippine laws, who are financially capable to develop the applied area for tourism purposes.

SECTION 7. Mode of Award of FLAgT Areas - Areas suitable for FLAgT shall be awarded thru competitive bidding. The conversion of existing special use permits in forestlands to FLAgT shall be governed by Sec. 13 of this Order.

SECTION 8. Application Requirements - The following requirements shall be submitted by the applicant together with the duly accomplished application form available at the DENR field offices:

8.1 The pertinent documents to show proof that the applicant is a legitimate entity qualified to be the holder of a forestland tenurial instrument, as follows:

8.1.1 For an individual applicant, certified copy of birth certificate or, if applicant is a naturalized Filipino citizen, a certified copy of his/her Certificate of Naturalization;

8.1.2 For a corporation, association or partnership, certified copy of SEC registration certificate and Articles of Incorporation/Partnership, and a resolution of the corporate governing body (Board of Directors, Board of Trustees, etc.) designating the authorized representative of the said corporation;

8.1.3 For an association or partnership, certified copy of registration from the appropriate registering agency;

8.1.4 For a cooperative, certified copy of certificate of registration with the Cooperative Development Authority;

8.2 An Indicative Development Plan describing how the area will be developed for tourism purposes, including the strategies, schemes or plans to generate the necessary development financing;

8.3 For areas covered by specific laws, such as Palawan, or by co-management scheme, clearance/authorization from the appropriate governing body/authority

Chapter III

Identification and Delimitation of Forest Lands for Tourism Purposes

SECTION 9. Identification and Delineation of Areas for Tourism Purposes -

9.1 CENROs shall identify areas suitable and available for FLAgT sites within their respective areas of responsibility using DENR control maps, Comprehensive Land Use Plans of LGU(s) concerned, and other relevant secondary references. The CENRO should verify that the areas so identified are not covered by pending applications for, or covered by, existing forestry tenurial and/or forest use instruments.

9.2 The technical description and the preliminary map of the identified site(s) shall be forwarded to the RED, who shall then organize a composite team from representatives of the Regional Office, PENRO, CENR, the Regional Office of the Department of Tourism, and the LGU(s) concerned. The composite team shall validate on the ground the suitability of the area in terms of biophysical characteristics, the presence or absence of socio-economic considerations that may impede or promote the full development of the area(s) under FLAgT, including the determination of the presence or absence of valid land claims and forest occupants. The team shall also undertake consultations with adjoining communities. The final output of the work of the composite team is the final determination of : 1) the metes and bounds of FLAgT area, defined by the technical description and final map at a scale of 1:20,000 and geo-referenced to the Philippine Reference System (PRS 92); 2) request for indorsement by the LGU(s) Sanggunian(s) concerned, and; 3) indorsement to the RED for approval of the FLAgT area.

9.3 For purposes of LGU indorsement, where the area falls within one barangay, the Sangguniang Barangay shall indorse; where an area falls across more than one barangay, the indorsement shall be from the Sangguniang Bayan/Sangguniang Panglunsod or all the Sangguniang Barangays concerned; and where the area falls across more than one municipal/city, the indorsement shall be from the Sangguniang Panlalawigan or all the Sangguniang Bayan concerned.

9.4 After the approval of the site by the RED, copies of the map with the technical description of the area shall be furnished the Forest Management Bureau, the PENRO concerned, and the CENRO concerned, for purposes of recording such site in the FLAgT Registry which shall be maintained at the Forest Management Bureau, the DENR Regional Office, the PENRO and the CENRO concerned. The LGU(s) concerned and the Regional Office of the Department of Tourism shall likewise be furnished the same map and technical description.

SECTION 10. Registry of Areas. A registry of FLAgT areas shall be established by DENR. It shall include the following information: map, together with technical description, characterization of the area, documentation of the process involved in the determination and delineation of the areas, and, if available zonal value of the land. The registry shall be made available through the DENR and DOT websites, public notices posted at the DENR Regional, PENR and CENR Offices and at the Provincial, City, Municipal, Barangay Offices and DOT offices concerned.

Chapter IV

Prequalification, Bidding and Award

SECTION 11. Creation of Bids and Awards Committee - The Regional Executive