



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman Quezon City
Tel Nos. (632) 9296626 to 29, (632) 9296252
Website: <http://www.denr.gov.ph> / E-mail: web@denr.gov.ph

DENR Administrative Order
No. 2019 - 03

JAN 08 2019

SUBJECT : REVISED IMPLEMENTING RULES AND REGULATIONS OF EXECUTIVE ORDER NO. 193, SERIES OF 2015: EXPANDING AND ENHANCING THE COVERAGE OF THE NATIONAL GREENING PROGRAM

Pursuant to Executive Order No. 193, series of 2015, otherwise known as "Expanding the Coverage of the National Greening Program (NGP)" and in order to harmonize all forest development activities that will encourage and enhance the development of forest plantations with greater participation from the private sector, local government units, and organized upland communities, the following rules and regulations are hereby promulgated:

Section 1. Declaration of State Policy. It is the policy of the State to sustainably manage, protect and conserve the country's forest resources while reducing poverty, promoting food security, environmental stability and biodiversity conservation; enhancing climate change mitigation and adaptation, providing a favorable investment environment with adequate environmental, cultural, and social safeguards; enhancing the participation of women and men in the implementation and expansion of the coverage of the National Greening Program (NGP).

Sec. 2. Objectives. The general objective of this Order is to implement the expansion of the coverage of NGP, extend the period of its implementation in accordance with the updated Philippine Master Plan for Climate Resilient Forestry Development and Philippine Development Plan.

Specifically, it aims to:

- a. Accelerate the rehabilitation and reforestation of unproductive, denuded, and degraded areas;
- b. Sustain rehabilitation and conservation of watershed areas;
- c. Enhance and encourage equal participation of members from the private sector, local government units, organized upland communities, and other relevant stakeholders in the sustainable management of developed plantations and protection of existing forests;

- d. Contribute to the development and enhancement of the socio-economic standards of local communities and provide opportunities to develop social enterprises to produce sustainable livelihood and optimize benefit through the implementation of the program;
- e. Involve and enhance the participation and investment of the private sector in offsetting their carbon emissions with a view towards enabling them to achieve carbon neutrality, among others; and
- f. Provide appropriate management arrangements and incentives to participants to ensure sustainability of the program.

Sec. 3. Scope and Coverage. Consistent with the updated Philippine Master Plan for Climate-Resilient Forestry Development (PMPCRF 2016-2028), this Order shall cover all the remaining unproductive, denuded, and degraded forestlands to be managed for production and protection purposes.

This will include establishment of new plantations and sustainable management of developed plantations as well as protection of existing forests.

Sec. 4. Definition of Terms. The following terms as used in these guidelines shall be defined as follows:

- a. **Adjacent** - when two parcels of lands are joined by a common endpoint or border.
- b. **Agroforestry** - refers to the sustainable management of land, which increases their productivity by properly combining agricultural crops with forest crops simultaneously or sequentially over time through the application of management practices, which are compatible with the local climate, topography, and slope.
- c. **Assisted Natural Regeneration (ANR)** -is a process of rehabilitating denuded lands by taking advantage of trees already growing in the area. This usually involves following activities: locating and releasing indigenous trees, maintenance and augmentation planting and protection.
- d. **Carbon Neutrality** - refers to achieving net zero carbon emissions or having a net zero carbon footprint, by balancing a measured amount of emission with an equivalent amount sequestered, through planting trees and protecting existing forests.

- e. **Comprehensive Site Development (CSD)** - includes the following activities: seedling production, site preparation, plantation establishment, and maintenance and protection
- f. **Degraded Forestlands** - forestlands severely damaged by the excessive harvesting of wood and non-wood forest products, poor management, repeated fire, grazing or other disturbances or land uses that damage soil and vegetation to a degree that inhibits or severely delays the reestablishment of forest after abandonment. This includes areas with the following land cover classification: fallow, shrub land, wooded grassland, and grassland.
- g. **DENR** - shall refer to the Department of Environment and Natural Resources which includes its CENRO, PENRO, and Regional Offices.
- h. **Denuded Forestland** - refers to forestland that is bare and not covered by natural or artificial cover.
- i. **Enrichment Planting** - is the introduction of valuable tree species in forestlands where economical species are lacking.
- j. **Force Majeure** - shall refer to those events which cannot be foreseen, or which could not be foreseen, or which through foreseen, were inevitable so as to make it impossible for the partner to carry out, in whole or in part, the obligation under the contract. Those shall include the following: (a) Those due to human causes such as wars, armed invasion, revolution, rebellion, insurrection, armed blockades riots, civil disturbances, strikes and other analogous causes; and (b) those due to natural causes such as earthquakes, typhoons, storms, floods, prolonged drought, epidemics, and other similar phenomena.
- k. **Forest Landscape Restoration (FLR) Approach** - is a process that aims to strengthen the resilience and functionality of the forest landscape and keep future forest management options open. It also aims to restore ecological integrity and enhance human well-being in deforested or degraded forest landscapes. (ITTO 2005)
- l. **FMB** - shall refer to the Forest Management Bureau.
- m. **Private Sector** - any person, natural or juridical, that is not an instrumentality of the Government which is formed into either a sole proprietorship, partnership, corporation, or cooperative organized under the laws of the Republic of the Philippines.
- n. **Reforestation by Administration** - the implementation of reforestation activities by DENR Field Offices through the traditional method of

directly hiring laborers and workers instead of entering through a Memorandum of Agreement with qualified partners.

- o. **Social Enterprise** - provides a means to improve social well-being, environmental sustainability, and economic performance of the community.

Sec. 5. Survey, Mapping, and Planning (SMP). In order to ensure availability of areas for development, suitability of species to be planted, high survival rate, support from the local government units and participation of communities, survey, mapping, and planning shall be guided by the following process:

5.1. Identification of areas for development.

- 5.1.1. Areas needing rehabilitation shall be scientifically identified using current technology and considering available information by the DENR Field Offices in consultation with the local government units, other government agencies, including the National Mapping and Resource Information Authority (NAMRIA), River Basin Control Office (RBCO), and the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA), among others. The NAMRIA shall provide base maps in a scale of 1:10,000 meters.

A control map which contains locations of river basins and watersheds, land classification, topography, slope, land cover, areas under tenure arrangements, development projects, and other similar datasets shall be prepared by the DENR Regional Offices. This control map shall be the primary reference for the identification of potential areas for development or rehabilitation. It will also include the location of the buying stations for various high-value crops like coffee, cacao, and rubber, agribusiness stations, processing plants of bamboo, wood and other forest products

- 5.1.2. *The DENR thru the Forest Management Bureau shall compile all the control maps from the DENR Regional Offices and prepare a one control map for the whole program, in coordination with NAMRIA. The control map shall be updated regularly to reflect the progress of the National Greening Program.*
- 5.1.3. The RBCO shall provide the DENR Field Offices with copies of the master plans for the eighteen (18) major river basins.
- 5.1.4. Areas for development in the approved Integrated Watershed Management Plans (IWMPs), identified community watersheds,

proclaimed watersheds and Forest Land Use Plans (FLUPs) of the LGUs shall be considered in the identification of potential areas for reforestation/rehabilitation.

5.1.5. The DENR Regional Offices shall secure climatic data from PAGASA to provide the local government units with bases when developing their planting calendars and planning.

5.2. Actual Site Assessment, Survey and Mapping

5.2.1. DENR Field Offices shall conduct Consultation and Information, Education, and Communication (IEC) campaign to inform the partners and surrounding communities about the objectives of the Program.

5.2.2. The DENR Field Offices shall conduct stakeholders' analysis, which should include gender analysis to determine gender issues.

5.2.3. The DENR Field Offices shall coordinate and consult with stakeholders, partners from the private sector, local government units, and the communities prior to site assessment, survey, mapping, and planning.

5.2.4. Baseline information of the site as listed in the FMB Technical Bulletin No.1-A, as well as PO profile with sex-disaggregated data shall be gathered.

5.2.5. All identified planting sites shall be subject to perimeter survey and geotagged photos, and shapefiles using WGS 1984 datum. Data for the attribute table are enumerated in FMB Technical Bulletin No. 1-A, attached to this Order as Annex A.

5.2.6. The identified potential areas for development or rehabilitation shall be assessed by DENR on the ground by conducting soil analysis to determine appropriate species to be introduced and to identify interventions to improve the soil condition. The DENR field offices shall collect soil samples to be submitted to Ecosystems Research and Development Bureau (ERDB) following the protocols specified in the ERDB Technical Bulletin 2018-01. The ERDB shall conduct the analysis of soil samples and develop a centralized database containing the results of soil analysis.

5.2.7. All potential qualified partners shall be engaged during the assessment, survey, mapping and planning.

5.2.8. SMP shall identify areas into the following categories :

- a. Areas to be developed for production
- b. Areas to be developed for protection
- c. Areas to be developed for conservation
- d. Areas for special treatments (Assisted Natural Regeneration (ANR), enrichment planting, densification, cover crop planting, non-plantable areas)

5.2.9. All areas identified for development or rehabilitation which had undergone SMP and soil collection shall be certified by the head of DENR Field Office who conducted the SMP and soil collection.

5.3. Planning

A five-year reforestation/rehabilitation/restoration operation plan² by forest landscape, critical, community or proclaimed watershed and/or conservation area shall be prepared and submitted. It must show which areas shall be developed for production, protection or conservation purposes as well as the species to be planted, which should be in accordance with the national database developed by ERDB.

5.3.1. Species Selection and Spacing

- a. The following shall be considered when choosing appropriate species for planting:
 - i. Suitability to prevailing conditions based on the national database developed by ERDB.
 - ii. Purpose for which the area will be developed (i.e. protection, conservation, or production purposes)
 - iii. Available planting materials.
 - iv. Available market, if the plantation will be developed for production and commercial purposes.
- b. Based on the result of site assessment, SMP and soil analysis, identify appropriate species to be planted and sources of planting materials preferably indigenous species, without prejudice to the preference of qualified partners, as indicated in Section 7 hereof, subject to the compatibility of these species to the area to be developed.
- c. Spacing and density shall depend on the species to be planted.

- d. Planting design shall be prepared in consultation with DENR technical personnel following the density requirements per commodity.
 - e. The seeds and other planting material needed for plantation establishment shall be as much as possible be sourced from established Seed Production Areas (SPAs) and/or mechanized nurseries.
- 5.3.2. To ensure survival of planted seedlings, rainwater-harvesting facilities shall be put up near the plantations to serve as sources of water during dry season.
- 5.3.3. Submission of approved Regional/Provincial reforestation/rehabilitation/restoration operations plan by watershed. If the identified priority critical/ proclaimed watershed covers two or more provinces, a regional reforestation/rehabilitation/restoration operations plan must be prepared, otherwise a provincial operations plan must be prepared but same must also be duly approved by the DENR Regional Executive Director. A copy of the approved Regional/Provincial reforestation/rehabilitation/restoration operations plan shall be furnished to the Office of the Secretary through the Assistant Secretary for Staff Bureaus and FMB for monitoring and evaluation purposes. The plan must be consistent with the IWMP, FLUP, and Philippine Master Plan for Climate-Resilient Forestry Development.

Sec. 6. Modes of Engagement and Requirements. Any qualified partner interested to undertake the activities under the Program may do so by entering into a Memorandum of Agreement with the government, represented by the DENR. The Memorandum of Agreement shall be for a period of five (5) years which will commence upon receipt of notice to proceed issued by the DENR.

- 6.1. Peoples' Organizations with Community-Based Forest Management Agreement (CBFMA) or Protected Area Community-Based Resources Management Agreement (PACBRMA).** For Peoples' Organizations who are parties to an existing CBFMA or PACBRMA, their preferred area should be within their CBFMA/PACBRMA area. *In the absence of or in case where there are no available areas for plantation development for tenured areas, the CBFMA or PACBRMA holders may develop plantations in areas adjacent to their tenured areas, upon approval of the DENR and should be subjected to the same site assessment, survey, and mapping.*

6.2. Peoples' Organizations without CBFMA or any tenure instruments. For Peoples' Organizations who are not parties to an existing CBFMA or any other tenure instruments issued by the DENR, they may develop plantations within available untenured areas within their municipality of registration.

6.3. Local Government Units. Local government units are allowed to participate in the Program, *provided* that the area that they will develop is within their administrative jurisdiction and consistent with their adopted FLUP. Priority shall be given to the LGU's communal forests and community watershed areas

6.4. Reforestation by Administration. Proclaimed and critical watershed areas without tenure shall be developed ²by Administration.

Sec. 7. Qualified Partners. Any person, whether natural or juridical may participate in the Program through a Memorandum of Agreement with the government, represented by the DENR *provided* that they have passed the organizational assessment conducted by the DENR, if applicable.

The following partners are qualified to participate in the enhanced National Greening Program:

7.1. Duly registered Peoples' Organization either with the Securities and Exchange Commission or the Cooperative Development Authority.

7.2. Any holder of a CBFMA or PACBRMA that is of good standing with its registering agency and DENR.

7.3. Local government units, *provided* that the areas for NGP shall be under their administrative jurisdiction, and *provided further*, that the local legislative department shall issue a Resolution allowing the local chief executive to undertake the activities under this Order.

7.4. Any sole proprietorship, partnership, corporation, or cooperative organized under the laws of the Republic of the Philippines.

Sec. 8. Development Components and Activities. Using the Forest Landscape Restoration (FLR) approach, the Program shall have the following activities:

8.1. **Establishment of New Plantations.** This shall be done through Comprehensive Site Development (CSD) which has the following components:

8.1.1. Capacity Building

- a. **For People's Organization.** All qualified Peoples' Organizations shall undergo capacity building activities to be conducted by the Department, especially on organizational development and technical skills development, project management, and gender and development.
- b. **For Reforestation by Administration.** All designated organic personnel as Project Managers (SG 22 position) with staff and labourers shall undergo capacity building.

8.1.2. Site Preparation and Soil Amelioration

Site preparation activities shall include contouring, brushing, digging of holes, staking, and hauling of seedlings from the nursery to the planting site. Soil and water conservation measures shall be considered mainly in open areas (grasslands, brush lands, areas covered by *cogon* or other weeds). Water-harvesting mechanisms may be established when necessary and fire breaks must be strategically located within the plantation site.

Depending on the condition of the site, hedgerows and pioneer species may be planted before establishing the desired plantation.

A signage shall be installed by the DENR in every plantation site with a size of 1.2 meters x 1.2 meters indicating the project name, cost, location, funding source, implementing agency, development partner, and brief description of the project.

8.1.3. Nursery Establishment and Seedling Production

The Program shall continue to produce and use quality planting materials from the established clonal nurseries, mechanized and modernized forest nurseries, and those produced by peoples' organizations on-site.

Instead of using inorganic or chemical fertilizers, qualified partners are encouraged to apply organic fertilizers like *mycorrhiza* (e.g. *Hi-Q VAM*), among others.

Other standards on nursery establishment, potting media, and seedling production are provided in the Technical Bulletins issued by the FMB and ERDB.

8.1.4. Plantation Establishment

Establishment of plantation shall be done in accordance with the approved Regional/Provincial reforestation/rehabilitation/restoration operations plan.

As part of the Regional/Provincial reforestation/rehabilitation/restoration operations plan, Qualified partners or Project Managers must develop a planting calendar, based on the climatic type of the area where the plantation is going to be established.

Planting of preferred species shall always start at the beginning of the rainy season and shall stop at least two (2) months before the end of the season, as announced by PAGASA. It should be done at Year², however, planting of pioneer species including site preparation, soil amelioration, etc., shall be done during Year 1.

Planting of desired species may be done on the second year of plantation development.

8.2. Maintenance and Protection

8.2.1. Maintenance and protection activities shall be conducted by the qualified partners or Project Managers for five (5) years. The activities to be undertaken are:

- a. Ring weeding or strip brushing
- b. Application of organic fertilizers
- c. Replanting
- d. Maintenance of established fire breaks
- e. Foot patrolling
- f. Watering

8.2.2. A minimum annual survival rate of at least eighty – five percent (85%) of seedlings planted shall be maintained by the partner or Project Managers. The survival rate shall be based from the original spacing or density prescribed in the approved operations plan.

Sec. 9. Participation of Private Sector. Private sectors are encouraged to participate and invest in the Program and may engage in the following activities to offset carbon emissions.

9.1. **Establishment of New NGP Plantations.** Members of the private sector can develop and invest in areas, either tenured or untenured for the

establishment of new NGP plantations. For areas covered with CBFMA, the members of the private sector may enter into an agreement with the tenure holder to develop the area depending on the purpose of establishment, in accordance with DENR Memorandum Circular No. 1998-08.

For untenured areas, the members of the private sector may develop the area under the NGP through a Memorandum of Agreement with DENR.

9.2. **Maintenance and Protection of Existing NGP Plantations.** For long term development, the members of the private sector may invest in maintenance and protection of existing NGP plantations through appropriate management arrangement.

9.3. **Protection of Existing Forests aside from NGP areas.** With appropriate technical assistance from DENR, the members of the private sector may invest in protecting existing forests aside from NGP areas through a Memorandum of Agreement with DENR.

Sec. 10. Reforestation/Rehabilitation/Restoration Operations Plan. An operations plan shall be developed by the partner within fifteen (15) days from the start of the Memorandum of Agreement. The plan shall include GIS-generated maps showing areas to be planted, species to be planted, number of seedlings per species, location of fire breaks, spring development/small water impounding systems, and location of nurseries. The plantation plan shall be submitted to the Provincial Environment and Natural Resources Office (PENRO) concerned for approval.

Within five (5) days from the approval of the plantation plan, the DENR and the partner shall prepare an annual Work and Financial Plan (WFP) which contains the list of species to be planted, number of seedlings per species, with budgetary allocation, and schedule of activities based on climatic condition. The work and financial plan shall be submitted to the Provincial Environment and Natural Resources Office concerned for approval.

In case of reforestation by administration, the project manager shall prepare the five-year reforestation/rehabilitation/restoration operations plan for the identified critical, and proclaimed watershed.

Sec. 11. Commodity Roadmap. The following commodities shall be considered for planting in areas identified for NGP:

- a. Timber
- b. Fuelwood/ Wood Biomass
- c. Hedgerow crops
- d. Bamboo
- e. Rattan

- f. Mangrove species
- g. Beach Forest Species
- h. High value crops (i.e. Cacao, Coffee, Rubber)
- i. Agroforestry species
- j. Other commodities (i.e. Non-Timber Forest Products)

Planting density per hectare for various commodities is hereto attached as Annex B.

Sec. 12. Unit Costs of Activities. The FMB shall issue a technical bulletin providing for the updated unit costs per activity of the Program. However, the bulletin can be updated, amended, or repealed without the need of issuing any amendment to this Order.

Sec. 13. Schedule of Payments. Payments shall be on a progress billing scheme based on accomplishment/performance of the engaged party from seedling production, site preparation, soil amelioration, planting and maintenance and protection activities following the prescribed minimum standards and in accordance to the approved Work and Financial Plan.

Sec. 14. Program Management and Supervision. The Undersecretary for Field Operations shall be responsible for the overall management and supervision of the implementation of the Program, including evaluation of the results and outcomes of interventions and how women and men members of POs benefitted from the program.

FMB shall be responsible for providing overall technical support to the implementation of the Program.

Sec. 15. Monitoring and Evaluation. The Office of the Undersecretary for Policy, Planning, and International Affairs (OUPPIA) shall take the lead in the monitoring and assessment of the implementation of the Program.

PENROs and CENROs are enjoined to submit to the Regional Office updated geotagged photos and shapefiles of developed NGP plantations which shall be subsequently submitted to the office of the Undersecretary for Policy and Planning and international Affairs (OUPPIA) through the National Greening Program Coordinating Office (NGPCO). Physical accomplishment reports shall be submitted quarterly and annually supported with shapefiles, drone shots, and geotagged photographs. Field Offices shall submit to the Regional Office Annual reports which must be notarized with Certificates of Site Development.

An external evaluation and assessment of the implementation of this Order shall be done every five (5) years. However, a composite team of representatives from the DENR-Regional Office, FMB, and Local Government Units shall review and assess the implementation of this Order annually.

Any legal instrument or management arrangement issued or entered into pursuant to this Order shall be reviewed and assessed every three (3) years from the date of issuance.

In cases of occurrences of human-induced events and force majeure, i.e. pest and diseases, forest fires, typhoon, Field Offices are enjoined to submit report to the Office of the Undersecretary for Field Operations, copy furnished FMB.

Sec. 16. Release of the Retention Fee. The Regional Office concerned shall conduct an evaluation and assessment of each NGP plantation in order to determine its compliance with the terms and conditions of the Memorandum of Agreement entered into between the partner and the government. Upon determination of compliance, the PENRO concerned shall be notified to process the release of the retention fee, which is ten percent (10%) of the total project cost, after the project development.

Sec. 17. Book of Accounts for Enhanced NGP Accomplishments. In order to ensure that the accomplishment of the enhanced NGP are properly recorded on the book of accounts of the DENR, the accounting procedures for the reforestation projects provided under COA Circular No. 2015-0007 dated 22 October 2015 and subsequent guidelines issued by the Department shall be strictly observed.

In case of force majeure, the partner shall notify the DENR Office concerned (i.e. REGION/PENRO/CENRO) in writing, within seven (7) days after its occurrence, describing the same and its effects upon the performance of the contract. The parties (i.e. DENR and the partner) shall, within five (5) days from receipt of the notice, consult with each other to decide on the most appropriate course of action to take under the circumstances, which may include rehabilitation of damage area subject to approved WFP and continuation of remaining activities, suspension of work, or termination of the agreement subject to the provision of Government Accounting Manual (GAM).

Sec. 18. Support Mechanism. Funds shall be allocated to cover various support mechanisms to include but not limited to capacity building, monitoring and assessment, development and maintenance of database.

Sec. 19. Repealing Clause. This Order hereby repeals DENR Administrative Order No. 2016 - 20, DENR Administrative Order No. 2017 - 03, and all other Orders, Circulars, Memoranda, and issuances inconsistent with its provisions.

Sec. 20. Separability Clause. Should any provision or part of this Order be declared unconstitutional, those not affected shall remain to be in force and full effect.

Sec. 21. Effectivity Clause. This Order shall take effect immediately after publication in at least two (2) newspapers of general circulation and registration with the Office of the National Administrative Registrar in the UP Law Center.


ROY A. CIMATU
Secretary



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