

**DENR Administrative Order
No. 2000- 44
June 06, 2000**

**SUBJECT Amending Certain Provisions of DAO
96-29 and Providing Specific
Guidelines for the Establishment and
Management of Community-Based
Projects within Protected Areas.**

Pursuant to the action agenda of consolidating all forestry programs into an over-arching Sustainable Forest Management Program, DAO 96-29, the Rules and Regulations for the implementation of Executive Order No. 263, otherwise known as the Community-Based Forest Management Strategy, is hereby amended to align it with the provisions of Republic Act 7586, otherwise known as the National Integrated Protected Areas Systems (NIPAS) Act of 1192, and specifically to provide the following guidelines on the establishment and management of Community-Based Projects (CBP) within protected areas, to include and to read as follows:

Article I. Title, Basic Policy, Objectives, Definition of Terms and Scope

In order to sustain the conservation objectives of protected areas, it shall be the basic policy, of the Department to allow sustainable use inside multiple-use and buffer zones, except any form of logging, or timber cutting involving the natural forest.

Section 5. Scope and Coverage. Subject to private rights, CBP shall apply to all areas designated as multiple- use and buffer-zones of protected areas.

Article II. Key Program Participants

Section 1 . Qualifications of Participants. Only qualified tenured migrant communities as defined under the NIPAS Law, who are duly organized may participate in the CBP.

Section 2. Incentives to the Participants.

- i. To develop allocated areas within the multiple-use and buffer zones of protected areas and claim ownership of all introduced improvements.
- ii. To receive income and proceeds from the development of areas covered by CBPS, subject to the sharing scheme that shall be developed as mentioned in Article VII Sec. 4 of this Order and other relevant provisions of the NIPAS Law.
- iii. Other incentives, where applicable, as enumerated in DAO 96-29

Article III. Stages of CBP Implementation

CBP implementation shall have four stages: the Preparatory Stage, the People's Organization (PO) Formation and Diagnostic Stage, the Planning, Stage and the Implementation Stage.

The Protected Area Management Board (PAMB) and the Protected Area Superintendent (PASu) shall take an active role in all stages of CBP implementation as provided in Article III of DAO 96-29. All activities related thereto, such as but not limited to, the Formulation of Community Resource Management Framework (CRMF), Resource Use Plan (RUP) and Annual Work Plan (AWP) must be consistent with the Initial Protected Area Plan, subject to revision upon approval of the final Protected Area Management Plan, and other relevant policies, rules and regulations.

Affirmation of the CRMF, RUP, AWP and other requirements shall be by the PAMB upon joint recommendation of the PASu and the CENROs. The organized tenured migrant communities potentially eligible for CBP shall be afforded all the necessary assistance by the DENR, specifically the Community-Based Forest Management Office (CBFMO) and Protected Areas and Wildlife Bureau (PAWB) in the implementation of the CBP.

Article IV. Tenure.

(a) Section 1. Tenurial Instrument.

The appropriate tenurial instrument to be issued within multiple use and buffer zones of protected areas is the Community Based Forest Management Agreement. (CBFMA). The PAWB shall develop an appropriate pro-forma agreement for CBFM within protected areas in consultation with the Regional Offices, PAMB and other stakeholders.

The PO which holds a CBFMA within. protected areas, if it deems appropriate, may enter into an agreement or execute an assignment, designation or allocation, only among, its individual members, families, or groups, thereof, who are likewise qualified tenured migrants wider Republic Act No.7586. subject to concurrence of the PAMB. All such agreements, assignments, designation or allocation shall, however, be subject to these guidelines, and the condition that succession to the area allocated would only be to the next of kin and only for the unexpired portion of the tenure, and consistent with all pertinent environment laws, rules and regulations.

Section 5. All CBFMA within protected areas shall be endorsed by the PAMB and approved by the Regional Executive Director.

Article VII. Financial and other Mechanisms

Section 4. Part of the income derived from the CBFMA within the protected area shall accrue to the Integrated Protected Area Fund (2AF), pursuant to DAO 96-22 and the sharing scheme agreed upon by the PAMB and the CBFMA holders that shall be developed by PAWB. This amount shall be reinvested in the community- based project areas for the improvement, rehabilitation and protection of the natural resources, community development activities and other projects of the protected area.

Section 5. The CBFMA holder may enter into an agreement or a contract with the Natural Resources Development Corporation (NRDC) in the processing, marketing and disposition of their products.

Article X. Final Provisions

Section 1. Effectivity. This Order shall take effect fifteen (15) days after its publication in a general newspaper of national circulation.

(Sgd.) ANTONIO H. CERILLES
Secretary

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