



MAR 15 2022

DENR ADMINISTRATIVE ORDER
NO. 2022- 05

**SUBJECT: GUIDELINES FOR SUSTAINABLE DEVELOPMENT
PLANNING AND MANAGEMENT OF PEATLANDS**

Pursuant to Article II, Section 16 of the 1987 Constitution, Executive Order (EO) No. 192 (1987),¹ Climate Change Act of 2009 (Republic Act [RA] No. 9729),² Philippine Disaster Risk Reduction and Management Act of 2010 (RA No. 10121), Wildlife Resources Conservation and Protection Act of 2001 (RA No. 9147), National Integrated Protected Areas System (NIPAS) Act of 1992 (RA No. 7586) as amended by the Expanded National Integrated Protected Areas System Act of 2018 (RA No. 11038), Revised Forestry Code of the Philippines (Presidential Decree [PD] No. 705), Water Code of the Philippines (PD No. 1067), Philippine Environmental Impact Statement System (PD No. 1586) and their corresponding implementing rules and regulations, and consistent with national commitments under the Convention on Wetlands (Ramsar Convention), and the ASEAN Agreement on Transboundary Haze Pollution, the following guidelines governing the conservation and sustainable development of peatlands and peatland resources are hereby promulgated.

SECTION 1. Statement of Policy. It is the policy of the State to promote the conservation and sustainable development of peatland and peatland resources consistent with the principles of sustainable development, inclusive economic development, poverty reduction, biodiversity conservation, climate change adaptation and mitigation, and disaster risk reduction and management; while advancing the right to a balanced and healthful ecology in accordance with the harmony and rhythm of nature.

SECTION 2. Objectives. This Order shall have the following objectives:

- 2.1 To promote the conservation and sustainable development of the country's peatland and peatland resources through the effective implementation and enforcement of pertinent specific measures required under various laws;
- 2.2 To ensure that plans, programs and activities in or around peatlands are consistent with the goals of the Philippine Biodiversity Strategy and Action Plan (PBSAP) and the Philippine Development Plan (PDP), particularly on the rehabilitation of wetlands as wildlife habitat and their management for food production, water conservation and disaster mitigation;
- 2.3 To institutionalize proper sustainable development planning and management of peatlands and ensure the inclusion and consideration of peatland issues and concerns in the local planning and development processes of concerned local government units (LGUs), particularly in the updating of their Comprehensive Development Plans (CDPs), Comprehensive Land Use Plans (CLUPs) and formulation of their Forest Land Use Plans (FLUPs);
- 2.4 To guide activities on raising public awareness of the existence of peatlands in the Philippines, the vital ecosystem services that they provide, the threats that peatlands face and the consequences of peatland degradation and loss; and

¹ "Reorganization Act of the Department of Environment and Natural Resources" (10 June 1987), specifically Sections 5(b), (c), (h) (5), (q)

² Specifically, Section 15(c)

- 2.5 To provide relevant information and guidance on peatlands and peatland issues and concerns to LGUs, local communities, businesses, planners, developers and other stakeholders.

SECTION 3. Scope and Coverage. This Order shall apply to areas identified by the DENR as peatlands as well as other areas that may potentially contain peatlands. This Order shall guide sustainable development planning and management of peatlands in public as well as titled lands.

SECTION 4. Definition of Terms. For the purposes of this Order, the following terms shall be construed to mean as:

- 4.1 Land use planning³ refers to the rational and judicious approach of allocating available land resources to different land-using activities, (e.g. agricultural, residential, industrial) and for different functions consistent with the overall development vision/goal of a particular locality;
- 4.2 *Peat* refers to dead and partially decomposed plant material that have accumulated under high water saturation or waterlogged conditions. Peat soil is defined using the definition of histosol (organic soil) which are soils with cumulative organic layer(s) comprising more than half of the upper 80cm of the soil surface containing 35% or more organic matter (35% or more loss on ignition) or 18% or more organic carbon;
- 4.3 *Peat swamp forest* refers to a type of peatland that has forest cover and can be found in certain areas in the tropical regions of the world including the Philippines;
- 4.4 *Peatlands* refers to wetland ecosystems characterized by the accumulation of peat at the surface. Major characteristics of peatland are the presence of peat and permanent water logging. Peatlands may have vegetation in the form of trees, shrubs, grasses and mosses and are likely found in swamps and marshes;
- 4.5 *Protected Area*⁴ refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;
- 4.6 *Riparian area* or *zone* refers to land that occurs along watercourses and water bodies and are composed of moist to saturated soils, water-loving plant species and their associated ecosystems. This may be found surrounding lakes, estuaries, streams and rivers;
- 4.7 *Subsidence* refers to the lowering or collapse of the ground level that results from draining water from peatlands and or due to fire incidence;
- 4.8 *Wetlands*⁵ refer to a wide variety of inland habitats such as marshes, peatlands, floodplains, rivers and lakes, and coastal areas such as saltmarshes, mangroves, intertidal mudflats and seagrass beds, and also coral reefs and other marine areas no deeper than six (6) meters at low tide, as well as human-made wetlands such as dams, reservoir, rice paddies and wastewater treatment ponds and lagoons.

³ HLURB CLUP Guidebook Volume I

⁴ Republic Act No. 11038 (ENIPAS Act), specifically Section 4 (bb)

⁵ Republic Act No. 11038 (ENIPAS Act), specifically Section 4 (mm)

SECTION 5. Guiding Principles. The following are the guiding principles for the sustainable development planning and management of peatlands:

- 5.1 Recognition of peatlands as one of the most significant natural ecosystems in the world which have key values for biodiversity conservation, climate regulation, hydrology and water regulation, and support for human welfare;
- 5.2 Recognition and promotion of ecosystems-based adaptation as a nature-based solution to conserve and protect peatlands from degradation, thus reducing the impact and risk of climate change;
- 5.3 Wise use of wetlands which integrates protection and sustainable use, to maintain the ecosystem services provided by peatlands, including the tangible and intangible benefits for humans, in a fair and equitable way; and
- 5.4 The precautionary principle: where it is anticipated that the effects of an intervention could be seriously damaging, measures to prevent this damage should not be avoided because of lack of full scientific certainty.

SECTION 6. Strategies for the Sustainable Development Planning and Management of Peatlands and Related Specific Actions. The DENR, including its field offices, shall promote and practice the following strategies:

- 6.1 Planning for the protection of peatlands from clearing and conversion. Peatlands are very fragile ecosystems. Once degraded, it is very difficult or sometimes impossible to restore to original conditions since physical conditions may have changed dramatically. As such, peatlands shall be left undisturbed and no development shall be undertaken.
 - 6.1.1 Identify and develop a list of potential peatlands in their respective areas of concern/jurisdiction. The area should be at least one (1) hectare to be considered as peatland;
 - 6.1.2 Conduct assessment, mapping and delineation of peatlands as one of the bases for land use planning. The assessment shall include an inventory of peatlands within Alienable and Disposable (A&D) and private lands, as well as the type of title issued, and peatlands susceptible to hazards such as fire and flooding. In case a public land has been assessed as peatland, this area should be mapped and prevented from being released as A&D. The assessment of peatlands shall be completed within three (3) years upon the approval of this Order;
 - 6.1.3 Include identified peatlands under protection category under Comprehensive Land Use Plans (CLUPs), Forest Land Use Plans (FLUPs) and other plans in consultation with concerned agencies, in pursuit of Article 74 of PD No. 1067;
 - 6.1.4 In case of NIPAS, designate peatlands as strict protection zones;
 - 6.1.5 Where necessary, prioritize peatland for protection under RA 7586 as amended by RA 11038, or declared as critical habitat pursuant to Section 25 of RA 9147, or as a local conservation area or other effective area-based conservation measures through the ordinances of LGUs;
 - 6.1.6 In cases where the peatland is within a NIPAS site, include its management as a thematic area in the Protected Area Management Plan (PAMP);
 - 6.1.7 Pursue international recognition of peatlands such as Ramsar Site, ASEAN Heritage Park, World Heritage Site, etc.;
 - 6.1.8 Strengthen implementation of forestry laws and other applicable laws against illegal forestry activities, drainage, conversion, peat extraction, deliberate setting of fire within peatland or adjacent areas that may affect the peatland;
 - 6.1.9 Raise awareness on peatlands and its services and values;

- 6.1.10 As much as possible, limit necessary development to degraded peatlands; and
 - 6.1.11 Continue identification and assessment of potential peatlands.
- 6.2 Regulation on the use of water in peatlands
- 6.2.1 Require the presentation of appropriate permits from concerned national government agencies such as the DENR, the National Water Resources Board (NWRB) and the National Irrigation Administration (NIA), prior to the construction of drainage canals in a peatland;
 - 6.2.2 Adopt water management systems to protect against flooding and to ensure adequate water supply during dry season;
 - 6.2.3 Ensure that permitted construction of canals comply with the proper specifications as to width and depth; and
 - 6.2.4 Install water flow control structures on existing canals.
- 6.3 Improvement of agricultural and agroforestry practices in degraded peatland that has been classified as agricultural land and converted for agricultural purposes
- 6.3.1 Ensure adoption of best management practices by existing agricultural or agroforestry plantations in peatlands, including:
 - 6.3.1.1 Maintain high water table to prevent fires (50 to 75 cm below the surface);
 - 6.3.1.2 Prohibit the burning for clearance;
 - 6.3.1.3 Maintain buffer zones between plantations and outside peatlands;
 - 6.3.1.4 Maintain natural vegetation, preferably leguminous cover crops, on bare soil to reduce risk of erosion;
 - 6.3.1.5 Practice compaction of peat soil before planting;
 - 6.3.1.6 Use renewable sources of energy; and
 - 6.3.1.7 Plant at a higher density (160 palms per hectare);
 - 6.3.2 Shift to agricultural products that are more suited to peatland conditions; and
 - 6.3.3 Modify agricultural practices to adapt to peatland conditions.
- 6.4 Regulation of land use conversion of agricultural land which has peatland
- 6.4.1 Peatland that is already being cultivated, shall remain as such provided that the strategy prescribed in Section 6.3. is followed⁶;
 - 6.4.2 Agricultural land which has peatland, but not cultivated, shall be protected under applicable modalities following Section 6.1; and
 - 6.4.3 Peatlands including those in areas released as agricultural land, whether cultivated or not, is hereby declared as environmentally critical area (ECA)⁷ under PD No. 1586.
- 6.5 Sustainable livelihood for peatland dependent communities
- 6.5.1 Develop, adopt and promote biodiversity-friendly enterprise;
 - 6.5.2 Provide support to communities for value-added products from peatlands; and
 - 6.5.3 Direct suitable government poverty alleviation project in communities around peatland (e.g. agroforestry, planting of fruit bearing trees, family farming program).

⁶ Section 5 of the Department of Agrarian Reform (DAR) Administrative Order No. 01-02

⁷ As defined by the Presidential Proclamation 2146 and further clarified in Section 3.b of EMB Memorandum Circular 005 Series of 2014 "Technical Definition of ECA and Corresponding Operationalization Guide of the Revised Guidelines for Coverage and Screening and Standardized Requirements under the Philippines EIS System".

- 6.6 Risk reduction from peatland fires
 - 6.6.1 Inform and educate local communities on the dangers of peatland fires and enlist their participation in fire prevention and control strategies;
 - 6.6.2 Adopt fire prevention and control measures for peatlands;
 - 6.6.3 Adopt zero burning policy; and
 - 6.6.4 Promote composting of agricultural wastes.

- 6.7 Rehabilitation and improvement of the resilience of deforested or degraded peatlands
 - 6.7.1 Prioritize degraded peatlands for reforestation, such as, under the National Greening Program (NGP);
 - 6.7.2 Report the existence of abandoned peatlands released for agricultural use and coordinate their reversion with concerned national government agencies;
 - 6.7.3 Promote the refilling, blocking or plugging of abandoned drainage canals;
 - 6.7.4 Reforest and rehabilitate riparian areas; and
 - 6.7.5 Require oil palm plantations to undertake rehabilitation of their abandoned peatlands.

- 6.8 Undertake research and development (R&D) on peatlands such as but not limited to the following:
 - 6.8.1 Peatland ecosystems and biodiversity;
 - 6.8.2 Hydrological processes to better understand peatland functioning;
 - 6.8.3 Carbon stock assessment and accounting verification;
 - 6.8.4 Vulnerability to climate change and disaster risk management;
 - 6.8.5 Applicable restoration and rehabilitation in peatland;
 - 6.8.6 Peat fire prevention and disaster risk reduction;
 - 6.8.7 Appropriate techniques and practices for peatland management; and
 - 6.8.8 Support to community development and livelihood activities building on traditional knowledge and practices, among others.

SECTION 7. Raising awareness. The DENR shall promote communication, education, participation and public awareness (CEPA) through preparation and dissemination of information materials, and conduct of public awareness campaigns and similar events, on the existence and importance of peatlands, on the prevention or reduction of the threats to peatlands and on the consequences of peatland degradation and loss.

SECTION 8. Roles and Responsibilities of DENR Offices. The following are the roles and responsibilities of concerned DENR Offices:

- 8.1 Biodiversity Management Bureau
 - 8.1.1 Provide technical assistance and guidance to the DENR Field Offices in peatland conservation and management;
 - 8.1.2 Lead capacity building activities relevant to peatlands conservation and management;
 - 8.1.3 Compile results of peatland inventory and assessment into a national peatland map from consolidated peatland inventories submitted by the DENR Field Offices;
 - 8.1.4 Maintain and update national inventory and database of peatland;
 - 8.1.5 Notify the concerned DENR Offices (e.g. LMB, MGB, FMB, ERDB) regarding the peatland in the country and develop and provide policies, rules, regulations and recommendations for the protection and conservation of peatlands;
 - 8.1.6 Conduct periodic monitoring of peatlands and peatland related activities in collaboration with concerned DENR Offices and Field Offices; and

- 8.1.7 Provide assistance in the development and recognition of biodiversity-friendly enterprises (e.g. development and promotion of BDFE, market linkages, incentives).
- 8.2 Forest Management Bureau
 - 8.2.1 Prioritize peat swamp forest/peatlands within forest land that are not Protected Areas as Protection Forest. This includes strips of swamplands at least twenty (20) meters wide, along shorelines facing oceans, lakes, and other bodies of water, and strips of land at least twenty (20) meters wide facing lakes identified for forest protection/restoration purposes, in accordance with Section 16 (8) and 33 (g) of PD No. 705;
 - 8.2.2 Prioritize watershed with identified peatlands/peat swamp forest in watershed characterization, vulnerability assessment and integrated watershed management plan preparation;
 - 8.2.3 Provide technical assistance and guidance on forest fire management measures; and
 - 8.2.4 Prioritize degraded peatlands in rehabilitation/reforestation/restoration programs, such as the National Greening Program, using the appropriate rehabilitation strategies and species suitable to peatland ecosystem.
- 8.3 Land Management Bureau
 - 8.3.1 Issue corresponding advisory to the Regions on item 8.7.11 below, (i.e the need to consider the provision of PD No. 705 and PD No. 1067 in the evaluation on land title application) upon the approval of this Order and provide detailed implementation guidelines as may be necessary.
- 8.4 Mines and Geosciences Bureau
 - 8.4.1 Conduct of geohazard assessment in peatlands; and
 - 8.4.2 Assist in peatland assessment particularly in soil analysis.
- 8.5 Environmental Management Bureau
 - 8.5.1 Assist in peatland assessment particularly in water analysis; and
 - 8.5.2 Ensure that peatlands are considered in the impact assessment of projects located in or adjacent to such areas.
- 8.6 Ecosystems Research and Development Bureau
 - 8.6.1 Undertake research and development on peatlands on topics such as but not limited to the items stated in Section 6.8.
- 8.7 Regional Offices and its respective PENROs/CENROs
 - 8.7.1 Conduct inventory, assessment, monitoring and mapping and delineation of peatlands and include in their annual work and financial plan the conduct of such activity;
 - 8.7.2 Recommend management prescriptions mentioned in Section 6.1;
 - 8.7.3 Implement plans and programs of the DENR for the protection and conservation of wetlands and peatlands;
 - 8.7.4 In compliance to existing laws, particularly Section 16 (8) of PD No. 705 and Section 74 of PD No. 1067, and pending the availability of peatland inventory, the DENR Regional Field Office shall conduct thorough evaluation and site assessment for land title applications, to ensure that peatlands, natural marshes and swamps are excluded from the issuance of private land titles, among other compliance to statutory requirements on water body easements;
 - 8.7.5 Enforce environment and natural resources laws, rules and regulations relevant to the strategies mentioned in Section 6;

- 8.7.6 Undertake planning and implementation of activities mentioned in Section 6 for the protection of peatlands from clearing and conversion and further degradation;
- 8.7.7 Development of biodiversity-friendly enterprises as prescribed by DAO 2021-13⁸;
- 8.7.8 Undertake awareness raising on the existence and importance of peatlands;
- 8.7.9 In coordination with LGUs and concerned stakeholders, facilitate designation of peatlands as national park and/or other effective area-based conservation measures (OECM) such as local conservation area and critical habitat;
- 8.7.10 Coordinate with other concerned government institutions, LGUs and stakeholders in the integration of peatlands protection and conservation to the plans and programs of the LGU; and
- 8.7.11 Facilitate the thorough evaluation and site assessment for land title application to ensure that peatlands, including natural marshes and swamps are excluded from possible private land titling in compliance to existing laws, particularly Section 16 (8) of PD No. 705 and Section 74 of PD No. 1067.

SECTION 9. Monitoring and Evaluation. The Biodiversity Management Bureau, in collaboration with concerned DENR Field Offices, shall conduct periodic monitoring of peatlands and peatland related activities.

SECTION 10. Coordination with Other Government Agencies. The DENR shall coordinate with other agencies to support the implementation of this Order.

SECTION 11. Separability Clause. If any part of this Order is held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue in full force and effect.

SECTION 12. Repealing Clause. All Orders and similar issuances, or parts thereof, inconsistent herewith, are hereby revoked, amended or modified accordingly.

SECTION 13. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgement by the Office of the National Administrative Register (ONAR).

JIM O. SAMPULNA
Acting Secretary



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May 27, 2022

Acknowledgement: ONAR, U.P. Law Center
May 27, 2022

⁸ "Guidelines for the Development and Recognition of Biodiversity-Friendly Enterprises (BDFE) in Protected Areas Under the National Integrated Protected Area System (NIPAS) and Other Conservation Areas, Providing for Incentives and Supporting Mechanisms"