

Community-Based Program in Protected Areas

TABLE OF CONTENTS

	Page No.
Administrative Order No. 2004-32	2 - 9
Protected Area Community Based Resources Agreement (PACBRMA)	10 - 16
ANNEXES	
PACBRMA Application Form	17
Certification of Membership Form	18

DENR Administrative Order No. 2004-32 :

SUBJECT : **Revised Guidelines on the Establishment and Management of Community-Based Program in Protected Areas**

Pursuant to Republic Act No. 7586 (National Integrated Protected Areas System (NIPAS Act of 1992), DENR Administrative Order No. 25, Series of 1992 (Implementing Rules and Regulations of NIPAS Act), and Executive Order No. 263 (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), and to facilitate the implementation of the Community Based Program (CBP) in Protected Areas, DAO 2002-02 (Guidelines on the Establishment and Management of Community-Based Program in Protected Areas) is hereby revised.

Section 1. Basic Policy. It is the basic policy of the Department to promote the conservation of biodiversity and sustainable development in protected areas and buffer zones in order to maintain essential ecological processes and life support systems which will enhance people’s capacity to sustain human life and development, as well as plants and animals.

Towards this end, the Department would provide tenured migrant communities and interested indigenous peoples within protected areas and buffer zones, tenure over established CBP areas, provided that the activities to be undertaken are consistent with the Protected Area Management Plan (PAMP).

Section 2. Definition of Terms. As used in this Order, the following shall mean:

Allowable Zones - management zones of the protected area where sustainable development and/or resource utilization is allowed.

Community Based Program (CBP) - a program that gives opportunities to organized tenured migrant communities and indigenous peoples to manage, develop, utilize, conserve and protect the resources within the zones of the protected area and buffer zones consistent with the PAMP.

CBP area - portion of the allowable zones of the protected area and buffer zones where the CBP can be undertaken consistent with the PAMP.

Community Resource Management Plan (CRMP) - the plan of the Protected Area Community Based Resource Management Agreement (PACBRMA) Holder on how to manage and benefit from the resources in the CBP area on a sustainable basis

Integrated Protected Area Fund (IPAF) - a trust fund established for purposes of financing projects of the NIPAS.

Mangrove reserves - areas covered under Proclamation No. 2152 (Declaring the entire province of Palawan and certain parcels of the public domain and/or parts of the country as Mangrove Swamp Forest Reserve) and all other areas proclaimed, designated or set aside, pursuant to a law, presidential decree, presidential proclamation or executive order before the effectivity of the NIPAS Act.

People's Organization - a group of organized tenured migrant communities and/or interested indigenous peoples which may be an association, cooperative, federation, or other legal entity, established to undertake collective action to address community concerns and needs, and mutually share the benefits of the endeavor.

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

Protected Area Community Based Resource Management Agreement (PACBRMA) - an agreement entered into by and between the DENR and the organized tenured migrant communities or interested indigenous peoples in protected areas and buffer zones which has a term of twenty-five (25) years and renewable for another twenty-five (25) years.

Protected Area Management Plan (PAMP) - refers to either the Initial Protected Area Plan (IPAP) or the General Management Plan (GMP) which contain the rationale for the protected area establishment; proposed boundaries including buffer zones; and designation of management zones, including buffer zones, with purposes, strategies and allowable uses.

Tenured Migrant Communities - group of persons who after the survey of the protected area occupants were verified to have been actually and continuously occupying a portion of the protected area for a period of at least five (5) years before the establishment of the same as such in accordance with the NIPAS Act and are solely dependent therein for subsistence. For the initial components of the NIPAS, the reckoning period of 5 years shall be June 1, 1992 and for

additional sites for inclusion in the NIPAS, the reckoning period shall be from the issuance of the Presidential Proclamation establishing the site as a protected area.

Restoration - an activity which includes the planting of indigenous and/or endemic plant species in a specific area within the protected area or buffer zone with the objective of returning back as much as possible the original vegetation type.

Watershed – all areas proclaimed, designated or set aside, pursuant to a law, presidential decree, presidential proclamation or executive order as watershed before the effectivity of the NIPAS Act.

Section 3. Scope and Coverage - The Community-Based Program shall be established to provide opportunities to organized tenured migrant communities and interested indigenous peoples to manage, develop, utilize, conserve and protect the resources within the protected area and its buffer zone. The tenure instrument shall be issued only within multiple use, sustainable use and buffer zones. The organized tenured migrant communities may engage in protection and restoration activities in other allowable zones consistent with the PAMP.

Section 4. Creation of the PAMB-CBP Committee. The Protected Area Management Board (PAMB) shall create a PAMB-CBP Committee which shall handle all matters relating to the Community Based Program. The Committee shall be composed of Regional Technical Director (RTD) for Protected Areas, Wildlife and Coastal Zone Management Service (PAWCZMS) of the DENR as chair, with members from the Local Government Unit/s concerned and selected PAMB members. They shall be appointed by the Regional Executive Director (RED) concerned.

Section 5. Stages of the CBP implementation. There are four stages in the establishment and management of a Community-Based Program in Protected Areas. They are the (1) preparatory stage; (2) People's Organization formation and provision of security of tenure ; (3) planning stage; and (4) implementation stage.

5.1 The Preparatory Stage. It involves a generating awareness for the program, forming a strategic collaboration of all sectors concerned and identification of the CBP areas.

5.1.1 Information, Education and Communication Campaign (IEC). The RTD for PAWCZMS, as lead Community Environment and Natural Resources Officer (CENRO) and Protected Area Superintendent (PASu) shall conduct IEC to inform, educate and acquire support from sectors concerned on the CBP. They shall undertake a continuing systematic orientation of the local communities, local government units, local units of

relevant government agencies, civil society organizations and financing institutions on CBP matters.

5.1.2 Institutional Linkages. The RTD for PAWCZMS, as lead, CENRO and PASu shall promote the active participation of various agencies and organizations to meet the objectives of the CBP. They shall give high priority in establishing and forming partnerships among agencies and organizations, both public and private.

5.1.3 Identification of CBP Areas. The PAMB with the PASu shall identify CBP areas within the allowable zones of the protected area and buffer zone using as bases the results of the Survey and Registration of Protected Area Occupants (SRPAO), Resource Basic Inventory (RBI) and Protected Area Management Plan (PAMP). The PAMB, through the PASu, shall submit the identified CBP areas to the RTD for PAWCZMS. The latter shall prepare a preliminary map delineation of the CBP sites using the protected area map with management zones and submit it to RED, for approval, ten working days upon receipt of the documents.

5.1.4 Processing of Conflicting Claims. Adverse claimants of any party alleging conflicting claims over the identified CBP area, or portions thereof, shall file their complaints before the RED.

The RED shall create an arbitration group with the RTD for PAWCZMS as chairperson to hear and receive proof of conflicting claims. The group shall have thirty (30) days after receipt hereof to prepare a report of their findings and recommendations and shall submit the same to the RED. The RED shall render his/her decision within fifteen (15) days from the receipt of the report.

5.2 The People's Organization (PO) Formation and Provision of Security of Tenure. This is the stage wherein tenured migrant communities and interested indigenous people's are assessed and organized as to their potential in resource management and may be provided with the tenurial instrument. The result of the SRPAO and the certification of the PAMB of the tenured migrants shall be the bases for the selection of the members for the People's Organization.

5.2.1 PO Formation. The PASu, as the lead, the CENRO, the LGU concerned and NCIP (if there area indigenous peoples involved) shall assist the tenured migrant communities and interested indigenous peoples in the formation of the people's organization (PO). The PO to be formed shall be assisted in accomplishing the requirements and registration with the Securities and Exchange Commission, Cooperative Development Authority (CDA), or other registering agency.

5.2.2 Tenurial Instrument. The Protected Area Community-Based Resource Management Agreement (PACBRMA) shall be the tenurial instrument to be issued to the PO in all NIPAS sites, additional and initial components. The PACBRMA shall provide tenurial security and incentives to develop, utilize, manage, conserve and protect CBP areas pursuant to the approved Community Resource Management Plan.

Rights and responsibilities agreed to in the contract shall remain in effect during the term of the agreement until its expiry date, unless otherwise modified, rescinded or amended by agreement of the parties.

5.2.3 Application, processing, and approval of the PACBRMA. The PO shall submit its application for a PACBRMA to the PASu. The following requirements shall be submitted.

- a. Accomplished application form;
- b. Certificate of Registration of the PO;
- c. List of officers or in the case of indigenous people, list of council of elders or other similar indigenous governing body in the area.
- d. List of members, including address and complete name of spouse, if any, and certified by PAMB as qualified tenured migrants; and
- e. Resolution from the members of the PO allowing its president or head to file the PACBRMA application or in the case of indigenous peoples, proof of consent from the council of elders or other similar indigenous governing body of their interest to apply for the PACBRMA.

PAWB shall prepare and disseminate to the RED the prescribed format of the requirements for the PACBRMA application, five (5) working days after the approval of this Order.

Upon submission of the requirements, the PASu shall fully explain to the PO the provisions of the PACBRMA.

He/She shall review the application and other requirements and endorse them to the PAMB within fifteen (15) working days upon receipt hereof. Within thirty (30) working days upon receipt of the PACBRMA application, the PAMB through the CBP Committee; shall convene and discuss with the PO the terms and conditions of the Agreement and through a resolution, endorse the same to the red.

5.2.4 Approving authority. The RED shall complete the review of the PACBRMA application endorsed by the CBP Committee within three (3) working days upon receipt hereof. If found meritorious he/she shall approve the application with the area not exceeding 15, 000 hectares.

The RED shall endorse to the Secretary through Protected Areas and Wildlife Bureau (PAWB) the PACBRMA application with more than 15,000 hectares.

For control purposes, the PACBRMA shall be numbered as follows: Region – Acronym of the protected area – Year of Issuance – Agreement Number. The numbering should be continuous with the protected area concerned.

5.3 The Planning Stage. After the issuance of the PACBRMA, the PO (PACBRMA Holder) shall prepare the CRMP. The CRMP shall describe the PO's long term vision, aspirations, commitments and strategies for protection, rehabilitation, development and sustainable utilization of the resources within the protected area.

5.3.1 Preparation of the CRMP. The PASu and CENRO shall assist the PO (PACBRMA holder) in the preparation of the CRMP. The CRMP shall be consistent with the PAMP and other relevant policies, rules and regulations.

In case the CRMP includes resource extraction a 5 – year plan of activities shall be prepared. The indigenous peoples have the option to prepare an Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) in lieu of the CRMP.

The PAWB shall prepare the procedure on the preparation of the CRMP within thirty (30) working days from the effectivity of this Order.

5.3.2 Affirmation of CRMP. The PAMB shall endorse the CRMP to the RED for affirmation. The affirmation shall confirm that it has been prepared in a participatory manner, active participation of the DENR, and approval of the plan.

5.4 Implementation Stage. This stage shall implement the CRMP and the 5-year plan of activities; enhance organizational and institutional capacities; ensure economic viability of resource management activities; ensure the flow and equitable benefits to PO members; ensure the build-up of capital by the PO for sustainability.

Section 6. Community-Based Forest Management Agreement (CBFMAs) Issued in Protected Areas. For proclaimed watersheds and mangrove reserves with CBFMAs, their implementation shall continue. Provided, that the resource utilization shall conform with the Protected Area Management Plan (PAMP)

The RED through the RTD for PAWCZMS shall take the lead in the monitoring of the implementation of such CBFMAs and the provision of technical assistance, in close coordination with the Forestry Management Service. Moreover, he/she shall inventory all existing Protected Areas-Community Based Forest Management Program activities and determine their status.

Section 7. Monitoring and Evaluation. The PAMB, through the PASu and in coordination with the CENRO concerned, shall monitor the compliance of the terms and conditions of the PACBRMA. The PASu shall submit biannual reports to the Regional Office on the CBP implementation in the protected area.

The Regional Office, through the RTD for PAWCZMS, shall undertake periodic monitoring and evaluation in the implementation of the CBP in protected areas within its jurisdiction. The RED shall submit biannual report to the Secretary, through PAWB, on the implementation of the Program.

The PAWB shall monitor and evaluate the national CBP implementation of the DENR to identify issues and lessons learned; draft policies, guidelines and procedures on CBP and develop and maintain Program database.

Section 8. Termination or Cancellation of the PACBRMA. The grounds for termination or cancellation of the Agreement shall be as follows.

- a. Neglect or violation of the terms and conditions of the Agreement, after being notified in writing within one (1) month by the RED on behalf of the PAMB.
- b. Violation of environment and natural resources laws, rules and regulations.
- c. Conversion of the CBP area or portions thereof, to other uses not authorized in the Protected Area Management Plan; and;
- d. When the national interest so requires as determined by the DENR Secretary.

The RED shall constitute an investigation team to be chaired by the RTD for PAWCZMS for the purpose. During the investigation of any of the aforementioned grounds., the RED may suspend the Agreement.

In case a PACBRMA has been nullified, all improvements and development in the area shall be turned over to the PAMB.

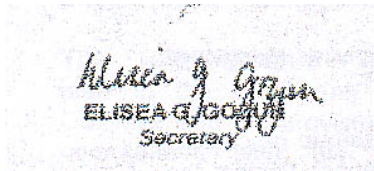
Section 9. Fund Allocation The DENR shall allocate the necessary fund for the implementation of this Order. All fees to be collected by the DENR from the CBP implementation shall accrue to the Integrated Protected Area Fund.

Section 10. Separability Clause If any part or section of this Order is held invalid, all other provisions, parts or sections not affected thereby shall remain in force.

Section 11. Repealing Clause. This Administrative Order modifies DAO No. 96-29 or the Implementing Rules and Regulations of Executive Order No. 263 in

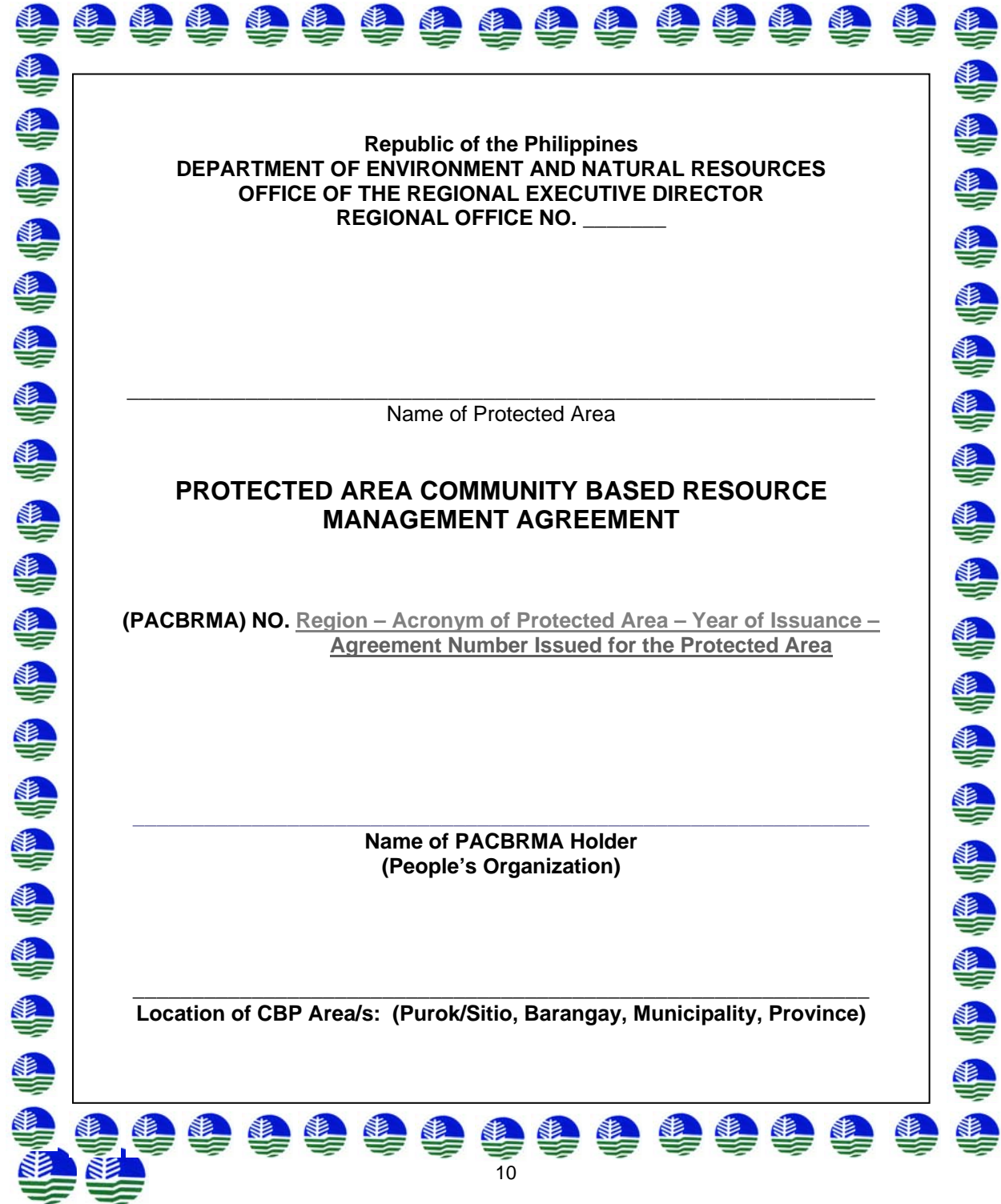
so far as protected areas are concerned and repeals DAO No. 200-44 and DAO 2002-02. All other orders, memoranda and circulars which are inconsistent herewith are likewise revoked or amended accordingly.

Section 12. Effectivity. This Order shall take effect immediately after its publication in a national newspaper of general circulation.



ELISEA G. GOZON
Secretary

PUBLISHED: September 10, 2004
Malaya, page 3.



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR
REGIONAL OFFICE NO. _____

Name of Protected Area

**PROTECTED AREA COMMUNITY BASED RESOURCE
MANAGEMENT AGREEMENT**

(PACBRMA) NO. Region – Acronym of Protected Area – Year of Issuance –
Agreement Number Issued for the Protected Area

Name of PACBRMA Holder
(People's Organization)

Location of CBP Area/s: (Purok/Sitio, Barangay, Municipality, Province)

This AGREEMENT made and entered into by and between:

The Department of Environment and Natural Resources, for and in behalf of the Republic of the Philippines, herein represented by its _____ with Office address _____ at _____ and herein after referred to as the DENR;

- and -

The Name of People's Organization herein represented by its Chairman/President, _____ with address at _____ and herein after referred to as the PACBRMA Holder.

WITNESSETH

WHEREAS, the DENR has the authority and jurisdiction over all protected areas in the country;

WHEREAS, the DENR promotes the conversation and sustainable development of biodiversity in protected areas and its buffer zones through sustainable development;

WHEREAS, the Community Based Program (CBP) shall be implemented in the sustainable-use zones, multiple-use zones, buffer zones or other appropriate zones of the _____ (Name of the Protected Area) proclaimed under Presidential Proclamation No. _____/Republic Act. No. _____ and consistent with the Protected Area Management Plan (PAMP);

WHEREAS, the CBP shall include the following components: (a) rehabilitation/restoration; (b) habitat protection; (c) conservation of resources ; (d) development of alternative livelihood opportunities not necessarily dependent on forest resources; (e) sustainability of renewable resources being developed and utilized; and (f) other activities that may be identified in the future and consistent with the Community Resource Management Plan (CRMP) of the area; and in conformity with the Initial Protected Area Plan, subject to revision upon approval of the General Management Plan of the concerned protected area;

WHEREAS, the Protected Area Community Based Resource Management Agreement (PACBRMA), in accordance with the provisions of Republic Act No. 7586, and DAO No. 2004-32 is the tenure instrument to the (a) people's organizations whose members are qualified tenured migrants, and (b) interested

indigenous people who opt to participate in the community based projects within protected areas;

WHEREAS, the Protected Area Management Board (PAMB) of _____ (Name of the Protected Area) endorses the PACBRMA of _____ (Name of People's Organization) with attached specifications of the designated CBP area, through PAMB Resolution No. _____ dated _____.

NOW THEREFORE, for and in consideration of the foregoing premises, the DENR shall allow the development and management of _____ (size of land in hectares in words and figure) in _____ (Name of PA) situated in _____ (Sitio), _____ (Barangay), Municipality of _____, Province of _____ with technical description and approved map which form integral part of this PACBRMA No. _____, which is within the _____ (Zone), subject to valid and existing vested rights, existing law's, policies, rules and regulations and PAMP of the protected area, under the following terms and conditions;

1. PRIVILEGES OF THE PACBRMA HOLDER

The PACBRMA Holder shall have the following privileges under this Agreement:

- 1.1 Use of the areas over the period covered under this Agreement subject also to the terms and conditions stipulated in this Agreement and RA 7586;
- 1.2 Participate in the decision making process involving the development of the area and the allocation of resources;
- 1.3 Allocate the entire or portion of the area to members without creating any vested right therein and subject to revocation by the PAMB to regulate the use and sustainably manage the resource therein;
- 1.4 Develop the area allocated, subject to RA 7586 and other existing laws, rules and regulations;
- 1.5 Have preferential access to all available assistance provided by DENR in the preparation and implementation of the CRMP,
- 1.6 Receive all or portion of income and proceeds from the sustainable utilization of resources within the area; and,
- 1.7 Be informed of and consulted on projects to be implemented in the area.

2. OBLIGATION OF PARTIES

2.1 The DENR shall:

- 2.1.1 Grant exclusive rights to occupy and use the designated PACBRMA area covered by the CBP, subject to prior vested rights and existing laws, rules and regulations whether local or national, those by the concerned, Protected Area Management Board (PAMB). Provided that the use of products therein by the community shall be contained in the CRMP and consistent with the allowable human activities of the particular protected area category.
- 2.1.2 Provide technical assistance to the PACBRMA Holder as part of the DENR regular operations, more particularly in the conduct of resource assessment, inventory, preparation, updating and sourcing of funding assistance, among others for the effective implementation of the CRMP.
- 2.1.3 Deputize PACBRMA members as Deputy Environment and Natural Resources Officers upon the request of the concerned People's Organization and/or PACBRMA Holder pursuant to existing laws, rules and regulations;
- 2.1.4 Inform and consult concerned PACBRMA Holder on projects to be implemented in its designated area; and
- 2.1.5 In collaboration with the PAMB, monitor and evaluate on a periodic basis the implementation of the CBP and its compliance with the terms and conditions set thereof in this Agreement.

2.2 The PACBRMA Holder shall:

- 2.2.1 Immediately assume responsibility for the protection of the entire CBP area against illegal activities under Republic Act No. 7586 and other related environmental laws;
- 2.2.2 Observe all duly promulgated laws, rules and regulations pertaining to protected areas management and other related environmental laws;
- 2.2.3 Prepare and implement the CRMP with the assistance of the DENR through the Protected Area Superintendent Office, CENRO, PAMB and concerned offices/agencies, consistent with

the Protected Area Management Plan and other relevant policies;

- 2.2.4 Formulate and implement an agreed equitable benefit-sharing scheme/s among its members.
- 2.2.5 Pay the requires charges and other imposed resource use fees which shall accrue to the Integrated Protected Area Fund;
- 2.2.6 Enter into an agreement with government entities, private sector or civil society for developmental activities endorsed by the PAMB and consistent with the Protected Area Management Plan and the CRMP, and;
- 2.2.7 May execute an assignment, designation or allocation only among its individual members, families or groups, thereof, who are likewise qualified tenured migrants under the Republic Act. No. 7586. All such assignments, designation or allocation shall, however, be subject to this PACBRMA and must comply with all pertinent environmental laws, rles and regulations.

3. OTHER CONDITIONS

- 3.1 The DENR shall give exclusive rights to the PACBRMA Holder in obtaining the permit to extract, utilize and dispose any allowed non-timber forest products such as but not limited to rattan, bamboo, vine, fruit and tannin and timber from trees planted by the Holders themselves that are found within PACBRMA area, other than those covered by the CRMP, subject to prior rights and existing laws, rules and regulations. Provided that no cutting of naturally grown trees shall be allowed.
- 3.2 All rights, interests and activities of the PACBRMA Holder within the CBP areas shall be governed by the principles of biodiversity conservations and sustainable development.
- 3.3 All plans, policies and guidelines affecting the CBP areas subsequent to the signing of this Agreement shall be mutually developed by the contracting parties with the endorsement of PAMB.
- 3.4 In the event that the terms and conditions of the PACBRMA should be modified of this Agreement be rescinded in part or in whole, in the interest of the public, general welfare, biodiversity protection and sustainable development, the PACBRMA Holder shall be entitled to just compensation equivalent to the value of

all improvements introduced therein such as plants, soil and water conservation measures provided, however, that there should be no fault and/or negligence on the part of either both parties. The affected participants shall then be entitled to harvest and/or remove such improvements consistent with existing policies.

3.5 (Provision for additional condition/s but must be consistent with the PAMP)

4. DURATION OF THE AGREEMENT

This Agreement shall, have a term of twenty-five (25) years counted from the date this instrument is executed and notarized and be eligible for renewal thereafter for an additional twenty-five (25) years subject to the endorsement of the PAMB and upon compliance by the PACBRMA Holder with the terms and conditions of this Agreement, and pertinent laws, rules and regulations.

5. RESOLUTION OF DISPUTES

Any dispute among the parties, arising from or related to the provisions of this Agreement shall be settled by arbitration, through an investigation by the arbitration team.

6. TERMINATION AND AMENDMENT OF PACBRMA

This Agreement may be terminated or cancelled based on any of the following grounds:

- a. Neglect or violation of the terms and conditions of the Agreement after being notified in writing within one (1) month by the RED on behalf of the PAMB;
- b. Violation of natural resources laws, rules and regulations;
- c. Conversion of the CBP area or portions thereof, to other uses not authorized in the Protected Area Management Plan;
- d. When the national interest so requires as determined by the DENR Secretary

During the investigation of any of the aforementioned grounds, or in the interest of the protected area, the Secretary or the concerned approving authority may suspend the Agreement pending review within a reasonable period but not to exceed three (3) months.

After complying with the minimum requirements of procedural due process, the PAMB, upon recommendation of the CBP Committee or any investigation committee created for the purpose, may in turn recommend to the Regional Executive Director cancellation/amendment of the PACBRMA. In such case, all improvement and development in the area shall revert to the jurisdiction of the protected area.

7. FORCE MAJEURE

In case of force majeure affecting the performance of the PACBRMA Holder, the latter shall give notice to the DENR within thirty (30) days from the occurrence of such event, including a statement describing the force majeure and its effect upon the PACBRMA Holder's ability to perform the conditions of this Agreement. The parties shall then meet discussing the actions to be taken within ten (10) days after such notice, as provided under existing laws, rules and regulations.

8. PENALTY CLAUSE

In the event of default in any of the above undertaking by the PACBRMA Holder, nothing herein shall preclude the DENR from resorting to such judicial remedies, civil or criminal, to which it is entitled under existing laws, rules and regulations.

NOW THEREFORE, the Parties hereby signify their agreement to the foregoing provisions by affixing their signature hereunder on this _____ day of _____ in _____, **Republic of the Philippines.**

FOR THE DENR:

FOR THE PACBRMA HOLDER:

WITNESSES:
