

DENR Administrative Order

No. 2003 – 10

April 2, 2003

SUBJECT : Amending Section 2(a), (b) & (c) of DAO No. 2001-28 entitled “Implementing Rules and Regulations on the Protection and Preservation of the Environment During VFA-Related Activities in the Country”.

Pursuant to the Visiting Forces Agreement (VFA) between the Government of the Philippines and the United States of America and in view of the importance of some selected protected areas as venue for the VFA related exercises/activities, Section 2(a), (b) & (c) of DENR Administrative Order No. 2001-28 are hereby amended to read as follows:

- a. All protected areas as defined and established in accordance with the NIPAS Act of 1992 (RA 7586), unless exempted by the DENR Secretary for reasons of national interest, subject to the prior informed consent of the concerned Protected Area Management Board (PAMB). Provided, that such VFA-related exercises/activities within protected areas shall only be allowed upon the execution of a Memorandum of Agreement (MOA) between the concerned PAMB and the Department of National Defense (DND). Such MOA shall have the following minimum terms and conditions:**
 - 1. Strictly comply with the provisions of the NIPAS Act, particularly Section 20 thereof on Prohibited Acts, and related rules and regulations;**
 - 2. Ensure utmost protection at all times of the wildlife and its habitat;**

- 3. Whenever necessary and if warranted, avoid the conduct of such activities within the strict protection zone(s) of the protected area;**
 - 4. Engage in restoration and rehabilitation programs within the concerned protected area that the PAMB may identify;**
 - 5. Secure the Free and Prior Informed Consent of any affected Indigenous Peoples/Indigenous Cultural Community (IP/ICC), where applicable;**
 - 6. Upon mutual agreement, compensate the PAMB, in form or in kind, for the use of the protected area; and**
 - 7. Assist the DENR and PAMB in the resource protection and monitoring.**
- b. Ancestral domain areas subject of valid claim, except where the concerned IP/ICC has issued their Free and Prior Informed Consent to the VFA-related exercises/activities;**
- c. Areas covered by existing and valid tenurial instruments such as Community-Based Forest Management Agreement (CBFMA), Industrial Forest Management Agreement (IFMA), Timber License Agreement (TLA), Private Land Timber Permit (PLTP), and Forest Land Grazing Management Agreement (FLGMA), except where the concerned tenure instrument holder has issued its prior consent in writing to the VFA-related exercises/activities;**

All other provisions of DAO No. 2001-28 shall remain in force.

This Order takes effect immediately and amends all orders and memorandum instructions inconsistent herewith.

Elisea G. Gozun
ELISEA G. GOZUN
Secretary