

**[DENR ADMINISTRATIVE ORDER NO. 2001-17,
June 13, 2001]**

**GUIDELINES FOR DELINEATING/DELIMITING MUNICIPAL
WATERS**

Pursuant to Article 1 on National Territory of the 1987 Constitution, Presidential Decree No. 1599 dated June 11, 1978, Section 123 of Republic Act 8550, otherwise known as the Philippine Fisheries Code of 1998, and Executive Order No. 192 dated June 10, 1987, the following regulations and guidelines governing the delineation and delimitation of municipal waters of the country are hereby promulgated:

Section 1. Basic Policy - It is the policy of the State to protect the rights of the people, especially the local communities with priority to marginal fisherfolks, in the preferential use of the municipal waters. The delineation/delimitation of municipal waters will define the geographic extent of the city or municipality's taxation or revenue-generating powers, its law enforcement jurisdiction, resource allocation, and general management powers.

Section 2. Definition of Terms. - For the purposes of this manual, the following definition of terms shall be used:

Adjacent municipalities - coastal municipalities sharing a common land boundary point on the coast.

Archipelago - a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely related that such islands, waters, and other features form an intrinsic geographical, economic, and political entity, or which historically have been regarded as such.

Awash - flush with or washed by waves.

Baseline - the line from which the outer limits of municipal waters are projected.

Basepoint-a point on land from which baselines are drawn.

Cay - a low, fiat island of sand, coral, or other material which is awash or dries during low water.

Coast - the edge or margin of land next to the sea.

Coastal terminal point - a boundary point on the coast, common to two adjacent municipalities.

Coastline - the line where the shore and water meet.

Construction line - a temporary drawing line used in determining a final line, e.g., a boundary line, or points used to determine that final line.

Delimitation - the determination of boundaries of municipal waters between adjacent or opposite municipalities where the delineation of their respective waters show that their respective municipal waters overlap.

Delineation - the determination of the outer limits of the municipal waters of a municipality.

Drying reef- a reef or part of it which dries at low tide.

Fringing reef- a reef directly attached to the shore or located in its immediate vicinity.

General coastline of the municipality - refers to the coastline of the mainland and offshore and/or fringing islands of the municipality.

High water or high tide - refers to the highest level reached at a place by the water surface on one oscillation.

Island - a naturally formed area of land, surrounded by water, provided that where the island is surrounded by the sea, the same should also always be above the water at high tide.

Lateral boundary - the municipal water boundary between two adjacent municipalities

Low water or low tide- refers to lowest level reached at a place by the water surface in one oscillation.

Low water line or low water mark-the intersection of the plane of low water with the shore; the line along a coast or beach to which the sea recedes at low water.

Mainland of the city or municipality - the land area of the municipality within which the municipal capitol is located.

Median line or equidistance line - a line every point of which is equidistant from the nearest points on the coasts of two municipalities.

Municipal archipelagic baseline - a baseline used in cases where the municipality is composed of islands or has offshore and/or fringing islands.

Normal baseline - the baseline described by the coastline of a municipality, where such coastline is relatively smooth and simple and there are no outlying or fringing islands, reefs, rocks, pinnacles, or other abutting features.

Opposite municipalities - municipalities not sharing land boundaries but having coastlines which face each other and are less than thirty (30) kilometers apart.

Pinnacle rock - a sharp pointed rock rising from the bottom, which may extend above the surface of the water.

Reef- a mass of rock or coral which either reaches close to the sea surface or is exposed at low tide.

Rock-a formation of natural origin that constitutes an integral part of the lithosphere, which may or may not always be above high tide.

Rock awash - rock awash according to chart datum (usually low water).

Sandbar- a shallow portion of the coast, largely made of loose sand that is near the surface of the water.

Shoal- an offshore hazard to navigation on which there is a depth often (10) fathoms twenty (20) meters or less, composed of unconsolidated material except coral or rock.

Straight baseline - a baseline used in cases where the coastline is deeply indented or cut into.

Tidal water- any water the level of which changes periodically due to tidal action.

Section 3. Coverage. - The coverage of this administrative order shall be all the municipal waters as defined by Sec. 4 (58) of RA 8550, which include, not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under RA 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities. This administrative order shall not be construed to preclude special agencies or offices in exercising their jurisdiction over municipal waters by virtue of special laws creating these agencies such as, but not limited to, the Laguna Lake Development Authority and the Palawan Council for Sustainable Development, pursuant to Sec. 17 of RA 8550.

Section 4. Role/Responsibility of Agencies. - In order to have an efficient and effective flow of activities in the delineation/delimitation of municipal waters, the role of the agencies involved are herein provided:

A. Department of Environment and Natural Resources (DENR)

1. As the mother agency, oversee the activities being conducted by NAMRIA;
2. Provide the implementation mechanism for the delineation/delimitation;
3. Provide assistance/support and participate in the conduct of public hearing through its field offices, units, agencies, programs, and projects.

B. National Mapping and Resource Information Authority (NAMRIA)

1. Delineate or delimit the boundaries of municipal waters on maps or charts of appropriate scale as requested by the local government units;
2. Provide the local government units proposed maps and technical descriptions of the maps before the conduct of the public hearing;
3. Approve the maps, charts, and technical descriptions as a result of the delineation/ delimitation of municipal waters;
4. Participate in public hearings and consultations conducted in relation to the delineation/delimitation of municipal waters and take note of comments, inputs, suggestions, reactions or objections to the proposed delineation/delimitation;
5. Revise maps, charts, or technical descriptions as a result of the public hearing;
6. Approve an official copy of maps, charts, and technical descriptions and provide the approved maps to the municipality/city concerned;
7. Provide technical assistance relevant to delineation and delimitation of municipal waters;
8. Act as the repository of all technical descriptions and corresponding original maps or charts of all municipal waters;
9. Conduct actual verification of boundary limits as required.

C. Local Government Units

1. Request the NAMRIA to delineate/delimit the boundaries of their municipal waters;
2. Conduct public hearings and consultations in relation to the proposed delineation/de limitation;
3. Settle disputes with adjacent or opposite municipalities arising from the delineation/delimitation through the Sangguniang Bayan/Panglungsod or Panlalawigan or in any appropriate body;
4. Enact ordinances setting forth the extent of its municipal waters, incorporating thereof the maps or charts and technical descriptions.

D. Other Agencies and/or Entities. - Other agencies and/or entities that are involved in the management and development of municipal waters should assist in the delineation/delimitation of municipal waters. Information (map, technical descriptions, etc.) of areas under their administrative jurisdiction should be provided.

Section 5. Systems and Procedures

A. Requirements to Start Delineation Process

1. *Filing of Request for Delineation.* - All requests for delineation and delimitation of municipal waters shall be directed to the Administrator of the NAMRIA, through the Director of the Coast and Geodetic Survey Department.

A request may be made by any of the following:

- a) a city or municipality individually or jointly with other cities/municipalities with whom common boundaries are shared, through a resolution of the Sangguniang Panglungsod or Sangguniang Bayan;
- b) a province on behalf of all of its coastal municipalities, through a resolution of the Sangguniang Panlalawigan;
- c) a national government agency on behalf of any city or municipality, through a formal letter/request signed by the head of the agency, but only with the conformity of the affected local government unit/s, expressed in form of a resolution of the Sanggunian concerned which shall be attached to the letter/request.

A copy of the resolution or letter/request shall be furnished by the NAMRIA to:

- a) the DENR Community Environment and Natural Resources Office (CENRO) and/or the relevant DENR Regional Office;
 - b) the BFAR;
 - c) any adjacent or opposite municipality which may be affected by the delineation and/or delimitation;
 - d) the Regional Office of the Philippine National Police Maritime Group (PNP-MARIG);
 - e) any special agency having jurisdiction over coastal waters which may be excluded from municipal waters in accordance with the Fisheries Code (e.g., the Protected Area Management Board [PAMB] with respect to areas under the NIPAS Act);
 - f) any affected private parties or sectors which the city or municipality may deem fit to notify.
2. *Basic Technical Requirements for Requesting Entity.* - The filing of request for delineation must include basic technical requirements such as:
 - a) a list of known or named islands and maps of said islands under the jurisdiction of the municipality whose municipal waters are to be delineated and delimited; and
 - b) a copy of the legislation/proclamation creating the municipality or city.