

**[DENR ADMINISTRATIVE ORDER NO. 99-36,
August 10, 1999]**

**REVISED RULES AND REGULATIONS GOVERNING THE
ADMINISTRATION, MANAGEMENT, DEVELOPMENT AND
DISPOSITION OF FOREST LANDS USED FOR GRAZING PURPOSES**

Pursuant to Article 12, Section 2 of the Constitution and Section 9, P.D. 705, as amended, the following revised rules and regulations governing the administration, management and development of forest lands used for grazing purposes are hereby promulgated.

Section 1. Policies and Objectives. — The Department of Environment and Natural Resources (DENR), shall have the jurisdiction over the administration and management of the grazing lands of the public domain either for grazing purposes and other uses. It shall:

- a) Adhere to its policy to promote the development, improvement and sustainable use of grazing land through appropriate grazing management strategies and grassland improvement schemes.
- b) Promote ecologically sound, technically-feasible, economically-viable and socially-acceptable technologies for the sustainable development and management of grazing lands.
- c) Encourage the private sector, particularly the pasture agreement holders, NGOs and other government agencies in the rehabilitation, improvement and sustainable use of grazing lands.
- d) Ensure equitable access of individuals, associations and, communities to benefits derived from grazing lands through co-production sharing scheme.

Section 2. Definition of terms. — The following terms are to be understood and interpreted as follows for the purposes of the order.

- a) *Animal Unit* — is equivalent to either one (1) mature cow about 300 kg or at least two (2) yearlings.
- b) *Carrying Capacity* — the ability of the grazing land to support a number of animal unit for a certain duration, usually one year, without compromising the sustainability of the area for continuous productive use.
- c) *Community Grazing Lands* — is a portion of land established for grazing of domestic livestock by the residents of a particular municipality for personal purposes.

- d) *Economic Rent* — the difference between gross sales of livestock and other products and all costs (include operating and maintenance costs, capital investments and reasonable returns on investment) incurred in the management of grazing lands on a yearly basis.
- e) *Forest Lands* — include the public forests, the permanent forests or forest reserves, and other forest reservations.
- f) *Forest Land Grazing Management Agreement (FLGMA)* — a production sharing agreement between a qualified person, association and/or corporation and the government to develop, manage and utilize grazing lands.
- g) *Grasslands* — portion of the public domain with vegetation dominated by grasses associated with shrubs and/or sparsely scattered woody plants.
- h) *Grazing Land* — refers to that portion of the forestland set aside in view of its topographic and vegetative suitability for the raising of livestock.
- i) *Grazing Capacity* — the maximum number of animal unit that a given grazing land is capable of supporting without significant damage to soil, vegetation or watershed. It is computed by using the formula:

$$GC = \frac{0.54 (S) \times A \times 10,000}{25,000}$$

where:

GC = Grazing capacity

0.54 = Utilization factor (average of 61% and 46% utilization factors for rainy and dry seasons, respectively)

S = Average fresh weight (in kilos) of grasses per square meter in the sample

A = Effective grazing area (in ha)

10,000 = area of one hectare in square meter

25,000 = Average forage requirement of one a.u. per year in kilogram fresh weight

- j) *Herbage Yield* — the potential forage yield expressed in gms/m² or tons/ha.
- k) *Interim Grazing Privilege* — refers to a six-month privilege granted by the State, prior to the renewal of a forest land grazing management agreement to a person or group to occupy any grazing land in order to undertake any authorized activity therein.
- l) *Secretary* — refers to Secretary of Department of Environment and Natural Resources

m) *Stocking Rate* — the number of animal unit carried per unit area per year.

Section 3. Areas Available for FLGMA. — Areas available for FLGMA are as follows:

1. Forest lands sub-classified as grazing lands under the following criteria:

(a) Extent — contiguous area of not less than 250 hectares.

(b) Topography — at least 75% of the area must have a slope of not more than 50%.

(c) Vegetative Cover — the dominant vegetation is grass sufficient to support livestock and minimize soil erosion.

(d) Forage Production Capability — at least 500 kilograms, air-dry, forage production per hectare preferably measured during the maximum growth period.

(e) Occupancy — area should be free from established private right or claims, forest concessions or other forest licenses or permits, and forest occupancy and other forest management agreement.

2. Forest lands which cannot be sub-classified as grazing lands under the first category but are presently devoted to grazing under a pasture lease agreement or permit may continuously be used therefor, if so warranted after an evaluation thereof. In such an event, a forest land grazing management agreement shall be executed in favor of the existing holder.

3. Expired/cancelled TLA areas which are suitable for grazing.

Section 4. Prohibited Areas. — FLGMA shall be awarded or renewed within forest lands certified as suitable for grazing purposes except in the following:

a. Areas covered by existing Timber License Agreements (TLAs). Industrial Forest Management Agreements (IFMA) and other forest land contracts, leases, permits or agreements, except in the following cases:

1) the lessee, permittee or agreement holder executes a waiver in favor of the FLGMA, Provided, that when any pre-existing rights expire within three years from the issuance of an FLGMA, no waiver shall be required; or

2) a permit is issued only for the collection or harvesting of minor forest products, in which case no waiver from the permittee shall be required. Upon termination of any pre-existing permit for non-timber forest products, such permits shall not be renewed and any new permit shall be given to the FLGMA holder.

b. Protected areas except multiple use zones, buffer zones and other areas where utilization activities may be allowed pursuant to the provisions of Republic Act 7586, the National Integrated Protected Areas Act of 1992 (NIPAS) and its implementing rules and regulations;

- c. Forestlands which have been assigned by law under the administration and control of other government agencies, except upon written consent of the concerned government agency;
- d. Certified ancestral lands and domains, except where the Indigenous Cultural Communities/Indigenous People (ICCs/IPs) opt to participate in FLGMA; and
- e. Other areas occupied by ICCs/IPs that are known to be ancestral but are not yet covered by Certificate of Ancestral Domains Claims (CADCs) or Certificate of Ancestral Lands Claims (CALCs), unless the ICCs/IPs opt to participate in Community-Based Forest Management Program (CBFMP).

Section 5. Size of the FLGMA. — The area that may be covered by FLGMA shall not be less than 50 hectares but not more than 500 hectares for individual holder, and not more than 2,000 has. for association, cooperative or corporation.

Section 6. Areas for Grazing. — Grazing under the FLGMA shall always be confined and restricted to those portions of the agreement area under 50% in slope. In arable portions of the agreement area a food production area may be established for the raising of staple crops pursuant to Presidential Decree No. 472; Provided, that the area to be devoted for food production shall be equivalent to ten (10) percent of the agreement area but not less than one hectare nor more than 20 hectares; Provided, further, that improved pasture shall be established equivalent to a minimum of ten (10) percent of the agreement area; Provided, finally, that the agreement holder shall maintain and protect the naturally growing trees. Areas above 50% in slope shall be maintained with forest cover or the production of forage which will be utilized under the cut and carry scheme.

Section 7. Rights-of-Way. — The DENR reserves the right to permit, if public interest so requires, the opening of such portions of the agreement area for rights-of-way which shall not be more than ten (10) meters wide; Provided, that the person or entity granted the rights-of-way shall pay the agreement holder a reasonable compensation for any damages caused on the improvement therein, if any.

Section 8. Types of Grazing Lands. — With the use of score card system prescribed in this Order, all grazing lands shall be classified into three (3) major classes based on the respective points gained by each class, as follows:

CLASS A GRAZING LAND 70-100 points
CLASS B GRAZING LAND 50-69 points
CLASS C GRAZING LAND BELOW 50 points

Stable parameters have been used for classification under this Order and their relative point weights are shown in Annex A.

Section 9. Application for Forest Land Grazing Management Agreement. — Forest Land Grazing Management Agreement (FLGMA) shall not be issued or renewed, unless an application therefor has been filed and approved in accordance with the provisions of this Order. Provided, that an application for renewal shall be filed at least sixty (60) days prior to its expiration.

Section 10. Who May Apply. — Only the following persons may file an application for

FLGMA:

- a) Citizens of the Philippines who are of legal age at the time of the filing of the application;
- b) Corporations, partnerships, associations and such other juridical persons as may be recognized and registered in accordance with the laws of the Philippines, at least sixty (60) percent of the capital of which is owned, controlled and managed by citizens of the Philippines: and
- c) Financially and technically capable.

Section 11. Form, Contents and Supporting Documents. — Application shall be filed in a form to be prescribed by DENR. The application form shall contain particulars on the nature of the proposed utilization, development or activity, the location and size of the area, the sketch, boundaries and brief description thereof, and such other information DENR may require.

An application shall only be accepted if properly subscribed and sworn to by the applicant, or in the case of juridical person, by its president, general manager or authorized agent, and accompanied by the following documents:

- a. If the applicant is a government official or employee, whether in the career or non-career service, a written permission from the department head or head of the agency concerned.
- b. If the applicant is a naturalized Filipino citizen, a copy of his certificate of naturalization certified by the duly concerned agency that issued the same, and a certification by the Office of the Solicitor General that it has not filed or taken any action for his denaturalization, or any action that may affect his citizenship.
- c. If the applicant is a corporation, association and cooperative, (1) three copies of its articles of incorporation, (2) three copies of its by-laws, (3) three copies of the minutes of the latest organizational meeting of its stockholders/general assembly, electing the present members of the Board of Directors, (4) three copies of the resolution adopted at said meetings, electing the present members of the Board of Directors certified to by its secretary, (5) three copies of the minutes of the latest organizational meeting of the Board of Directors, electing the present officers of the corporation, association or cooperative, certified by the Board of Directors indicating the authority of the officer to file the application in behalf of the corporation.

The articles of incorporation must show an undertaking that there will be no transfer of stocks/shares that will change the citizenship and capital structure of the corporation, association or cooperative and should there be any transfer of stock/share, it shall not be effected without the approval of the DENR Secretary upon the recommendation of the Regional Executive Director concerned. All the above documents must be certified to be filed with the appropriate government agency and the certification must be signed by the duly authorized officer of said Agency.