

**[DENR ADMINISTRATIVE ORDER NO. 23 s. 1993,
April 27, 1993]**

FOREST LAND MANAGEMENT PROGRAM

By virtue of this Administrative Order, the Department of Environment and Natural Resources (DENR) hereby establishes and promulgates guidelines for implementation of the Forest Land Management Program (FLMP), and for the issuance of long-term Forest Land Management Agreements (FLMA). Henceforth, the FLMA shall replace the former short-term contract reforestation system as the principal mode for accomplishing reforestation objectives in collaboration with forest occupants and other residents of upland communities.

Article I

Policy, Objectives, Program Components
and Definition of Terms

SECTION 1. Basic Policy

It is the policy of government to achieve economic empowerment of the people through measures that are beneficial to the environment. Consistent with this policy, the Department and Natural Resources (DENR) shall implement a Forest Land Management Program (FLMP). This program shall provide financial and tenurial incentives for forest occupants and rural communities to develop, protect and sustainably manage forest resources.

SECTION 2. Objectives - The objectives of the program are;

2.1 To use reforestation as a tool addressing rural equity issues, creating new jobs and providing wider opportunities for profitable self-employment, thus improving the socio-economic conditions of the rural population living within or adjacent to forest lands;

2.2 To promote community-based participation in the rehabilitation, establishment, management, protection and sustainable utilization of forest resources; and

2.3 To achieve optimum environmentally-sound land use and sustainable productivity of forest lands and resources.

SECTION 3. Program Components

3.1 Program components shall include tenure security, community organization services, technical and financial assistance, and incentives for peoples participation in the implementation of environmentally-sound land development and livelihood activities.

3.2 Tenure security shall be provided through the issuance of Forest Land Management Agreements (FLMA) which shall have a duration of twenty-five (25) years and shall be renewable for an additional twenty-five (25) years.

3.3 Community organization services shall be provided by non-government organizations (NGOs) and other competent groups, agencies or institutions engaged by the DENR to furnish assistance to forest occupants and communities.

3.4 Technical assistance shall be provided by NGOs, DENR and other government and private entities involved in rural development.

3.5 Land development and livelihood activities shall consist of reforestation, agroforestry and other measures that restore productivity and improve environmental conditions on denuded and degraded lands.

3.6 Short-term incentives shall be created by providing financial assistance to help forest occupants and communities defray the initial costs incurred to reforest and otherwise rehabilitate denuded and degraded lands. This assistance shall be disbursed to the forest occupants/communities during the first three (3) to four (4) years of an FLMA under terms and conditions similar to those previously applied in the administration of reforestation contracts. When the lands so developed have become productive, the forest occupants/communities reimburse the amounts previously advanced to them.

3.7 Long-term incentives shall be created through the provision of tenure security and the right to harvest and sell timber and non-timber products grown on the land covered by the FLMA.

SECTION 4. Definition of Terms

For purposes of this administrative order the terms hereunder are defined as follows:

4.1 Community Organizing (CO) — Refers to the processes and activities aimed at developing and strengthening the capabilities of Forest Land Managers (FLM) in the planning and implementation of the development, administration and management of their forest resources establish on denuded area;

4.2 Comprehensive Site Development (CSD) — Refers to the plantation establishment activities in reforestation and other land development initiatives which include, among others, construction of infrastructure, seedling production, site preparation, planting/replanting/enrichment planting, maintenance and protection, silvicultural treatments such as thinning and income - enhancement planting; assisted natural regeneration; soil and water conservation; covercropping and intercropping;

4.3. Community FLM — Refers to an association, organization, foundation, cooperative, or such other popular groupings of formations, duly-registered with the appropriate government regulatory agency, consisting of 15 or more members residing within, or adjacent to, a degraded area to be taken up for reforestation. The Community FLM may enter into an FLM agreement for areas more than ten (10) hectares to one thousand (1,000) hectares;

4.4 Family FLM — Refers to the spouses and children, if any, including household members related by affinity or consanguinity, living within or near a degraded area and have successfully implemented reforestation project. The family FLM may enter into an FLM agreement for areas not more than ten (10) hectares;

4.5 Forest Land(s) — Refers to land that is deemed to be more suitable for forestry than for other uses on the basis of prevailing land classification criteria;

4.6 Forest Land Manager (FLM) — The party to whom a Forest Land Management Agreement (FLMA) is issued by the DENR.

4.7 Forest Land Management Agreement (FLMA) — A contract, attached as Annex "A", between the DENR and a Forest Land Manager (FLM) which, among others;

- grants the sole and exclusive privilege to the FLM to occupy, develop and manage the land specified in the contract for a period of 25 years, renewable for another 25, years;
- specifies the amount of financial assistance the DENR will provide under the contract to help the FLM develop the land;
- grants to the FLM the sole and exclusive privilege to harvest, sell and utilize the products grown the land;
- obligates the FLM to repay the financial assistance previously provided by the DENR to help develop the land;

4.8 Forest Land Management Program (FLMP) — The program formulated and launched by virtue of the herein Administrative Order;

4.9 Harvesting — Refers to the extraction or cutting of timber and non-timber forest products from either natural or man-made forests including felling and bucking, yarding and skidding, (minor transportation) and hauling (major transportation) of forest products from the site covered by the FLMA to a site where said products will be processed, utilized or sold;

4.10 Initial Environmental Examination (IEE) — Refers to an initial examination for estimating probable environmental impacts in order to ascertain whether follow-up detailed studies are needed;

4.11 Income Enhancement Planting (IEP) — The process of interplanting food crops in areas previously planted with trees and other perennials in order to produce income and/or subsistence from these areas while waiting for the trees/perennials to mature and become productive;

4.12 Intercropping — Refers to the planting of food crops (e.g., camote, bananas, cassava, peanuts, kadios) and other crops concurrent with the planting of trees and other perennials in order to provide income and/or subsistence while waiting for the newly-planted trees/perennials to mature and become productive;

4.13 Limited Production Forests — Refers to forest areas with slopes greater than

50% wherein income and/or subsistence shall be provided primarily through the harvesting and utilization of non-timber products, such as bamboo, rattan, anahaw, pandan, medicinal plants, fruits, gums and resins, spices and other horticultural crops;

4.14 Local Government Units (LGUs) — Provinces municipalities and barangays;

4.15 Monitoring and Evaluation — Inspection and assessment procedures employed in the FLMP to determine the status, progress and compliance of an FLM with the terms and conditions of the FLMA, and/or the performance of an NGO or other entity employed by DENR to provide services needed in the implementation of the FLMP such as community organizing, survey, mapping and planning, and preparation of feasibility studies.

4.16 Next of Kin — Refers to the spouse and children, or if not applicable, the parents, brothers, sisters or relatives chosen by the FLM to assume the rights, privileges and responsibilities specified in the FLMA in case of incapacity or death of the FLM;

4.17 Other Government Agencies (OGAs) — Agencies of the government other than DENR;

4.18 Project Development Plan — A document attached to the FLMA which specifies the comprehensive site development activities that will be implemented by the FLM, the schedule for implementation, costs and other pertinent details;

4.19 Project Site — A site selected by the DENR for implementation of the Forest Land Management Program (FLMP);

4.20 Survey, Mapping and Planning (SMP) — The conduct of pre-feasibility studies on a proposed project site to include, among others:

- perimeter survey;
- sectioning and blocking;
- monumenting and marking of corner posts;
- contour mapping/slope classification;
- preparation of proposed control and operations maps;
- gathering of benchmark information and demographic and socio-economic data;
- an estimate of the financial and/or economic rate of return (FIRR or EIRR);
- conduct an Initial Environmental Examination;
- preparation of a proposed Project Development Plan, schedule and cost estimates which will be finalized in consultation with the party whom DENR intends to sign an FLMA;

4.21 Forest Management Plan — is a detailed write up indicating the different operational activities pertaining to timber production that will be implemented by the FLM including, among others, maintenance and protection, silvicultural treatments to be carried out before and after harvesting, rotational cutting cycles, reforestation and so forth.

Article II
Manual of Operations

SECTION 5. Implementation of the Forest Land Management Program (FLMP) shall be carried out pursuant to the provisions contained in the Manual of Operations.

Article III
Qualified Participants

SECTION 6. FLMA's may be issued to any of the following who are Filipino citizens and who have participated in community organization activities including meetings, orientations and trainings conducted by an NGO other group/institution/agency employed by the DENR to explain the terms and conditions of an FLMA;

6.1 individuals and/or single family units who are:

(a) bonafide residents of a project site who have satisfactorily implemented reforestation on the area to be covered by an FLMA under the previous contact reforestation system;

(b) bonafide residents of a project site project who have not previously implemented reforestation projects but who are now willing and able to participate in the FLMP;

(c) bonafide residents of a community adjacent to the project site, in cases where the parties identified in (a) and (b) above waive their privilege to be granted an FLMA;

6.2 community organizations/associations composed of parties identified in paragraphs 6.1 (a), (b) and (c) above that have registered with and been recognized by the DENR, the Securities and Exchange Commission or any other competent, duly-authorized government agency;

6.3 former reforestation contractors except LGUs and OGAs who are not bonafide community residents but who have already successfully implemented reforestation at the project site, provided that all of the parties referred to in paragraphs 6.1 and 6.2 above sign appropriate documents waving their privilege to be granted an FLMA and, provide further, that in such cases an FLMA shall be awarded through the process of public bidding.

Article IV
Tenure/Duration/Transferability/Bankability of An FLMA

SECTION 7. Duration of Tenure

7.1 An FLMA shall remain in full force and effect for twenty-five (25) years and be renewable for another twenty-five (25) years, but is subject to suspension or cancellation if the FLM violates the terms and conditions of the FLMA. In case cancellation, the DENR may award a new FLMA covering the same area to another party that meets the qualifications set forth in Section 6, Article III hereof.