

**[DENR DEPARTMENT ADMINISTRATIVE ORDER
NO. 96-29, October 10, 1996]**

**RULES AND REGULATIONS FOR THE IMPLEMENTATION OF
EXECUTIVE ORDER 263, OTHERWISE KNOWN AS THE
COMMUNITY-BASED FOREST MANAGEMENT STRATEGY (CBFMS)**

Pursuant to Section 12 of Executive Order No. 263 (EO 263), entitled "Adopting Community Based Forest Management as the National Strategy to Ensure the Sustainable Development of the Country's Forestlands Resources and Providing Mechanisms for its Implementation" issued by the President of the Republic of the Philippines on 19 July 1995, this Administrative Order is hereby promulgated, setting forth the rules and regulations governing the implementation of the Executive Order.

ARTICLE I

Title, Basic Policy, Objectives, Definition of Terms and Scope

SECTION 1. *Title.* This Administrative Order shall be known as the "Community-Based Forest Management Program".

SECTION 2. *Basic Policy.* It is the policy of the State to: a) protect and advance the right of the Filipino people to a healthful environment; b) improve their socio-economic conditions through the promotion of social justice, equitable access to and sustainable development of forestlands resources; and c) respect the rights of indigenous peoples to their ancestral domains by taking into account their customs, traditions and beliefs in the formulation of laws and policies. Active and transparent community participation and tenurial security shall be among the key strategies for achieving these goals.

Accordingly, the State acknowledges and supports the capacities and efforts of local communities and indigenous peoples to protect, rehabilitate, develop and manage forestlands and coastal resources. The State shall provide legal and technical support to ensure equitable access to and sustainable use of natural resources. Pursuant to these policies, the State hereby establishes the Community Based Forest Management Program (CBFMP) to implement EO 263.

SECTION 3. *Concept.* Efficient and sustained management of forest lands and coastal areas can result from responsible resource, utilization by organized and empowered local communities. It shall be the responsibility of the DENR, the Local Government Units (LGUs), and other government agencies to collaborate with Non-Government Organizations (NGOs) and other private entities in developing the enabling environment to support and strengthen local communities in managing forestlands and coastal resources on a sustainable basis. The DENR shall provide security of tenure and technical assistance to these local communities.

Local communities shall be assisted by DENR, LGU, NGOs and other government agencies (OGAs) or entities in the preparation of a Community Resource Management Framework (CRMF). The CRMF shall express the communities' aspirations, local and indigenous knowledge, and shall serve as a guide in the access, development, use and protection of resources in areas currently and eventually utilized and managed by the communities. The CRMF shall be consistent with the overall strategy for the conservation of areas encompassing watersheds and herein set forth policies.

SECTION 4. *Definition of Terms.* The following terms are to be understood and interpreted as follows:

Ancestral Domains — All lands and natural resources, occupied and possessed by indigenous cultural communities, by themselves or through their ancestors, communally or individually, in accordance with their customs and traditions since time immemorial, continuously to the present except when interrupted by war, force majeure, or displacement by force, deceit, or stealth, and including all adjacent areas generally belonging to them that are necessary to ensure their economic, social and cultural welfare.

Ancestral Lands — Lands occupied, possessed and utilized by individuals, families or clans who are members of an ICC/IP since time immemorial, by themselves or through their predecessors in interest, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit or stealth; including claims to lands that have been devolved to individuals such as residential lots, rice terraces, paddies or tree lots, indigenous corporate claims belonging to families or clans such as private forests and swidden farms and communal claims belonging to a community within a defined territory.

Awp - Annual Work Plans

Buffer Zones — Identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 of the NIPAS Law, that need special development control in order to avoid or minimize harm to the protected area.

CENRO — Community Environment and Natural Resources Office/Officer of DENR

Certificate of Ancestral Domain Claim — A certificate issued by DENR to an indigenous cultural community/indigenous people declaring, identifying and recognizing their claim to a particular traditional territory which they have possessed and occupied, communally or individually, in accordance with their customs and traditions since time immemorial.

Certificate Of Ancestral Land Claim — A certificate issued by DENR to an indigenous Filipino individual, family, or clan, declaring, identifying and recognizing their claim to a particular area they have traditionally possessed, occupied and used by themselves or through their predecessors in interest since time immemorial.

Coastal Environment Program — A program established in the DENR to implement its projects on conservation and management of the coastal environment. The CEP

encompasses all concerns over the habitat and ecological support systems of coastal communities and fisheries specifically pertaining to their productivity, biodiversity, integrity, sustainability, and equitability of access and use. This is principally governed by DAO 19, S. 1993.

Community — A group of people who may or may not share common interests, needs, visions, goals and beliefs, occupying a particular territory which extends from the ecosystem geographical, political/administrative and cultural boundaries and any resources that go with it.

Community Based Forest Management Strategy — Organized efforts by the DENR to work with communities in and near public forest lands with the intent to protect, rehabilitate, manage, conserve, and utilize the resource.

Community Based Forest Management Steering Committee — A multi-sectoral Committee responsible for the formulation and development of policy guidelines that will create incentives and conditions necessary to effectively carry out CBFMP. It shall be composed of the Secretary of the DENR as head; the respective Secretaries, or Undersecretaries or Assistant Secretaries or bureau/agency heads of the Departments of Agriculture, Trade and Industry, Agrarian Reform, Local Government, Budget and Management, National Defense, Justice, National Economic and Development Authority, Philippine Commission on Countrywide Development, Committee on Flagship Programs and Projects of the Office of the President's Presidential Management Staff, Cooperative Development Authority and Office for the Northern and Southern Cultural Communities. Representatives from POs participating in the CBFMP, NGOs, Philippine Chamber of Commerce, Philippine Wood Products Association and other public and private organizations may be invited to become members of the Steering Committee. This committee will replace the multi-agency/sectoral committee created under EO 196 to oversee the ENR-SECAL Program and all such other Steering Committees created for various other community based forestry programs.

Community-Based Forest Management Special Account — A special fund to be established and used to support the implementation of CBFMP and to provide a professional incentive system for deserving communities and government personnel.

Community Based Forest Management Agreement — A production sharing agreement entered into between a community and the government, to develop, utilize, manage and conserve, a specific portion of the forestland, consistent with the principles of sustainable development and pursuant to a Community Resource Management Framework.

Community Forestry Program — A forest management program of the DENR which grants rights to organized communities to manage, develop and utilize forest resources on a sustainable basis. The CFP is principally governed by DAO 123, S 1989 and DAO 22, S 1993.

Community Special Task Force For Ancestral Lands — The Special Task Force based in specific Community Environment and Natural Resources Offices (CENRO) which is responsible for the identification, delineation and recognition of ancestral domain and land claims.

Community Resource Management Framework — The document defining the terms and procedures for access, use, and protection of natural resources within the CBFMA area, which shall in all cases be consistent with the overall management strategy of the entire watershed area where the CBFMA area is located, and shall be formulated by the community with the assistance of its PO and the DENR, LGU and/or private entities.

DAO — DENR Administrative Order

EMPAS — Environment Management and Protected Areas Sector

FMB — Forest Management Bureau

Forest Land Management Program — A program launched by DENR through which Forest Land Management Agreements are issued, which in turn replaces the former short term contract reforestation systems as the principal mode for accomplishing the reforestation objectives in collaboration with forest occupants and residents of upland communities. The program grants participants the sole and exclusive right to occupy, develop and manage specified areas of forest lands, subject to repayable financial assistance from DENR, and to harvest, sell and utilize products grown on the land. The FLMP is principally governed by DAO 23, S. 1993.

Forests — Either natural vegetation or plantations of forest crops such as trees, or both, occupying a definable, uninterrupted or contiguous area not less than one hectare in size with the tree crowns covering at least ten (10) percent of the area, exclusive of the associated seedlings, saplings, palms, bamboo and other undercover vegetation. A natural forest is a stand constituted by natural succession without human intervention which includes such stand types as dipterocarp, pine, mossy, beach and/or mangrove, and for purposes of these rules are classified according to: 1) primary use and management; and 2) growth formation. As to primary use and management, a forest shall be either a: 1) protection forest; or 2) production forest. As to growth formation, a natural forest is classified according to either 1) primary or old growth forest or 2) a residual or second growth forest which refers to natural forest which has been previously subjected to timber harvesting or extraction.

Forestlands — Lands of the public domain which have been classified as such under the land classification program of the DENR and all unclassified lands of the public domain.

Forest Product — Any forest resource that is harvested or utilized, except minerals.

Forest Resources — All natural resources, whether biomass such as plants and animals or non-biomass such as soil and water, as well as the intangible services and values present in forestlands or in other lands devoted for forest purposes.

General Management Planning Strategy — A plan adopted by a duly established Protected Areas Management Board (PAMB), designed to maintain the integrity of protected areas specifically as to ecological stability and biological diversity, through the full participation and involvement of communities.

Indigenous Cultural Community/Indigenous Peoples — A homogenous society

identified by self-ascription and ascription by others, whose members have continuously lived as a community on communally bounded and defined territory, sharing common bonds of language, customs, traditions and other distinctive cultural traits, and who, through resistance to the political social and cultural inroads of colonization, became historically differentiated from the majority of Filipinos.

Interim Resource Utilization Rights — The permission granted to the communities prior to the approval of CRMF which allows harvest and sale of forest products on a limited scale to provide immediate income to communities, and funds for the preparation of CRMF and other related activities.

Integrated Social Forestry Program — The national program launched under Letter of Instruction No. 1260 designed to maximize land productivity, enhance ecological stability, and improve the socio-economic conditions of forest occupants and communities.

Integrated Rainforest Management Project — A community-based forestry project supported by the government of Germany.

Low Income Upland Communities Project (LIUCP) — A project undertaken by DENR to restore and sustainably manage the country's upland/forest resources, and alleviate poverty in rural communities. This is principally governed by DAO 35, S. 1992.

Multiple Use Zone — Areas where settlement, traditional and/or sustainable land use, including agriculture, agro-forestry, extraction activities and other income generating or livelihood activities may be allowed to the extent prescribed in the management plan consistent with the General Management Planning Strategy. Land tenure may be granted to tenured residents whether ICC/IP or migrants.

National Comprehensive Community Forestry Action Plan — The government's plan for the implementation of the Community Based Forest Management Strategy containing therein its short, medium and long term goals and strategies.

National Integrated Protected Areas System — As defined in the NIPAS Law, the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.

PENRO — Provincial Environment and Natural Resources Office/Officer of DENR.

Peoples Organization — A group of people, which may be an association, cooperative, federation, or other legal entity, established by the community to undertake collective action to address community concerns and need and mutually share the benefits from the endeavor.

Prior Vested Rights — Acknowledged claims, privileges, prerogatives, or ownership over land or natural resources to which one is entitled by reason of law, license, contract or tradition.