

**[DENR ADMINISTRATIVE ORDER NO. 2004-29,
August 25, 2004]**

**REVISED RULES AND REGULATIONS FOR THE IMPLEMENTATION
OF EXECUTIVE ORDER 263, OTHERWISE KNOWN AS THE
COMMUNITY BASED FOREST MANAGEMENT STRATEGY**

Pursuant to Executive Order No. 263 dated July 19, 1995, (*Adopting Community-Based Forest Management As the National Strategy to Ensure the Sustainable Development of the Country's Forestlands Resources and Providing Mechanisms for Its Implementation*): Executive Order No. 318 dated June 9, 2004 (*Promoting Sustainable Forest Management in the Philippines*); the Joint DENR-DILG Memorandum Circulars (JMC) Nos. 2003-01, (*Strengthening and Institutionalizing the DENR/DILG-LGU Partnership on Devolved and Other Forest Management Functions*), and to further strengthen, reinforce, simplify and harmonize the processes in the implementation of programs and projects supporting the Community-Based Forest Management Strategy (CBFMS), the following rules and regulations are hereby promulgated:

Article I

Basic Policy, Concepts, Principles and Definition of Terms

SECTION 1. Basic Policy - It is the policy of the State to: a) protect and advance the right of the Filipino people to a healthful environment; b) improve their socio-economic conditions through the promotion of social justice, equitable access to and sustainable development of forest land resources; and c) respect the rights of indigenous peoples to their ancestral domains by taking into account their customs, traditions and beliefs in the formulation of laws and policies. Active and transparent community participation and security of tenure shall be among the key strategies for achieving these goals.

SECTION 2. Concept and Principles - Underlying CBFM are the principles of social equity, sustainability and community participation in forest management and biodiversity conservation. Sustainable management of forest lands and coastal areas can result from responsible resource utilization by organized and empowered local communities. It shall be the responsibility of the DENR, the Local Government Units (LGUs), and other government agencies to collaborate with Non-Government Organizations (NGOs) and other private entities to provide the enabling environment to support and strengthen local communities in managing forest lands and coastal resources on a sustainable basis. The DENR shall provide security of tenure and technical assistance to these local communities.

SECTION 3. Definition of Terms - The following terms are to be understood and interpreted as follows:

CENRO - refers to the Community Environment and Natural Resources Office of the DENR.

Certificate of Stewardship - is an agreement entered into by and between the government and individuals/families actually occupying or tilling portions of the forestlands covered with CBFMA.

Community - a group of people who may or may not share common interests, needs, visions, goals and beliefs, occupying a particular territory which extends from the ecosystem, geographical, political/administrative and cultural boundaries, and any resources that go with it.

Community Based Forest Management Agreement - an agreement entered into by and between the government and the local community, represented by the People's Organization, as forest managers, which has a term of twenty-five (25) years and renewable for another twenty-five (25) years.

Community-Based Forest Management Program - any forest development program which adopts the CBFM Strategy as its core concept.

Community-Based Forest Management Strategy - the strategy to improve the well-being of forest-dependent communities, and at the same time ensure the sustainable management, rehabilitation and protection of the forestlands and the resources therein, through the active participation of different stakeholders.

Forests - lands with an area of more than 0.5 hectare and tree crown cover (or equivalent stocking level) of more than 10 percent. The tree should be able to reach a minimum height of five (5) meters at maturity in situ. It consists either of closed forest formations where trees of various storeys and undergrowth cover a high proportion of the ground or open forest formations with a continuous vegetation cover in which tree crown cover exceeds 10 percent. Young natural stands and all plantations established for forestry purposes which have yet to reach a crown density of more than 10 percent or tree height of 5 meters are included under forests.

Forest Lands - lands of the public domain which have been classified as such under the land classification program of the DENR and all unclassified lands of the public domain.

National Integrated Protected Areas System - as defined in the NIPAS Law, the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.

Non-timber forest product - refers to all forest products except timber forest products and geologic resources in forest lands.

People's Organization - A group of people, which may be an association, cooperative, federation, or other legal entity, established by the community to undertake collective action to address community concerns and needs and mutually share the benefits from the endeavor.

PENRO - refers to the Provincial Environment and Natural Resources Office of the DENR.

Prior Vested Rights - Established claims, privileges, prerogatives, or ownership over land or natural resources which can be enforced before a court of law or appropriate administrative agency.

RED - refers to the Regional Executive Director of the DENR.

RENRO - Refers to the DENR office headed by the Regional Executive Director which is responsible for the coordination and implementation of all policies, regulations, programs and projects of the DENR in the Region.

Sustainable Development - as defined by the World Commission on Environment and Development, means meeting the needs and aspirations of the people without compromising the ability of future generations to meet theirs.

Sustainable Forest Management - the process of managing, developing, and utilizing forest lands and resources therein to achieve the production of desired products or services without impairing the inherent productivity of the forest, thereby ensuring a continuous flow of these products or services and without undesirable effects on the physical and social environment.

Watershed - land drained by a stream, or fixed body of water and its tributaries having a common outlet for surface run-off.

Article II

Scope, Coverage and Key Program Participants

SECTION 4. Scope and Coverage - Subject to prior vested rights, Community-Based Forest Management Strategy (CBFMS) shall apply to all forest lands. The CBFMS integrates and unifies all people-oriented forestry program, including but not limited to, the Integrated Social Forestry Program (ISFP), Upland Development Project (UDP), Forest Land Management Program (FLMP), Community Forestry Program (CFP), Low Income Upland Communities Project (LIUCP), Regional Resources Management Project (RRMP), Natural Resource Management Program (NRMP), Forestry Sector Project (FSP), and Coastal Environment Program (CEP).

Indigenous Cultural Communities (ICCs)/Indigenous Peoples (IPs) whose claims to ancestral domains/lands have been recognized through Certificates of Ancestral Domain Claims (CADCs) or Certificates of Ancestral Land Claims (CALCs), or whose domains are recognized by themselves and neighboring communities, may, at their option, participate in the CBFM strategy.

SECTION 5. Qualifications of Participants - The principal participants in CBFMP shall be the local communities as represented by their organizations, herein referred to as People's Organizations (POs).

In order to participate in the CBFMP, a PO must have the following qualifications:

1. Members shall be Filipino citizens;
2. Members may either be:
 - a. Actually tilling portions of the area to be awarded;
 - b. Traditionally utilizing the resource for all or substantial portion of their livelihood; or
 - c. Actually residing within or adjacent to, and are dependent on and actually developing portions of the areas to be awarded.

SECTION 6. Incentives to the POs - Participants shall be entitled to the following incentives and privileges.

- a. To occupy, develop, protect, manage and utilize the forest lands and its resources within a designated CBFM area and claim ownership of introduced improvements;
- b. When appropriate, allocate to members and regulate rights to use and sustainably manage forest lands resources within the CBFM area;
- c. To be exempted from paying land rental for use of the CBFM areas;
- d. To be properly informed of and be consulted on all government projects to be implemented in the area. A PO's consent shall be secured by the DENR prior to the granting and/or renewal of contracts, leases and permits for the extraction and utilization of natural resources within the area to a third party; *provided*, that an equitable sharing agreement shall be executed by such third-party with the PO prior to any grant or renewal of such contracts, leases, and permits;
- e. To be given preferential access by the DENR to all available assistance in the development and implementation of the Community Resource Management Framework and 5-year Work Plan of the PO; and
- f. To enter into agreements or contracts with private or government entities for the development of the whole or portions of the CBFM area, and/or economic activities therein.

SECTION 7. Responsibilities of POs - The participating POs shall have the following responsibilities in the CBFM areas:

- i. Take the lead in boundary delineation, taking into account their customs, traditions, and beliefs; and if needed, in parcellary surveys within their CBFM area;
- ii. Designate areas according to their sustainable use and, when appropriate, in accordance with their native customs, traditions and practices, allocate and regulate resource - use rights in accordance with national laws, rules and regulations;
- iii. Prepare and implement Community Resource Management Framework and 5-yr-Work Plan;
- iv. Develop and implement equitable benefit-sharing arrangements among its members;

- v. Protect, rehabilitate and conserve the natural resources in the CBFM area and assist government in the protection of adjacent forest lands;
- vi. Develop and enforce policies pertaining to the rights and responsibilities of PO members and the accountability of PO leaders;
- vii. Be accountable for any violation borne by the subcontractor in which he/she had entered into for the development of the entire CBFMA area or portions hereof, and/or economic activities.
- viii. Develop mechanisms for addressing conflicts, including rules, regulations and sanctions regarding forest use and protection; Provided, that in case of ICCs/IPs, indigenous processes and mechanisms shall be followed;
- ix. Be transparent and promote participatory management and consensus building in all activities and endeavors;
- x. Pay forest charges for forest products harvested from natural forest as well as fees and other taxes required by the government; and
- xi. Undertake other responsibilities stipulated in the CBFM Agreement.

Article III

Stages of CBFMP Implementation

CBFMP implementation shall have four stages: the Preparatory Stage, the PO Formation and Diagnostic Stage, the Planning Stage, and the Implementation Stage.

A. Preparatory Stage

The objectives of this stage are (a) to inform and educate POs, NGOs, LGUs and the general public about CBFMP; b) to establish institutional linkages between the DENR and the LGU; and c) to identify and delineate CBFM areas.

SECTION 8. Establishing Institutional Linkages and Intensifying Information, Education and Communication (IEC) campaigns in Support of CBFM.

The DENR shall promote and support the active participation of various agencies and organizations in the adoption of the CBFM strategy. All DENR units involved in the implementation of CBFM programs and projects are mandated to give highest priority in establishing and consolidating partnerships among agencies and organizations, both public and private.

The Regional, Provincial and Community Environment and Natural Resources Offices (RENRO/PENRO/CENRO) shall undertake a continuing systematic orientation for local government executives (barangay, municipal and provincial levels), local units of relevant national government agencies, civil society organizations, academic institutions, and financing organizations on the CBFM concepts, principles, objectives, processes and activities, among others. The partnerships that evolve