

**[DENR ADMINISTRATIVE ORDER NO. 2004-24,
August 24, 2004]**

**REVISED RULES AND REGULATIONS GOVERNING THE
ADMINISTRATION AND MANAGEMENT OF FORESHORE LANDS**

Pursuant to the provisions of Section 3, Article 12 of the Constitution, and Sections 3, 4, 5 and 58 of the Public Land Act (C.A. 141 as amended), and in order to rationalize and regulate the utilization and occupation of foreshore lands, the following rules and regulations are hereby issued for the guidance of all concerned:

SECTION 1. Policies and Objectives - Consistent with the mandate to accelerate the country's development and the need to conserve and protect the natural resources and the coastal environment, the Department of Environment and Natural Resources (DENR) shall:

- a. Pursue the government's policy to tap all resources to generate economic opportunities and promote social equity;
- b. Promote the sustainable use of our country's foreshore/marshy lands through effective and efficient management schemes and strategies;
- c. Institutionalize a cohesive partnership among the national government agencies, local government units, and foreshore leaseholders for the conservation and maintenance of an ecologically-balanced environment without compromising the financial benefits to be derived from user's fees and other similar fees;
- d. Provide an accepted scheme to ensure access to the sea and water bodies for emergency purposes and benefit of the general public; and
- e. Establish an automated system of foreshore lands related data/information.

SECTION 2. Definition of Terms - The following terms as used in this Order shall be defined as follows:

The following terms as used in this Order shall be defined as follows:

- a. Foreshore Lands - the part of the shore which is alternately covered and uncovered by the ebb and flow of the tide.
- b. Foreshore Lease Application - the type of application covering foreshore lands. It may also cover marshy lands or lands covered with water bordering upon the shores or banks of navigable lakes or rivers for commercial, industrial or other productive purposes other than agriculture.
- c. Foreshore Lease Agreement (FLA) - is an agreement executed by and between

the DENR and the applicant to occupy, develop, utilize, and manage the foreshore lands. It may also cover marshy lands or lands covered with water bordering upon the shores or banks of navigable lakes or rivers.

d. Marshy Land - a wetland whose soil is inundated by water and whose vegetation is dominated by grasses or sedges.

e. Riparian Owner - owner of the property adjoining foreshore lands, marshy lands or lands covered with water bordering upon shores or banks of navigable lakes or rivers; it embraces not only owner of lands on the banks of rivers but also the littoral owners, or the owners of lands bordering the shore of the sea or lake or other tidal waters. (Lands General Circular No. 37 dated Feb. 7, 1978)

f. Salvage Zone - lands measuring twenty (20) meters measured landward from the interior limit of the shoreline for easement purposes.

SECTION 3. Scope - This Order covers all foreshore lands including marshy lands or lands covered with water bordering upon shores or banks of navigable lakes or rivers.

SECTION 4. Who May Apply - The following may apply for a Foreshore Lease Agreement:

1. Any Filipino citizen of legal age; and
2. Corporations, associations or partnerships duly constituted and organized under the laws of the Philippines; at least sixty percent (60%) of the capital is owned by Filipino citizens.

SECTION 5. Conduct of Inventory and Land Survey - Foreshore and marshy lands shall be inventoried and surveyed by the CENRO to determine their existing/appropriate uses, availability of open areas, extent of the area, and the number of settlers.

The inventory and survey shall be done within one (1) year from the approval of this Order.

SECTION 6. Preference of Riparian - The owner of the property adjoining foreshore/marshy lands or lands covered with water bordering upon the shores of banks of navigable lakes or rivers, shall be given preference to apply within sixty (60) days upon receipt of "notice of preferential rights" for such lands adjoining his property.

SECTION 7. Transfer of Rights - If at any time the applicant dies, or if he/she cannot continue through no fault of his/her own after the issuance of the Order or Award or during the life of the lease or while the applicant still has obligations pending towards the government, he/she shall be succeeded in his/her rights by his/her successors-in-interest who shall be entitled to be issued the contract, subject, however, to the compliance of certain requirements thereof and the subrogation of all his/her rights and obligations under the law and existing DENR policies, rules and regulations applicable thereto.

SECTION 8. Where to File the Application - The Foreshore Lease Application or renewal thereof shall be filed with the Community Environment and Natural Resources Office (CENRO) which has jurisdiction over the area.

SECTION 9. Application Form and Supporting Documents -

1. The application form shall be filed in due form and substance. An application shall only be accepted if properly filled-out under oath by the applicant, or by its President, General Manager or duly authorized representative/s, in the case of juridical person.

2. The following documents should be submitted:

a. If the applicant is a naturalized Filipino citizen, a copy of his certificate of naturalization duly issued by the proper agency;

b. In case of corporation, association or partnership;

b.1 Articles of Incorporation and Certificate of Registration from the Securities and Exchange Commission (SEC); and

b.2 Three (3) copies of the Board Resolution authorizing the President or any representative/s to apply for foreshore lease agreement.

c. If the applicant uses a name, style or trade name, other than his/its true name, three (3) copies of the Certificate of Registration of such name, style or trade name from the Department of Trade and Industry (DTI) and Securities and Exchange Commission (SEC).

d. Approved plan and technical description of the land applied for;

e. Certification from the regional heads whenever applicable, of the following agencies/offices having jurisdiction over the area that the land applied for is not needed for public use:

e.1 Department of Tourism;

e.2 Philippine Ports Authority (PPA);

e.3 Municipal/District/City Engineer's Office with the concurrence of the Regional Director of the Department of Public Works and Highways (DPWH); and/or

e.4 Public Estates Authority (PEA)

f. A development plan of the area stating among others, the financial and technical capability of the applicant to undertake the project.