

**[DENR ADMINISTRATIVE ORDER NO. 97-05,
March 06, 1997]**

**PROCEDURES IN THE RETENTION OF AREAS WITHIN CERTAIN
DISTANCES ALONG THE BANKS OF RIVERS, STREAMS, AND
SHORES OF SEAS, LAKES AND OCEANS FOR ENVIRONMENTAL
PROTECTION**

In the interest of the service and in order to promote ecological balance and protection of the environment, the provisions of R.A. No. 1273, P.D. No. 705 (as amended) and P.D. No. 1067 shall be strictly implemented.

SECTION 1. Rationale. — It has been observed that in the processing and subsequent approval of isolated and cadastral surveys and patents, the provisions of R.A. No. 1273, P.D. No. 705 (as amended) and P.D. No. 1067 as regards to the retention of areas within certain distances along the banks of rivers, streams, and shores of seas, lakes and oceans, have not been followed. These areas are crucial to ensure environmental protection, hence, the following sections of the aforementioned laws are hereby quoted for strict observance of all concerned:

1.1 Section 1 of R.A. No. 1273 otherwise known as An Act to Amend Section Ninety of Commonwealth Act Numbered One Hundred and Forty-One, known as the "Public Land Act", mandates:

"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."

1.2 Section 16, paragraphs 7 and 8, of P.D. No. 705 otherwise known as "Forestry Code", provides

"Section 16. Areas needed for forest purposes . . .

(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"

1.3 Article 51 of P.D. No. 1067 otherwise known as "Water Code of the Philippines" also provides:

"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 x.x.x."

SECTION 2. Implementation. — To strictly observe the pertinent provisions of the laws herein stated, the following procedures are hereby promulgated:

2.1 In the case of previously surveyed and titled properties bordering rivers, streams, creeks, arroyos and esteros, or fronting the seas, oceans or other bodies of water.

2.1.1 When these lands are subdivided, certain areas as described in Sections 1.2 and 1.3 of this Order, shall be demarcated as separate lot and preserved for forest purposes. When these areas are bereft of trees, these shall be planted with trees. No permanent infrastructure shall be allowed on these areas, unless intended for erosion control or to enhance the aesthetic qualities of the area.

2.1.2 When these lands are consolidated and subdivided into residential/commercial/industrial subdivisions, certain areas as described in Sections 1.2 and 1.3 of this Order, shall also be demarcated as separate lot and to be retained as permanent forest. This may form part of the open space for parks and recreational areas which shall likewise be planted with trees.

2.1.3 When the surveys have been approved and subject of Public Land Applications which are being processed or covered by request for data for judicial titling, the survey plan shall be amended pursuant to R.A. No. 1273 so as to demarcate the three (3) meters, twenty (20) meters or forty (40) meters strips of land, as the case may be. This strip of land shall be indicated as separate lots clearly marked as permanent forest for stream or river bank protection.

The lot marked as permanent forest for stream or river bank protection shall be excluded from the patent to be issued under the public land application; provided however, that the name of the applicant shall be indicated on the plan. The plan and lot data to be issued for judicial titling shall state that this strip is for permanent forest for stream or river bank protection; provided however, that when the petition for judicial registration is being heard in court and publication has been made, the court shall be informed about the exclusion of this strip of land in accordance with the law.

2.2 In the case of private properties bordering rivers, streams, creeks, arroyos, esteros, and when the strips of land described in Sections 1.2 and 1.3 of this Order are included in the title.