

[DENR ADMINISTRATIVE ORDER NO. 99-21, 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

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)

b) "Section 16. Areas needed for forest purposes x x x

(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;

(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)

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.

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