

Terminal Report

Simplified and Harmonized Forestry Regulatory Procedures

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ANNEX B

COMMUNITY-BASED FOREST MANAGEMENT

FORESTRY DEVELOPMENT CENTER

College of Forestry and Natural Resources

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(Through the University of the Philippines Los Baños Foundation, Inc.)

College, Laguna 4031 Philippines

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ANALYSIS OF THE REGULATORY PROCEDURES ON COMMUNITY BASED FORESTRY MANAGEMENT (CBFM)

1.0 OVERVIEW

1.1 The CBFM Sub-Project Component

The report contains the summary result on the Community Based Forest Management (CBFM) sub-project component on the "Preparation of Manual on Forestry Regulatory Procedures." It has two major parts.

In this first part of the report is the brief analysis of the CBFM regulatory procedures. Specifically included are the sub-project component's objective, methodological framework in the analysis of the policy gaps, issues and concerns in CBFM regulatory procedures. Also discussed are the salient points raised during the series of consultation with various stakeholders on the "CBFM Implementing Rules and Regulations" or the Department Administrative Order (DAO) No. 96-29. The gaps, issues and concerns are presented in a matrix together with the proposed areas of recommendations for inclusion in the drafting of DAO No. 2003 - — on *"Strengthening the Implementation of the Community Based Forest Management (CBFM) Strategy"* and the intended resulting effect. This matrix was first presented to the Peoples Organizations (POs) in a national consultation held during the 2003 CBFM-PO Summit in Cebu City (Attachment A). Also discussed are the important provisions in the draft DAO No.2003 initially prepared by the study team in collaboration with the Department of Environment and Natural Resources -CBFM Forest Management Bureau (FMB) Division (Attachment B) and those which have been incorporated in the final draft of the administrative order as indorsed by the DENR Technical Working Group (TWG) for signature by the DENR Department Secretary Elizea S. Gozun (Attachment C).

The second part is presented on a separate draft output on "Manual on Simplified and Harmonized CBFM Regulatory Procedures." The draft manual is the end-result of the combined series of consultation with various stakeholders, review and analysis of the regulatory procedures on CBFM and consultative effort in drafting of DAO No. 2003 - on *"Strengthening the Implementation of the Community Based Forest Management (CBFM) Strategy"*

1.2 Objectives

Specific for the CBFM sub-component of the project are the following objectives:

- To review and analyze the existing government policies in the implementation of CBFM;
- To document/determine issues and concerns/gaps in the existing CBFM regulatory procedures vis-à-vis its field implementation; and

- To recommend strategies and policy measures to simplify and harmonize CBFM regulatory procedures for enhanced and efficient CBFM implementation.

1.3 Methodological Framework

The project component team (Attachment D) employed the integrated policy analysis framework for the simplification and harmonization of CBFM regulatory procedures. Figure 1 presents the conceptual framework for the integrated policy analysis. It has two major phases, the *retrospective* or *Ex-Post* analysis and the *prospective* or *Ex-Ante* analysis. It is problem centered and concerned with the production and transformation of information after (*Ex-Post*) and before (*Ex-Ante*) policy actions have been taken. It focuses on the interrelationships of three elements: the CBFM forestry regulatory procedures, the stakeholders and the policy environment.

The *retrospective* policy analysis involves the identification of the gaps, issues and concerns and the consequences of implementing CBFM policies and programs. It involves the production and transformation of information to identify the key policy variables that maybe changed by policy makers to resolve problems, issues and concerns related to the issuance of CBFM tenure instruments and other regulatory procedures.

The analysis also involves the determination of the specific goals and objectives of policy makers and other stakeholders who affect and are affected by CBFM policies for the management of forestland resources. This included the sharing of perceptions and experiences among the stakeholders in the policy systems. In effect, the interrelationships between the policy system elements such as CBFM policies, stakeholders and policy environment surrounding the policy issues and concerns are determined and structured in order to identify the kind of interactions and interventions needed.

The *prospective* analysis synthesizes the information drawn from the *retrospective* analysis. The information serves as inputs for the formulation of policy recommendations. The proposed policies will embody the operating principles to attain the most desirable conditions in the management of CBFM forestland resources. The proposed schemes may take different forms such as the decentralization, devolution, deregulation, simplification and standardization of CBFM forest regulatory systems and procedures. These are consistent with the principles of good governance –transparency, accountability and participation (TAP). The application of the policies should result in the following: (a) clarity of CBFM regulatory steps and procedures; (b) clarity and agreement on shared responsibilities between and among different stakeholders; and (c) reduction of application requirements and processing time. These should reduce the processing costs for the participating Peoples Organizations (PO). Overall, these changes should enhance the efficiency of delivering the basic services to the participating POs.

Participatory monitoring and evaluation assess the various issues, problems and constraints in relation to CBFM implementation. The findings/results of the M&E would either result in improvement of recommended policies or policies that need further examination in the future. Thus the process may be iterative as it may either start with phase 1 analysis or with policy performance of phase 2 analysis.

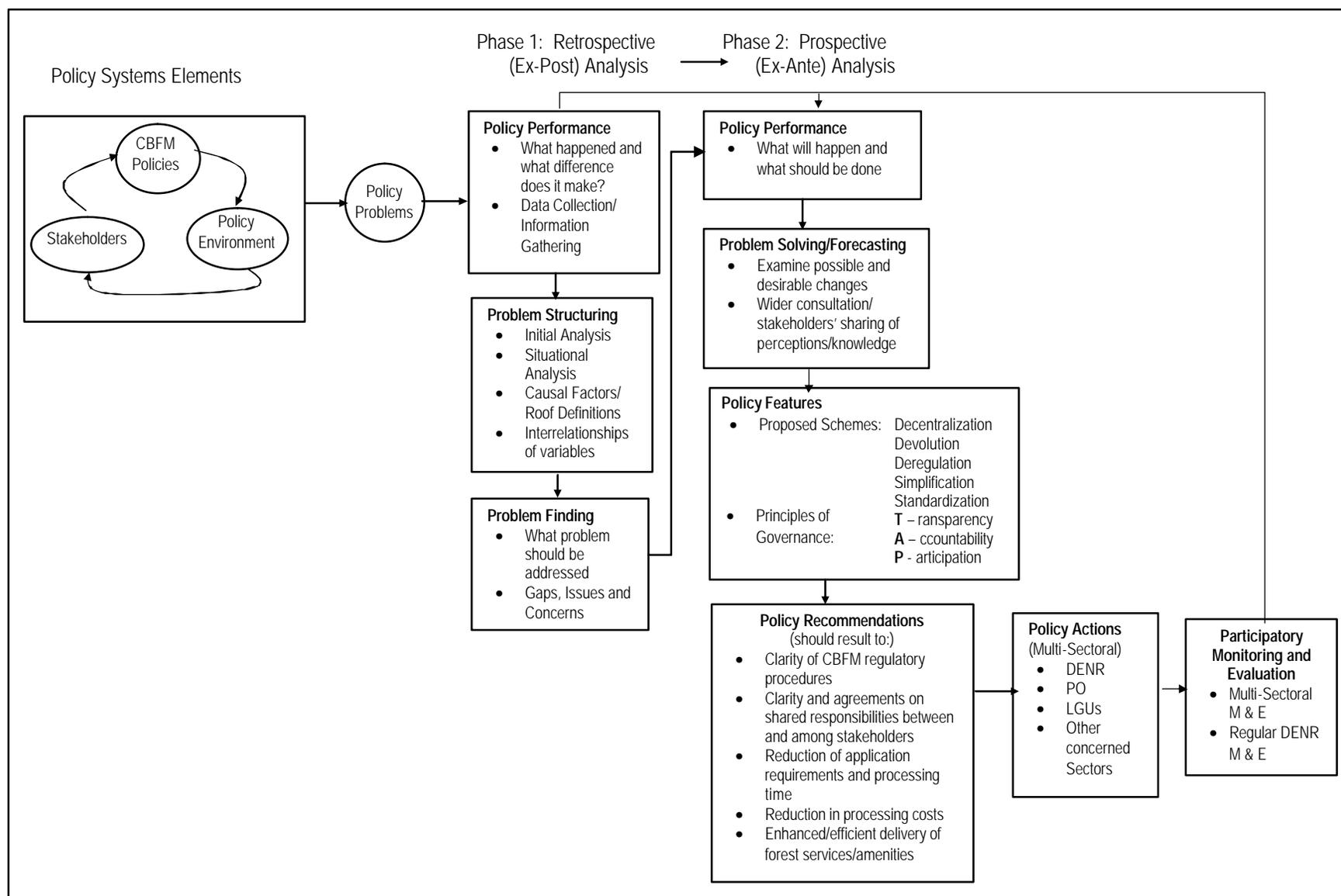


Figure 1. Integrated policy analysis framework for the simplification and harmonization of CBFM regulatory procedures.

2.0 ANALYSIS AND RECOMMENDATIONS

2.1 Integrated Policy Analysis

Attachment A summarizes the gaps, issues and concerns in the implementation of the CBFM regulatory procedures as contained in DAO 96-29 together with the proposed areas of recommendations or the key policy variables for action and inclusion in the drafting of DAO No.2003- on *“Strengthening the Implementation of the Community Based Forest Management (CBFM) Strategy.”* Also in the matrix are the intended resulting effect in resolving the identified problems, issues and concerns related to CBFM regulatory procedures.

The prospective analysis based on the identified gaps, issues and concerns point to the kind of interactions and interventions needed in the implementation of the CBFM regulatory procedures. Three major groups of information were drawn from the analysis to serve as inputs in the formulation of policy recommendations. These are on:

1. *The need for development of strategies that emphasize inclusiveness and better governance to facilitate delivery of services and to execute CBFM policies in an accountable fashion through collaborative institutional undertakings.*

This is prominent on the need to promote establishment of institutional linkages and intensive IEC campaign at the early stage of the preparatory activities, planning and implementation to the participatory monitoring and evaluation of the CBFM program implementation. Steps in this direction would entail establishment of long-term partnerships among different stakeholders to promote transparency, accountability, transfer of knowledge and solutions to problems that would in effect balance each and everyone's interests.

2. *The streamlining of processes and issuance of CBFM regulatory procedures and protective instruments to overcome problems, issues associated with that of increasing people's confidence, security on property rights and related needs.*

This is exemplified in the proposed coordinative and simplified steps and procedures for the identification and delineation of CBFM sites, validation of the CBFM participants, processing and issuance of CBFMA and Certificate of Stewardship (CS) applications, affirmation of community resource management framework (CRMF) and 5 Year Work Plan.

The proposed actions/strategies require for greater coordination and institutional foundations that are strong to perform specific key functions and to work on long-term partnerships based on mutually agreed terms and conditions with regards to the above CBFM regulatory procedures. Specifics are the presence of clear and delineated functions that would promote accountability, transparency, sharing of resources among and between program implementers.

On the part of the participating POs, the benefits goes from clarity of their responsibilities, reduction of application requirements and processing time, elimination of possible political interventions in indorsing of applications, reduced processing costs. In the simplified preparation of the CRMF and 5 Yr Work Plan for instance, the POs: (1) need not prepare a separate resource utilization plan since it has been incorporated in the prior preparation of the affirmed CRMF; (2) would be able to use the CRMF as ICC for the issuance of Environmental Compliance Certificate (ECC); (3) need not hire an IEE preparer thereby eliminating costs on their part; (4) would be exempted from paying the ECC under DAO 98-43; and (5) would have flexibility to adjust CRMF based on SWOT

analysis. The POs will also enjoy the benefits of having reduced costs and time in preparation of 5 Yr WP instead of an AWP.

3. *Specific change in governance through deep inclusion and PO's participation with increase representation, voice in decision-making, transfer of knowledge and/or access to information and in safeguarding their interests from possible political intervention.*

These major institution-building effect at the POs level had been incorporated through the proposed intensive IEC campaigns in all stages of CBFM implementation and more importantly on clarity of existing steps and procedures and relevant policies pertaining to processing and application of CBFM regulatory instruments.

Accompanying this change in governance is the peoples' active involvement in decision making and policy formulation through: (1) participation of the POs in CBFM Workshops and meetings at various level; (2) issuance of the Certificate of stewardship (CS) at the PO's level; (3) sub-contracting activities for resource land use planning, conservation, development and management and utilization of resources in respective CBFM areas; and (4) participation in the monitoring and evaluation of CBFM implementation. Under these conditions, the people are provided with the opportunity to build their human and social capital necessary in accessing their rights and knowing of their responsibilities for efficient management of resources.

2.2 Policy Recommendations/Drafting of DAO No.2003 --

The analysis have been communicated to the concerned policy makers at the DENR through written reports and interactive communications. These consist of meetings, oral presentations of documented materials and participation in the drafting of the initial draft DAO No.2003 with the Forest Management Bureau – Community Based Forest Management Division. The initial draft of the administrative order went into a review process by the DENR technical working group (TWG) prior to its endorsement to the Department Secretary. The administrative order is now in its final form and had been submitted for signature by Secretary Elizea S. Gozun.

In this process of policy making, the important provisions from the initial draft have been translated and incorporated in the final draft for policy adoption and/or implementation. Attachment E summarizes the inputs generated from the initial draft of the administrative order that likewise serve as outputs in the final draft of the administrative order.

3.0 CONCLUSION

Institutional innovations on the utilization, conservation, development and management of the forest resources have long been a continuing challenge for the DENR. Many policies have been instituted through implementation of various national programs for the upland communities. Experiences indicate that implementation problems continue to emerge not only because of the need for specific new policies and guidelines but also to lessen institutional weaknesses or barriers associated with non-adoption of existing policies. In the case of the CBFM implementation, the challenge is to promote changes on existing CBFM regulatory procedures and to institute policy measures with collaborating institutions to perform key functions to strengthen the social fabric that underpins upland development.

Being national in scope the, DENR has inadequate internal resources to provide wider access to resources and to balance interests in ensuring forest goods and services. Additional coordinative institutional functions are required of this. Direct and/or facilitating policy negotiations at different levels or localities become a necessity. This is so important since it calls for maintaining balance between DENR's authority and giving other actors, e.g. different levels of local government units, peoples organizations and other interest groups to perform their critical functions in development strategies that emphasize inclusiveness, shared benefits, better governance and management of forest and natural resources

The clarification and simplification of CBFM regulatory procedures could be a tall order and a major policy change on the part of the DENR. As it tries to promote transparency, accountability and participation of different stakeholders it requires a new breed of forest resource management institutions. This new breed of institutions calls not just in building with existing policies and current efforts but of forging institutional reforms characterized with: (a) strong voice and representation from the POs; (b) high levels of cooperation and commitment among implementers; (c) established long-term partnerships in accountable and collaborative undertakings; (d) mutual and agreed sharing of costs and responsibilities; (e) efficient information flows and transparency to the interests of various stakeholders; and (f) participatory monitoring and evaluation installed at the mainstream of CBFM implementation.

Only after the above policy and institutional changes have been effected, evaluated and measured through policy performance analysis can we say that DAO No. 2003—on *“Strengthening the Implementation of the Community Based Forest Management (CBFM) Strategy”* contributed in shaping the policy environment necessary for the POs together with the different implementers to manage their resources effectively.

MATRIX ON SIMPLIFIED AND HARMONIZED CBFM REGULATORY PROCEDURES

| Existing DAO 96-29 Implementing Rules and Regulations | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 No. -“Strengthening the Implementation of CBFM Strategy” | RESULTING EFFECT |
|---|--|--|--|
| Article III Stages of CBFM Implementation Preparatory Stage | | Chapter 1 Preparatory Activities in CBFM Implementation | |
| Section 1. IEC Campaigns | | Section 1. Establishing Institutional Linkages and intensive IEC campaign | |
| <ol style="list-style-type: none"> 1. DENR -LGUs, OGAs, NGOs/other other sectors in conduct of IEC 2. IEC: to inform, educate and get the support of all concerned sectors on CBFMP implementation 3. IEC: orientation and training of DENR and LGU personnel and leaders of the PO who shall be engaged in the implementation of CBFMP. | <ol style="list-style-type: none"> 1. Limited joint undertakings and/or insufficient assistance 2. Delayed IEC activities due to lack of funds/logistics 3. Lack or absence of built-in budget for IEC implementation | <ol style="list-style-type: none"> 1. Pursuant to DAO 96-29, Sec 1 & JMC 2003-01, Sec. 2& 3, DENR shall promote and support active participation of various agencies and organizations in CBFM implementation 2. PENR/CENR Officers link and conduct orientation among LGUs (barangay, municipall and provincial) on CBFM concepts. Principles, objectives and activities among others. 3. Jointly conduct intensive IEC campaign to inform, educate and get support of all concerned sectors 4. Continuing IEC campaign | <ol style="list-style-type: none"> 1. Strengthened DAO 96-29 in the implementation of JMC-2003-01. 2. Specific guidelines to operationalize JMC-2003-01 Sections 1& 2 consequently formulated or developed at the field level. 3. LGU counterparts with clear understanding of CBFM Policies and its implementation. 4. Clarity and agreement on shared responsibilities between and among stakeholders 5. Ensure commitment of LGUs and other participating sectors on kind and specific assistance for CBFM implementation. 6. Stakeholders well aware of the status of CBFM implementation stages |

| Existing DAO 96-29 Implementing Rules and Regulations | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 No. -“Strengthening the Implementation of CBFM Strategy” | RESULTING EFFECT |
|---|---|--|------------------|
| Article III Stages of CBFM Implementation Preparatory Stage | | Chapter 1 Preparatory Activities in CBFM Implementation | |
| Sec.2. Establishing Institutional Linkages | | | |
| 1. DENR work with LGUs, OGAs, NGOs, tribal councils to ensure community empowerment to initiate and achieve CBFMP objectives. | <ol style="list-style-type: none"> 1. Not clear/insufficient understanding and/or ignore joint responsibilities under existing policies 2. Inadequate /limited LGU participation 3. Low priority given to CBFM fund allocation 4. Multi-sectoral establishment of linkages quite limited to LGUs 5. Inadequate PO preparation 6. Sustainability of activities largely influenced by termination of foreign CBFM assisted projects | | |
| 2. DENR promote and support active participation of the above and assist in enhancing their capacities to actively participate in and support the program | | | |

| Existing DAO | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 No. | RESULTING EFFECT |
|---|--|--|---|
| Section 3. Identification of CBFMP areas | | | |
| <p>1. Each CENRO and duly designated representative of the concerned LGU shall identify potential CBFMP areas. The CENRO and LGU shall validate the identified areas on the ground</p> <p>2. The validated areas shall be indicated in a map of appropriate scale shall be forwarded to the RED for approval</p> <p>3. The FMB shall be furnished with the approved map and all other documents for data base management and monitoring purposes</p> <p>4. Upon approval of the CBFMP areas, the CENRO shall within 15 days, inform in writing the concerned LGUs and together with the CENRO conduct an information campaign to inform the public about the program.</p> | <p>1. CBFM sites not timely and properly surveyed/validated</p> <p>2. Practice of ocular inspection rather than ground validation in absence of funds</p> <p>3. Inaccurate base maps and information, e.g. CBFM sites in A&D lands</p> <p>4. Conflicting claims/ unsettled overlapping of boundaries</p> <p>5. Differences/gaps on knowledge of whose responsibilities to settle conflicting claims</p> <p>6. POs not clear on role of collaborating LGU in identification of available areas for CBFM</p> <p>7. Delayed application for CBFMA and/or CBFMA granted even with unresolved conflicting claims</p> <p>8. Delayed in succeeding CRMF preparation, consultation, ratification and affirmation</p> | <p>1. DENR shall come up with control maps and registry indicating various DENR tenure instruments/projects at the regional, provincial and municipal levels</p> <p>2. Control maps/registry consistent with approved FLUPS/CLUPS/ watershed as planning unit.</p> <p>3. Control maps and registry regularly updated and available for CBFM</p> <p>4. Available areas made known to the community/posted in concerned LGU and DENR offices.</p> <p>5. Continuing IEC on various CBFM stages as provided for in Sec.1 of proposed DAO 2003 specifying the implementation of DAO 96-29 on: Filing of complaints- Sec. 5 a, b, and c; Collaborative identification of CBFM areas- Sec.3</p> | <p>1. Clear delineation of areas applicable and/or available for varied DENR tenure instruments, specifically for CBFM areas.</p> <p>2. Predetermined areas eliminate and/or reduces incidence of conflicting claims and disputes</p> <p>3. POs get prior information on area they will apply to aid in their decision to participate in CBFMP</p> <p>4. Clarity on collaborative roles of different participating implementers or stakeholders with continuing process of IEC</p> <p>5. Ease/facilitate PO's application and issuance of CBFMA; preparation, ratification and affirmation of CRMF and succeeding activities.</p> |

| P.O. Formation and Diagnostic Stage | | | |
|---|---|---|--|
| Sec.6. Application by the community participants | | | |
| <p>1. Local communities, represented by existing organizations, or at least 10 residents or their barangay councils, may apply in writing to the concerned CENRO for participation in CBFMP</p> <p>2. The application shall be supported by concerned barangay and municipal legislative councils, a brief socio-economic profile of the barangay and the number of expected participants</p> <p>Sec.7 Community appraisal and PO formation CENRO/LGU representatives shall cause the conduct of initial community appraisal, shall assist, if appropriate, with CO activities, and in establishment of a PO (if not existing) which shall be community-based and duly registered</p> | <p>1. Long delayed processing and approval of application</p> <p>2. PO's lack of knowledge on provision of approving authority</p> <p>3. Political intervention in CBFMA approval</p> <p>4. Lack of logistics in PO formation</p> | <p>1. Sec.1 Continuing IEC campaign on DAO 96-29 Authority to approve and Sec.2 FMB in Article V Management of CBFMP and Sec. 2 General Provisions</p> <p>2. Sec.5 Processing of CBFMA application (No.1 on DAO 2003-11-LGU endorsement in 15 days)</p> <p>3. Operationalization Of JMC2003-01 on sharing of responsibilities and resources</p> <p>4. Sec.3 Initial screening of applicants prior to PO formation @ Multi-sectoral Committee to appraise CBFM applicants @ Set of criteria for acceptance for prospective applicants @ Screens/ recommends formation of PO</p> <p>5. Sec.4 CENRO-CBFM Coordinator, LGUand/or AO through CDA shall assist in formation of PO/accomplishing requirements and in registration.</p> <p>6. Once registered the PO's applies for a CBFMA pursuant to Article III, Sec. 8 of DAO 96-29</p> | <p>1. POs clarified on CBFM policies on qualifications, application requirements, processing and approval of CBFMA application.</p> <p>2. Incidence of possible constraints/political intervention eliminated through DAO 2003-11</p> <p>3. Presence of clear and delineated functions, sharing of resources among and between implementers specifically the DENR and LGU counterparts.</p> <p>4. Initial screening would result to high chances of getting high commitment and potential capabilities on the POs.</p> <p>5. High chance for CBFM implementation to succeed and reduce costs on PO capability building</p> |

| Existing DAO 96-29 Implementing Rules and Regulations | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 No. -“Strengthening the Implementation of CBFM Strategy” | RESULTING EFFECT |
|--|--|--|---|
| Sec.8 Application for CBFMA | | Sec.5 Processing of CBFMA application | |
| | <ol style="list-style-type: none"> 1. LGU endorsement affected by politics 2. Confusion and disruption of activities on field implementers and POs to stop and continue implementation of guidelines on LGU endorsement. 3. CENRO-PMO lacked training of CBFM implementation 4. NCIP certification and free and prior in IP's area | <ol style="list-style-type: none"> 1. Sec.1 Continuing IEC campaign on DAO 96-29 Authority to approve and Sec.2 FMB in Article V Management of CBFMP and Sec. 2 General Provisions 2. Reiteration of Sec.1No.1 on DAO 2003-11- LGU endorsement in 15 days) 3. Operationalization of JMC2003-01 on sharing of responsibilities and resources 4. Sec.5 DENR Regional Office and LGU provide assistance in NCIP certification/ precondition | <ol style="list-style-type: none"> 1. POs clarified on CBFM policies on qualifications, application requirements, processing and approval of CBFMA application. 2. Incidence of possible constraints/political intervention eliminated through DAO 2003-11 3. Presence of clear and delineated functions, sharing of resources among and between implementers specifically the DENR and LGU counterparts |
| Sec. . Processing and Approval | | Sec.5 Processing and approval of CBFMA | |
| <ol style="list-style-type: none"> 1. CENRO checks, validates application (15 days upon receipt) 2. Recommends CBFMA application with an area of more than 500 ha up to 5,000 ha to PENRO for approval/ and RED all CBFMA application with an areas of more than 5,000 to 15,000 hectares 3. PENRO evaluates and approves CBFMA applications of more than 500 up to 5,000 ha. | <ol style="list-style-type: none"> 1. Long delayed processing and approval of applications associated with on-ground validation and surveying of areas applied for. 2. Validation of CBFMA area applied primarily lies at the CENRO level. 3. Cases of POs given CBFMA even without undergoing/completing the Co activities | <ol style="list-style-type: none"> a. CENRO validates CBFMA applications with 500 and less hectares/ endorses applications with more than 500-5,000 hectares to the PENRO; b. PENRO validates CBFMA applications with 500 to 5,000 hectares and endorses applications with more than 5000-15,000 hectares to the PENRO; c. RENRO validates CBFMA applications with more than 5,000 hectares and endorses applications with more than 15,000 hectares to the USEC for Field Operations | <ol style="list-style-type: none"> 1. Distribution of workloads, responsibilities and accountabilities in processing, validation, and approval /issuance of CBFMA application. |

| Existing DAO 96-29 Implementing Rules and Regulations | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 No. - "Strengthening the Implementation of CBFM Strategy" | RESULTING EFFECT |
|--|--|--|---|
| Sec. . Processing and Approval | | Sec.5 Processing and approval of CBFMA | |
| <p>4. Recommends and forwards all CBFMA application for area of more than 5,000 up to 15, 000 ha to RED for approval Records and forwards processed CBFMA to CENRO</p> <p>5. Perimeter survey - CENRO conducts perimeter survey and mapping by authorized surveyor</p> <p>6. PENRO evaluates and approves CBFMA applications of more than 500 up to 5,000 ha.</p> <p>7. Recommends and forwards all CBFMA application for area of more than 5,000 up to 15, 000 ha to RED for approval Records and forwards processed CBFMA to CENRO</p> | <p>1. There are CBFMA with no actual perimeter survey done due to lack of funds; actual survey conducted only during implementation stage.</p> <p>2. Completion of perimeter survey has no specific time frame before CBFMA is awarded</p> | <p>1. The perimeter survey of the CBFM areas and completion time as follows:</p> <p>a. 500 and below – 5days</p> <p>b. >500 to 5,000 – 15 days</p> <p>c. >5,000 to 15,0000 – 20 days</p> <p>d. > 15,000 – 25 days</p> | <p>Perimeter survey that is conducted before the awarding of CBFMA minimizes potential claims/conflict.</p> |
| Certificate of Stewardship Issuance | | Sec 7. CS Issuance | |
| <p>1. PO requests individual CS processing and issuance to CENRO</p> <p>2. CENRO affirms CS application with < 3 ha</p> <p>3. PENRO affirms application >3 ha and up to 5 ha for approval</p> | <p>Delayed processing of individual CS/perimeter survey, etc.</p> | <p>1. PO may issue CS based on actual census within CBFM area; applicant is a member of the PO.</p> <p>2. PO submits list of CS issued to the CENRO for affirmation.</p> <p>3. DENR/LGU provides PO with technical/social assistance on CS issuance.</p> <p>4. DENR monitors implementation of CS issuance</p> | <p>PO exercises authority/decision making on land use allocations within CBFM sites</p> |

| Existing DAO 96-29 Implementing Rules and Regulations | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 No. - "Strengthening the Implementation of CBFM Strategy" | RESULTING EFFECT |
|--|---|--|---|
| Planning Stage | | Chapter 2 CBFM Planning Process | |
| Sec.9 Formulation of CRMF and MC 97-12 Sec. 4. Preparation of the CRMF | | Sec.10 Preparation of the CRMF | |
| 1. Technical and other assistance in CRMF formulation a. The PO may also call upon other government and non-government organizations for assistance. b. The PO may request the assistance of CENRO, LGUs concerned, Assisting Organizations and other government agencies for technical and other assistance in formulating the CRMF | 1. Logistics and assistance for POs/difficulties in preparation mainly a problem for the DENR staff 2. Delayed formulation of CRMF due to lack of funds 3. PMO not knowledgeable/ technically equip to conduct resource inventory 4. PO's limited technical capability and dependency on external assistance for voluminous paper works. | 1. Specific and/or collaborative responsibilities in each of the concerned project implementers identified i.e.Nos.1-5 PO orientation to ratification of CRMF. 2. Within 30 days after the approval of the CBFMA, CRMF shall be prepared (multi-sectoral) | 1. Prime responsibility of providing assistance to the POs by different implementers more explicit. 2. Clarity and agreement on shared responsibilities between and among POs and various implementers |
| 2. Affirmation of CRMF | | 1.Sec.11 Affirmation of CRMF- | |
| | Vague/not clearly specified | 1. LGU endorsement Sec.7 of JMC 2003-01 | 1. Clarity of CRMF steps and procedures |
| | | 2. Provision of copy of affirmed CRMF to PO | 2. Clarity and agreement on shared responsibilities between and among POs and various implementers |
| | | 3. CRMF affirmed after lapse of 30 days if CENRO fails to act and notify in writing the PO | |
| | | 4. PO to proceed in implementation of CRMF after due notice to CENRO/proof of 30 days period lapsed | |

| Existing DAO 96-29 Implementing Rules and Regulations | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 No. - "Strengthening the Implementation of CBFM Strategy" | RESULTING EFFECT |
|--|---|---|--|
| | 1. CRMF to serve as requirement for ECC since the affirmed CRMF reflects environmental soundness | Sec.12. Affirmed CRMF and ECC issuance | |
| | | a. Describes environmental impacts, mitigation and enhancement measures for activities to be undertaken in the area b. Basis for Issuance of ECC applied at the Regional EMB c. Affirmed CRMF review every 3 or 5 years including ECC compliance d. SWOT application in revision of CRMF components e. DAO 98-43 POs of CBFM projects exempted from payment of administrative fees in the issuance of ECC | 1. CRMF as IEE to serve as basis for issuance of ECC reduces 2. Flexibility to adjust CRMF based on SWOT analysis 3. Cost of processing subsequent activities reduced /non-payment or costs for an IEE preparer. 4. Reduced costs due to exemption from payment of ECC under DAO 98-43. |
| Sec.11Annual Work Plan ;MC No.97-12 | Sec. 5 and Annex 5.B Steps in the Formulation of AWP and RU Plan | Sec. 13. Three/Five Yr W Plan | |
| 1. The operationalization of the CRMF and the RUP shall be embodied in an annual work plan (AWP) 2. The PO assisted by the CENRO shall prepare an AWP that will describe the POs/lps activities and targets for implementing the CRMF or ADMP | 1. PO's limited technical capability and dependency on external assistance for voluminous paper works 2. In consistent with Nos. 1-3 of Annex 5 B specifically enumerating the PMO and LGU counterpart in the said activities 3. AWP/RUP is on an annual basis, thus affecting the duration of utilization activities | 1. 1.PO prepares 3/5 YR WP instead of AWP. 2. Plan annual activities and work targets of the PO for the period covered by the plan 3. Plan prepared during final quarter of the calendar year for affirmation by the CENR officer | 1. Reduction of application requirements and processing time 2. Reduce processing costs for the participating POs |

| Existing DAO | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 | RESULTING EFFECT |
|--------------|-----------------------------|--|--|
| | Vague/Not clearly specified | Sec.14Preparation of the 3/5 Yr Work Plan | 1. Clarity of steps and procedures in WP preparation |
| | | 1. Specific and/or collaborative responsibilities in each of the concerned project implementers identified i.e.Nos.1-5 PO orientation to ratification of 3 Or 5 Yr. WP | 2. Clarity and agreement on shared responsibilities between and among POs and various implementers |
| | Vague/Not clearly specified | Sec.15 Affirmation of 3-5Yr WP | 1. Clarity of steps and procedures in WP affirmation |
| | | 1. LGU endorsement Sec.7 of JMC 2003-01 | 2. Clarity and agreement on shared responsibilities between and among POs and various implementers |
| | | 2. Provision of copy of affirmedWPto PO | |
| | | 3. WP affirmed after lapse of 30 days if CENRO fails to act and notify in writing the PO | |
| | | 4. PO to proceed in implementation of CRMF after due notice to CENRO/proof of 30 days period lapsed | |
| | Not specified/Vague | Sec.16 Affirmed 3/5 Yr WPlan | |
| | | 1. Once affirmed shall serve as PO's permits to utilize resources. | 1. Cost of processing subsequent activities in previous DAO requirements reduced/securing of utilization permits. |
| | | 2. PO's exempted from getting all kinds of permits in utilization of different resource materials identified in 3/5 Yr WP | 2. Reduce costs to incur in getting all kinds of utilization permits consistent with use of resources under CRMF and WP. |

| Existing DAO | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 | RESULTING EFFECT |
|---|---|---|--|
| Implementation Stage | | Chapter 3 CBFM Implementation: Operationalizing the CRMF and 3/5 Year Work Plan | |
| Sec.13 Activities in the implementation stage | | Sec.17 Development and Management of CBFM areas | |
| | Not specified/Vague | <ol style="list-style-type: none"> 1. Development and Management of Production Forest 2. Development and Management of protection forest | <ol style="list-style-type: none"> 1. Clarity in concepts of land use planning and application of appropriate forest management in production and protection forests. 2. Clarity and agreement on shared responsibilities between and among POs and various implementers |
| | | Sec.18. Forest Protection and Conservation | |
| | Prevalence/frequent incidence of fire, cutting, threats in forest protection and conservation | <ol style="list-style-type: none"> 1. PO primarily responsible in protection and conservation of natural resources within CBFMA coverage with assistance of DENR and LGUs. | <ol style="list-style-type: none"> 1. Clarity and agreement on shared responsibilities between and among POs, DENR and LGUs on forest protection and conservation within and adjacent CBFM sites. |
| | | <ol style="list-style-type: none"> 2. Forest protection component of 3/5Yr WP Yr shall be put in place. | <ol style="list-style-type: none"> 2. Incentives provided to motivate, provide protection and sort of security to the participating FENROs |
| | | <ol style="list-style-type: none"> 3. PO assistance to government in protection of adjacent forestlands/forest protection of the community | |
| | | <ol style="list-style-type: none"> 4. Deputization of FENRO by the DENR to selected PO members | |
| | | <ol style="list-style-type: none"> 5. Incentives- allowance, insurance legal assistance in cases of settling disputes on apprehension and confiscations. | |

| Existing DAO | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 | RESULTING EFFECT |
|---|--|--|---|
| | | Sec.19Harvesting and Utilization | |
| | <ol style="list-style-type: none"> 1. Timber inventory are "bloated" to ensure high ACC for PO 2. No check and balance in conduct of harvesting with that of timber inventory and tree marking 3. Granted ACC not fully utilized due to limited funds; delayed ECC approval | <ol style="list-style-type: none"> 1. Utilization of resources based on sound environmental, social and economic principles. 2. Harvesting of timber and non-timber resources shall strictly follow the Code of Practice for Forest Harvesting /contained and indicated in CRMF and 3/5 Yr WP 3. CENRO, LGU and PO and other concerned sectors shall jointly conduct timber inventory and tree marking 4. Related specific provisions contained in same section. | <ol style="list-style-type: none"> 1. Clarity of steps and procedures in harvesting and utilization of timber and non-timber resources 2. Clarity and agreement on shared responsibilities between and among POs and various implementers 3. Transparency, accountability and multi-sectoral participation in inventory of resources and uses. |
| Responsibilities of instrument holders (DAO 2000-29, Sec. 6) | | Section 20 Processing of Harvested Products | |
| <ol style="list-style-type: none"> 1. Refrain from the use of heavy equipment such as bulldozers and the like as much as possible must employ labor intensive methods of harvesting. | Log waste utilization/ no plan on use of log wastes/need for market opportunities | <ol style="list-style-type: none"> 1. CENRO shall encourage the community members to process non-timber forest products for added value and increased income. | <ol style="list-style-type: none"> 1. Market links and livelihood development to provide added income/revenue for the POs |
| <ol style="list-style-type: none"> 2. Develop and implement mechanisms for the rehabilitation and development of areas subjected to harvesting operations. | | <ol style="list-style-type: none"> 2. To maximize wood recovery, the PO may operate re-saw mill with a maximum flywheel diameter of 18" and blade size of 2 " width/other schemes consistent with DENR regulations and guidelines | |

| Existing DAO | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 | RESULTING EFFECT |
|---|---|--|---|
| Develop and implement equitable benefit-sharing arrangements among its members. | Confusing policy/not well understood yet | Sec.22 Production Sharing scheme from government owned plantations within CBFM areas | 1. Defined sharing and distribution of benefits |
| | | Sec.24 participation of POs in CBFM Workshops and Meetings | Enhanced PO's participation in decision making and policy formulation |
| | | Sec. 25 PO's contract Services and Development Activities - site/power line structures that may be installed within the CBFMA area shall form part of the sub-contracting activity for the PO's additional sources of income. | 1. Revenue for PO's activities 2. Rights and responsibilities within CBFMA area exercised by PO |
| | | Chapter 4 | |
| | | Support Structures and Mechanisms to strengthen CBFM Implementation | |
| | | Sec.26 Implementation of JMC NO.2003-01 in support of CBFM | 1. Accelerated collaboration, partnership, coordination and institutionalization of working relationships of DENR with LGUs |
| | | | 2. Strengthened CBFM Implementation with enhanced working relationships with POs, DENR and LGUs. |
| | | Sec. 27 Basic assistance and Support Services | |
| | 1. Many POs are not ready to assume responsibility to assume extraction activities due to limited technical knowledge, capital for needed operations 2. Inadequate technical assistance with only few trained/original PMs remained/ PMOs in many instances need | 1. Basic assistance and support services identified and enumerated. 2. Cost needed in the provision of the various CBFM unit's assistance shall be included at the CENRO, PENRO and RENRO's work and financial plans and the corresponding key result areas(KRAs) | 1. PO is socially, economically and technically equipped as forest resource managers of the locality 2. Efficient and enhanced delivery of basic forestry services |

| Existing DAO | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 | RESULTING EFFECT |
|--------------|---|---|---|
| | <p>be trained on their roles and responsibilities</p> <p>3. Limited/no alternative market for high price of forest products</p> | | |
| | | Chapter 5 | |
| | | Participatory Monitoring and Evaluation | |
| | | Sec. 28. Multi-sectoral monitoring and Evaluation | |
| | | <p>1. Composite team/participatory mode of M&E conducted annually to assess various issues, problems and constraints/ M&E Project report highlights problems, opportunities and recommendation submitted by the CENRO to the FMB through proper channels.</p> | <p>1. Clarity on status of CBFM implementation and agreement on shared responsibilities between and among POs and various implementers.</p> <p>2. Transparency, accountability and multi-sectoral participation in inventory of resources and uses.</p> |
| | | 2. Regular Internal M&E system of DENR /Field personnel consulted on C&Is for inclusion in performance of job | |
| | | Sec. 29 Monitoring and Documentation of Harvesting and Re-Sawmill Operations | |
| | 1. Plans not carefully reviewed and evaluated/consistency of WP with CRMF/RUP | 1. PO Federation shall also be involved. | 1. Enhanced participation of the POs along with the other concerned sectors. |
| | 2. Guidelines on priority or resource utilization not followed; almost all RUP are on plantation species and natural grown timber | 2. Specific activities and responsibilities of concerned sectors identified in same section. | 2. Transparency, accountability and multi-sectoral participation in monitoring and documentation of harvesting and re-saw mill operations |

| Existing DAO | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 | RESULTING EFFECT |
|--------------|---|---|---|
| | 3. Inconsistency in RUP harvesting procedures 4. Need for multi-sectoral monitoring in harvesting activities for check and balance | 3. Report submitted to the USED for Field Operations through FMB Director using CBFM Harvesting and Re-sawmill Operations Form | |
| | | Sec. 30 Process Documentation of PO's Ecological, Economic, Social and Organizational Activities | |
| | | 2. Summary report on lessons learned, issues and concerns for use of regional and national steering committee meetings | 1. Generated lessons issues and concerns serves as inputs for field implementers and policy makers for finding solutions on implementation problems, opportunity for adjustments and improvement of project management/refinement of CBFM policies. |
| | | Chapter 6 | |
| | | Transitory, Penal and final Provisions | |
| | | Sec.31 Transitory Provision | |
| | Not Specified | 1. POs AWP affirmed by the CENRO-DENR before the issuance of the order shall continue operations based on existing AWP. | 1. Flexibility on the part of POs and concerned sectors to prepare/modify succeeding 3 or 5 Yr. Work Plan. |
| | | 2. Provided after termination of the current AWP, the concerned PO shall prepare and submit the 3 Yr. WP as provided for under Chapter 2 Sec.14 of the Order. | |

| Existing DAO | GAPS, ISSUES & CONCERNS | PROPOSED DAO 2003 | RESULTING EFFECT |
|--------------|--|---|--|
| | | Sec.32 Penal Provision | |
| | Violations /misconduct in harvesting and related activities exists | <ol style="list-style-type: none"> 1. Harvest and utilization of timber and non-timber forest products shall strictly follow the terms and conditions stipulated in the CBFMA, CRMF and 3/5Yr WP. 2. Harvesting and utilization operations in the CBFM areas shall be suspended for any violation hereof any of the provisions of the order 3. Perpetrators shall be penalized in accordance with Sec. 68 of PD 705 as amended | Penalizing perpetrators would <ol style="list-style-type: none"> 1. lessen illegal activities 2. apprehension would deter individual from violating the rules 3. contribute to the sustainability of forest resources |
| | | Sec.33 Repealing Clause | |
| | | <ol style="list-style-type: none"> 1. Pertinent provisions of DAO 96-29 and MC 97-12 and all other rules, regulations and issuances inconsistent to the order are amended accordingly. | |
| | | Sec. 34 Separability Clause | |
| | | <ol style="list-style-type: none"> 1. In the event that any provision of the guidelines is declared unconstitutional or null and void, the validity of the other provisions shall not be impaired by such declaration. | |
| | | Sec. 35 Effectivity | |
| | | <ol style="list-style-type: none"> 1. 15 days after its publication in a newspaper of general circulation and submission to the UP Law Center | |

DENR ADMINISTRATIVE ORDER

No. 2003 –

SUBJECT: **STRENGTHENING THE IMPLEMENTATION OF THE COMMUNITY BASED FOREST MANAGEMENT (CBFM) STRATEGY**

Pursuant to Executive Order No. 263 dated July 19, 1995 adopting community-based forest management as the national strategy to ensure the sustainable development of the country's forestlands resources with implementing rules and regulations embodied in DENR Administrative Order 96-29; further, the Joint DENR-DILG Memorandum Circular (JMC) No. 2003-01 aims to accelerate the collaboration, partnership, coordination, and institutionalization of the working relationships between DENR and the LGU i.e. **to protect, develop, and manage forest land resources; to further improve the economic and social well being of forest communities; and to promote more active and transparent community participation through empowerment;** and to simplify and harmonize regulatory procedures in the CBFM Program implementation; the following guidelines strengthening the implementation of the CBFM strategy are hereby promulgated.

CHAPTER 1

Preparatory Activities in CBFM Implementation

Section 1. Establishing Institutional Linkages and Intensive IEC Campaign. Pursuant to DAO 96-29, Sec 1 & 2 and JMC 2003-01, Sec 2 & 3, the DENR shall promote and support the active participation of various agencies and organizations in the implementation of the CBFM program. They shall jointly conduct intensive IEC campaign to inform, educate and get the support of all concerned sectors. The Provincial/Community Environment and Natural Resources Officer (PENRO/CENRO) shall conduct orientation among the local executives (barangay, municipal and provincial levels) on the CBFM concepts, principles objectives and activities, among others. A continuing IEC campaign shall be done to ensure that all stakeholders are well aware of the status of the CBFM implementation.

Sec. 2. Identification and selection of CBFM sites. DENR shall come up with control maps and registry, which would indicate the various DENR tenure instruments/projects at the region, province and municipal levels. These shall be regularly updated and available for CBFM implementation. The control maps and registry should be consistent with the approved Forest Land Use Plans (FLUPS) and the Comprehensive Land Use Plans (CLUPS) of the respective LGU **as basis for watershed as planning unit.** Available areas shall be made known to the community and shall be posted in the concerned LGU and DENR offices.

Based on the control maps and registry, the CENRO together with the LGU and PO shall validate, clearly delineate and demarcate on the ground the boundaries of the CBFM areas, which shall also be made known to all the interested community/people's organization applicants.

Sec. 3. Initial Screening of Applicants. The screening committee (local multi-sectoral committee) at the CENRO level composed of the DENR, LGU, other government agencies, NGO and other sectors concerned shall appraise

the interested applicants' or prospective participants' willingness and commitment, technical and financial capability, training needs and full understanding of the CBFMP, attitude towards environmental conservation, among others.

Establishment/formalization of the PO shall only proceed when the screening committee recommends the formation/formalization of the PO.

Sec. 4. PO Formation and Registration. The CENRO through the CBFM Coordinator and the LGU and/or the Assisting Organization (AO) through the Community Development Assistant (CDA) shall assist in the formation of the PO. The PO to be formed or an existing informal group shall be duly assisted in accomplishing the requirements and in their registration. Once registered, the PO applies for a CBFMA pursuant to Article III, Sec 8 of DAO 96-29.

Sec. 5. Processing of CBFMA Application.

1. The PO applicants shall seek individual and/or joint endorsement of their application from the respective LGU/s. As provided for in DAO 2003-11, the concerned LGU/s shall act on the CBFMA application within a period of 15 working days. Should the LGU fail to act on the CBFMA application filed within a period of 15 working days, the concerned DENR office shall process the CBFMA application.

The DENR Regional Office and LGU concerned shall provide assistance to POs seeking NCIP certification/precondition pursuant to Sec 59 of Republic Act No. 8371 known as the Indigenous Peoples Rights Act of 1997.

2. The PO applicants shall submit the CBFMA application with complete requirements to the CENRO pursuant to Sec 8 of DAO 96-29 including the individual and/or joint endorsement of the respective LGU/s.
3. The CENRO validates the CBFMA applications with 500 and less hectares and endorses CBFMA applications with more than 500 to 5,000 hectares to the PENRO.
4. The PENRO validates CBFMA applications with more than 500 to 5,000 hectares and endorses CBFMA applications with more than 5,000 to 15,000 hectares to the Regional Executive Director.
5. The RENRO validates CBFMA applications with more than 5,000 to 15,000 hectares and endorses applications with more than 15,000 hectares to the USEC for Field Operations.
6. The perimeter survey of the proposed CBFM areas and their completion time are as follows:

| CBFM Area (ha) | Processing Time |
|------------------------------|-----------------|
| a) 500 and below | 5 days |
| b) more than 500 to 5,000 | 15 days |
| c) more than 5,000 to 15,000 | 20 days |
| d) more than 15,000 | 25 days |

The review committee as provided in DAO 96-29, Article III, Sec 8 shall within 15 days convene and discuss with the PO the terms and conditions embodied in the CBFMA.

Sec. 6. Signing and Approval of the CBFMA. The approving authorities and the corresponding CBFM areas are as follows:

| Approving Authority | CBFM Area (ha) |
|---|---------------------------|
| a) Community Environment and Natural Resources Officer (CENRO) | 500 and below |
| b) Provincial Environment and Natural Resources Officer (PENRO) | more than 500 to 5,000 |
| c) Regional Executive Director (RED) | more than 5,000 to 15,000 |
| d) Undersecretary (USEC) for Field Operations | more than 15,000 |

The approving authority awards the approved CBFMA to the PO and shall furnish the CENRO and the Forest Management Bureau a copy of the approved CBFMA.

Sec. 7. CS Issuance. The CBFM strategy recognizes the individual rights of occupancy through the granting of the certificate of stewardship (CS). The CS may be issued by the PO based on the census of actual forest occupants conducted, provided that the area is within the CBFM area applied for and the CS applicant is a regular member of the PO. The PO, through a resolution shall submit a list of CS issued to individual members to the CENRO for affirmation.

The DENR in collaboration with appropriate/concerned LGU shall provide the PO with the appropriate technical and social assistance to ensure the smooth implementation of the CS issuance. In addition, the DENR shall also monitor the strict implementation of the CS issuance.

CHAPTER 2

CBFM Planning Process

Sec. 8. Community Mapping and Land Use Planning. After the CBFMA had been awarded, the PO shall conduct community mapping. The CENRO, LGU and other concerned sectors shall assist the PO in the conduct of the community mapping as basis for land use planning. The mapping of the present community land use shall include an inventory of flora and fauna and the vegetative cover. The census of forest occupants and the corresponding areas occupied/tilled shall also be indicated in the community map. An inventory of the knowledge and skills of the community members including indigenous knowledge systems shall also be done. These activities would determine and assess existing potential resources of the community and land uses.

Sec. 9. Community Resource Management Framework (CRMF). The community land use map and the census of forest occupants shall be inputs in the preparation of the CRMF. The CRMF is a strategic plan of the community on how to manage and benefit from the forest resources on a sustainable basis. It describes the community's long-term vision, aspirations, commitments and strategies for the protection, rehabilitation, development and utilization of forest resources.

Sec. 10. Preparation of the CRMF. The CRMF is prepared within 30 days after the approval of the CBFMA. The steps and procedures in the preparation of the CRMF are as follows:

1. PO orientation/PO planning team's training on CRMF preparation. The CENRO-CBFM unit, LGU counterparts where there is an existing partnership or cooperation agreement and/or the assisting organization, shall provide the necessary PO orientation on CRMF preparation in consonance with DAO 96-29, MC 97-12 and JMC No. 2003-01. The Regional CBFM Head in coordination with the Human Resources Development shall conduct consultation on training needs and package training programs/courses to build and strengthen the capability of the PO. The LGU/s, Assisting Organization and NGO shall provide ways and means to the PO planning team's workshop.

2. PO Sectoral Planning Workshop

- a. Livelihood. Together with the Community Development Assistant (CDA), the LGU, assisting organization and NGO shall also provide supervision and guidance to the PO in identifying and setting up of upland livelihood enterprises.
- b. Assessment of existing land use and potential production. The CENRO through its Project Management Officer (PMO)/CBFM Unit shall serve as adviser and resource person in the Planning Team's assessment of existing and potential resource production system.
- c. Setting up of a framework for local market information system based on existing and potential markets. A market information/market specialist shall serve as adviser and specialist to the PO in the conduct of this activity.
- d. Participatory development of socioeconomic criteria and indicators (C&I) shall be formulated as possible application of DAO 2001-04 (Guidelines and Methodologies for Institutional and Project Benefit Assessment with that of the Criteria and Indicators for Sustainable Resource Use and Development).

3. Consolidation of PO sectoral plans into CRMF. The plan shall consist of the following:

- a. Basic information on PO and forest community applied for
 - 1) PO's organizational structure
 - 2) Forest community socioeconomic profile
 - 3) Description of physical location
 - 4) Perceived constraints, problems and challenges in the CBFM implementation
- b. Strategic Resource Management Plan. This plan shall contain the PO's vision, mission, goals and objectives, and physical development goals and objectives for indicative forest management strategies. Specifically, this will include how the PO envisions resource use, allocation and/or extraction. Based on the participatory C&I developed by the PO as indicated in Sec 10, the PO's performance in the physical and land use activities shall be monitored and assessed. These are inputs in the analysis of the socio-physical and environmental impacts in relation to the objectives and principles of sustainable resource use and management. The appropriate mitigation and enhancement measures shall be incorporated in the plan.

- c. Financing strategy and accessing resource funds. The financing strategy and accessing of resource funds and the proposed marketing strategies would cover the wider aspect of attaining financial viability and increased economic activities through livelihood and the present or potential economic activities.
4. Strategizing for financing of CRMF. The PO with the assistance of the DENR, LGU, AO and concerned organizations shall do linkages with market and funding institutions.
5. Public Consultation and Ratification of CRMF. The CRMF draft shall be written in the community's own dialect and discussed in a public consultation organized by the PO with the assistance of the concerned CENRO, LGU, and/or assisting organization. After the consultation, the ratified CRMF may be translated to another language/dialect by the CDO/CDA and/or AO.

Sec. 11. Affirmation of CRMF. The ratified CRMF shall be endorsed by the concerned LGU as provided for in Sec 7 of JMC 2003-01 prior to its affirmation by the CENRO to confirm that it has been prepared in a participatory manner. The affirmation of the CRMF by the CENR Officer shall be deemed as the approval of the plan and a confirmation of DENR's active involvement in the preparation thereof, and a proof of the DENR's commitment to support the PO in the implementation of the plan.

A copy of the affirmed CRMF shall be provided to the concerned municipal/provincial LGU, CENRO, PENRO, Regional Office, FMB/CBFM and the PO for their reference and as basis of support and assistance. **The affirmed CRMF shall further be subject to the validation by the PENRO and the RED.**

The CRMF submitted by the PO shall be considered affirmed after the lapse of 30 days if the CENRO fails to act and accordingly notify in writing the PO concerned. In such a case, the PO shall show proof of the application's date of submission and that the 30 days period had already lapsed. After giving due notice to the CENRO, the PO may proceed to implement the activities in the CRMF.

Sec. 12. Affirmed CRMF and ECC Issuance. The CRMF once affirmed shall also serve as the Initial Environmental Examination (IEE) for CBFM, which describes the environmental impacts of and mitigation and enhancement measures for activities to be undertaken in the area. The affirmed CRMF shall be made as basis for the issuance of Environmental Compliance Certificate (ECC) **and applied at the Regional Environmental Management Bureau.** The affirmed CRMF shall likewise be reviewed every three years including the ECC compliance. The strengths, weaknesses, opportunities and threats (SWOT) of the different components shall be used in the revision of the CRMF.

Pursuant to DAO 98-43, dated June 24, 1998, the POs of CBFM projects are exempted from the payment of administrative fees in the issuance of the ECC.

Sec. 13. Three/Five-Year Work Plan. The PO with the assistance of the concerned sectors shall prepare a three/**five**-year work plan (3-Yr WP) that is consistent with the affirmed CRMF instead of an Annual Work Plan (AWP). The 3/**5**-Yr WP shall be the sole document containing the detailed strategies, activities and targets for three/**five** years on protection, rehabilitation, development and resource utilization, organizational strengthening, financing, marketing and enterprise development, among others. The Plan shall include the annual activities and work targets of the PO for the period covered by the plan and shall be prepared during the final quarter of the calendar year for affirmation by the CENR Officer.

Sec. 14. Preparation of the 3/5-Year Work Plan. The steps and procedures in the preparation of the 3/5-Yr WP are as follows:

1. PO orientation/PO Planning Team's training on the 3/5-Yr WP. The CENRO-CBFM units, LGU counterpart where there is an existing partnership or cooperation agreement and/or the AO shall provide the necessary PO

orientation on CRMF preparation in consonance with DAO 96-29, MC 97-12 and JMC No. 2003-01. The Regional CBFM Head in coordination with the Human Resources Development shall conduct consultation on training needs and package training programs/courses to build and strengthen the capability of the PO. The LGUs, AO and NGO shall provide ways and means in the PO planning team's workshop.

2. Identification of sectoral priority activities and targets. The PO Planning Team and Officers shall provide ways and means in the identification of sectoral priority activities and targets with the supervision and guidance from the CENRO-CBFM Units or PMO, LGU counterparts and/or AO. The Planning Team shall receive full guidance and active involvement from the CENRO-PMO in the technical description of the resources to be used either for production, protection, harvesting and utilization purposes.
3. Consolidation of PO sectoral plans into a 3/5-Yr WP. The resource utilization in the 3/5-Yr WP shall indicate the forest resources/products to be utilized, approximate area of the activity (may be presented thru a map), approximate quantity of resources to be utilized, methods of resource use for non-extractive or harvesting purposes, planned development or rehabilitation of extracted resources and marketing of resource services or products. The consolidated sectoral 3/5-Yr WP shall undergo a review and final assessment by the PMO-CENRO, AO, PO leaders/planning team and LGU counterpart prior to its ratification.
4. Ratification of 3/5-Yr WP. The 3/5-Yr WP shall be discussed and ratified in a general assembly meeting or in special meeting called for the matter. The activity shall be organized by the PO with the assistance of the concerned CENRO, LGU, and/or assisting organization

Sec.15. Affirmation of 3/5-Year Work Plan. The ratified CRMF shall be endorsed by the concerned LGU as provided for in Sec 7 of JMC 2003-01 prior to its affirmation by the CENRO to confirm it has been prepared in a participatory manner. The affirmation of the 3/5-Yr WP by the CENRO Officer shall be deemed as an approval of the plan and a confirmation of the DENR's active involvement in its preparation and the proof of the DENR's commitment to support the PO in the implementation of the plan.

A copy of the affirmed 3/5-Yr WP shall be provided to the concerned municipal/provincial LGU, CENRO, PENRO, Regional Office, FMB-CBFM and the PO for their reference and as basis of their support and assistance.

The 3/5-Yr WP submitted by the PO shall be considered affirmed after the lapse of 30 days if the CENRO fails to act and accordingly notify in writing the PO concerned. In such a case, the PO shall show proof of the application's date of submission and that 30 days period had already lapsed. After giving due notice to the CENRO, the PO shall proceed to implement the activities in the 3/5-Yr WP.

Sec. 16. Affirmed 3/5-Year Work Plan. The 3/5-Yr WP once affirmed shall serve as the PO's permit to utilize the resources pursuant to Sec 1, Rationale, MC No.97-12. The PO shall be exempted from getting all kinds of permits e.g. rattan cutting permit (RCC), IAOP in the utilization of different resource materials identified in the 3/5-Yr WP.

CHAPTER 3

CBFM Implementation : Operationalizing the CRMF and the Three-Year Work Plan

Sec. 17. Development and Management of CBFM Areas. Land use planning shall be an important component of the CRMF. The appropriate land use and forest management systems in the production forest and protection forest shall be determined by the PO with the assistance of the DENR to ensure the sustainability and stability in the CBFM areas.

1. Development and Management of Production Forest. The production forest shall be established in areas with a slope of 50% and below. The forest management systems will include the plantation establishment in open areas and application of silvicultural programs such as timber stand improvement (TSI), assisted natural regeneration (ANR) and other silvicultural schemes in adequately stocked areas. The agro-forestry, mix planting of agricultural crops, fruit and forest trees shall be done in areas identified to be suitable for agriculture.

Plantations established within the CBFM projects shall be registered at the CENRO having jurisdiction over the area using the Application Form for CBFM Forest Plantation Ownership (Annex D), after which, a corresponding Certificate of CBFM Plantation Ownership should be issued to the PO (Annex E).

Resource and suitability assessment shall be conducted with the assistance of the DENR prior to the establishment of the plantations. This shall be done to ensure that the PO shall produce good quality seedlings, forest and fruit trees for their agroforestry, forest plantation establishment and enrichment planting activities.

2. Development and Management of Protection Forest. The protection forest covers areas 50% and above in slope. The forest management systems in the protection forest include among others, the planting of appropriate species in open spaces, application of silvicultural treatment and biodiversity conservation.

Sec. 18. Forest Protection and Conservation. The PO, with assistance from the DENR and the LGU, shall be primarily responsible for the protection and conservation of the natural resources within the coverage of the CBFMA. The forest protection component of the CRMF and the 3/5-Yr WP shall be put in place wherein the PO shall protect the CBFM area to the fullest, free it from illegal cutting and/or extraction, no cutting along gullies, steep slopes, river channels and other identified critical areas.

The PO shall likewise assist the government in the protection of adjacent forestlands and take active part in the forest protection activities. In order for the PO members to have legal authority e.g. to apprehend illegal loggers/cutters and confiscate illegally cut timber, the DENR shall deputize selected PO members as forest environment and natural resources officers (FENROs). The PO deputized FENROs shall be given incentives in the performance of their duties. This may be in form of allowance and insurance benefit with appropriations provided by the DENR and LGU counterpart. Protection as well as legal assistance shall be provided to the deputized FENROs whenever necessary in cases of settling disputes dealing with apprehension of individuals and confiscation of illegally cut timber.

Sec. 19. Harvesting and Utilization. Utilization of resources shall be based on sound environmental, social and economic principles. Harvesting of timber and non-timber forest products in the CBFM area shall strictly follow the Code of Practice for Forest Harvesting likewise contained and indicated in the CRMF and 3/5-Yr WP.

The CENRO, LGU, PO and other concerned sectors prior to harvesting activities shall jointly conduct timber inventory and tree marking. The list that indicates the tree number, species, diameter, merchantable height and volume shall be the basis for the PO's allowable cut embodied in the 3/5-Yr WP. Quantity and type of non-timber forest products to be gathered shall follow what has been indicated in the 3/5-Yr WP. In case where there are available markets, the PO shall be encouraged to utilize stumps, twigs, and branches to maximize wood recovery in CBFM plantation areas.

Harvesting of non-timber and timber resources within the natural resources should be consistent with the CRMF and shall be confined only in areas identified as production forest. The volume to be harvested shall be based on the capability of the PO and shall be limited to the annual allowable cut (ACC) as stipulated in the affirmed 3/5-Yr WP. The determination and computation of the ACC shall be based on the formula provided for in the Code of Harvesting Practices in CBFM areas. Timber and non-timber forest products harvested from natural forest shall be subject to

the payment of corresponding forest charges, in consonance with existing regulations and guidelines. Extraction of forest products outside of the identified production forest shall be strictly prohibited.

Sec. 20. Processing of Harvested Products. The concerned CENRO shall encourage the community members to process non-timber forest products like rattan and bamboo into handicrafts, furniture and novelty items for added value and increased income. To maximize wood recovery from the plantation areas and production forests from CBFM projects, the PO may operate a re-sawmill with a maximum flywheel diameter of 18" and blade size of 2 " width or may adopt other schemes consistent with DENR's regulations and guidelines. Provided that, only timber legitimately harvested from the CBFM projects shall be allowed as raw materials from the re-sawmill operation of the PO.

Sec. 21. Transport of Forest Products Harvested from CBFM Areas. The transport of all forest products which includes logs, lumber, flitches, rattan and bamboo harvested from plantation areas in CBFM projects shall be supported by a duly accomplished CBFM Self Monitoring Form (SMF, Annex F). The transport of forest products harvested from natural grown forest shall also be supported by a Certificate of Origin (CO) issued by the concerned CENRO under DAO 7 series of 1994.

Sec. 22. Production Sharing Scheme from Government-owned Plantations within CBFM Areas. All forest products harvested from forest plantation established with government funds or plantation established by former TLAs shall be subjected to a sharing agreement as provided for under existing regulations and guidelines. The share of the government shall be collected by the CENRO and deposited in the accredited bank of the government. All collections shall accrue to the National Treasury.

Sec. 23. Support to the PO's Development Activities. A percentage of the proceeds in the harvesting operations shall be used for development activities and/or livelihood projects as indicated in the PO's development plan or CRMF.

Sec. 24. Participation of POs in CBFM Workshops and Meetings. The PO/forest communities represented by the officers of the National PO Federation shall be part of the review and enhancement of CBFM policies. They shall be encouraged to participate in related CBFM workshops and meetings to share their lessons and experiences in the implementation of the CBFM strategy.

Sec. 25. PO's Contract Services and Development Activities. The PO may enter into contracts with private and government entities or individuals for the development of portions, or the entire CBFM area, as provided for and in accordance with existing regulations and guidelines. Contracting can be in the form of development which involves the establishment of plantations, livestock production, eco-tourism and other developmental activities and services including utilization of forest resources and associated activities such as road construction, major and minor transport, processing and marketing of forest products, as contained in the CRMF and 3/5-Yr WP. **Cell site/power line structures that maybe installed within the CBFMA areas shall form part of the sub-contracting activity for the PO's additional source of income.**

CHAPTER 4

Support Structures and Mechanisms to Strengthen CBFM Implementation

Sec. 26. Implementation of JMC No. 2003-01 in Support of CBFM. As embodied in the Joint DENR-DILG Memorandum Circular No. 2003-01, the DENR and the DILG realize the need for the involvement of the LGUs in managing forestland resources in line with existing laws. The strengthening and institutionalizing of DENR-DILG-LGU partnership on devolved and other forest management functions is envisioned to provide a very significant contribution to strengthen the current CBFM implementation.

The JMC has specific provisions on the intended operationalization and institutionalization of the DENR-DILG-LGU National Steering Committee; operationalization and institutionalization of DILG-DENR partnerships at the field level; identification and delineation of priority concerns in operationalizing such partnerships; documentation of forest management projects that will be devolved to the LGUs and other forest areas to be placed under co-management; the instruments and mechanisms for the said partnerships and collaboration; reiteration of LGU participation in the issuance of tenure instruments and permits under Section 9.3 of JMC 98-01; deputization of LGU Officials as ENR Officers and enjoining the LGU to provide funds to make devolution, partnership and co-management effective; and additional guidelines to strengthen partnerships and provision on administrative sanctions.

Sec. 27. Basic Assistance and Support Services. The CBFM Unit at the CENRO, PENRO and Regional levels in coordination with the concerned LGU shall be responsible for delivering the necessary assistance and support services to forest communities in their efforts to fulfill their roles as managers of the CBFM project. Such assistance and support shall include but not limited to the following: basic technical services, PO capability building, provision of access to financial and credit facilities and development of linkages with NGOs, GOs, stakeholders and interest groups for livelihood, market and enterprise development as well as legal assistance necessary in the conduct of forest protection activities.

The cost needed in the provision of the various CBFM units' assistance shall be included in the CENRO, PENRO and RENRO's work and financial plans and the corresponding annual key result areas (KRA).

CHAPTER 5

Participatory Monitoring and Evaluation

Sec. 28. Multi-Sectoral Monitoring and Evaluation. A participatory mode of monitoring and evaluation through a composite team shall be conducted annually to assess the various issues, problems and constraints related to the development and strengthening of the CBFM implementation. The composite team shall include representatives from the CBFM Regional Office, PENRO, CENRO, LGU, AOs/NGOs and other concern sectors. The M&E project report, which highlights the problems, opportunities and recommendations shall be submitted by the CENRO to the Forest Management Bureau (FMB) through proper channels.

In addition to the multi-sectoral M&E, the concerned CENRO, PENRO and RENRO shall conduct regular monitoring and evaluation. The field personnel shall be consulted on the kind of criteria and indicators that will be included in the performance of their job as part of the internal monitoring and evaluation system of the DENR.

Sec. 29. Monitoring and Documentation of Harvesting and Re-Sawmill Operations. In CBFM areas where the POs undertake resource utilization, their harvesting and re-sawmill operations shall be monitored and documented by the CENRO concerned. **The PO Federation shall also be involved in these activities.** These shall include among others, the following:

1. Control, record and monitor the volume of planted/naturally growing trees harvested, re-sawn and transported from the CBFM projects;
2. Conduct monthly check/verification of the volume of lumber or outputs of the re-sawmill operations against the volume of raw material inputs;

3. The Regional Office/PENRO to check and verify the operations at least once a month to ensure that the raw materials for the operation of the re-sawmill are those harvested from the CBFM plantations and/or natural production forest.

A report shall be submitted to the USEC for Field Operations through the FMB Director using the CBFM Harvesting and Re-sawmill operations Form A. (Annex G). The same shall be incorporated in the CBFM Information System submitted quarterly to the Central Office.

The CBFM Unit within the CENRO shall assist the PO in facilitating the needed requirements for harvesting. They shall be responsible in keeping a Registry Book reflecting all the information contained in the Registration Form. The Registry Book shall serve as database to reflect information as to the extent of harvesting and utilization activities in plantations and production forests within CBFM areas.

Sec. 30. Process Documentation of the PO's Ecological, Economic, Social and Organizational Activities.

The assigned CDA/project site leader shall document the PO's entire activities and outputs pertaining to their organizational, social and economic development activities and the corresponding influence or impact towards the promotion of sustainable resource use and development. Lessons learned and issues and concerns shall be translated into a summary report on a quarterly basis for submission and discussion during the regional and national steering committee meetings. These are necessary inputs for field implementers and policy makers to finding solutions on implementation problems, opportunity for adjustments and improvement of project management and refinement of CBFM policies.

CHAPTER 6

Transitory, Penal and Final Provisions

Sec. 31. Transitory Provision. The PO's AWP affirmed by the CENRO-DENR before the issuance of this Order shall continue their operations based on the existing AWP. Provided that, after the termination of the current AWP, the concerned PO shall prepare and submit the 3-Yr WP as provided for under Chapter 2, Sec 14 of this Order.

Sec. 32. Penal Provision. The harvest and utilization of timber and non-timber forest products shall strictly follow the terms and conditions stipulated in the CBFMA, CRMF and 3-Yr WP. The harvesting and utilization operations in the CBFM areas shall be suspended for any violation hereof and any of the provisions of this Order and the perpetrators penalized in accordance with Section 68 of PD 705, as amended, and other existing laws, rules and regulations.

Sec. 33. Repealing Clause. The pertinent provisions of DAO 96-29 and MC 97-12 and all other rules, regulations and issuances inconsistent herewith are hereby amended accordingly.

Sec. 34. Separability Clause. In the event that any provision of these guidelines is declared unconstitutional or null and void, the validity of the other provisions shall not be impaired by such declaration.

Sec. 35. Effectivity. This order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and submission to the UP Law Center.

ELISEA G. GOZUN
Secretary

DENR ADMINISTRATIVE ORDER

No. 2003 –

SUBJECT: **STRENGTHENING THE IMPLEMENTATION OF THE COMMUNITY BASED FOREST MANAGEMENT (CBFM) STRATEGY**

Pursuant to Executive Order No. 263 dated July 19, 1995, (*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*); DENR Administrative Order 96-29, (*Rules and Regulations for the Implementation of Executive Order 263, Otherwise Known as the Community-Based Forest Management Strategy*); DENR Memorandum Circular 97-13, (*Adopting the DENR Strategic Action Plan for Community-Based Forest Management*); the Joint DENR-DILG Memorandum Circular (JMC) No. 2003-01, (*Strengthening and Institutionalizing the DENR-DILG-LGU Partnership on Devolved and Other Forest Management Functions*), and to reinforce, simplify and harmonize the processes in the implementation of programs and projects supporting the Community-Based Forest Management Strategy, the following additional guidelines and procedures are hereby promulgated.

CHAPTER 1

Preparatory Activities in CBFM Implementation

Section 1. Establishing Institutional Linkages and Intensifying IEC in Support of CBFM. Pursuant to Sec. 1 and 2, Article III of DAO 96-29, and Sec. 2 and 3 of JMC 2003-01, the DENR shall promote and support the active participation of various agencies and organizations in the implementation of CBFM. All DENR units involved in the implementation of CBFM-related programs and projects are mandated to give highest priority in establishing and consolidating partnerships among agencies and organizations, both public and private.

The DENR Provincial and Community Environment and Natural Resources Offices (PENRO/CENRO) shall undertake a continuing systematic orientation for local government executives (barangay, municipal and provincial levels), local units of relevant national government agencies, civil society organizations, academic institutions, and financing organizations on the CBFM concepts, principles, objectives, processes and activities, among others. The partnerships that evolve through this process are strongly encouraged to expand the coverage and scope of IEC campaigns for CBFM by jointly undertaking such campaigns.

Sec. 2. Identification and delineation of CBFM sites. DENR field offices shall maintain and continuously update control maps and associated registries indicating therein the various ENR projects and tenure instruments over forestlands in their jurisdiction. These control maps and registries shall be harmonized with the Comprehensive Land Use Plans (CLUPS) of the respective LGUs. These maps and registries shall be open to the public.

Based on the control maps and registry, the PENRO shall make a preliminary map delineation of forest management units based on watershed/sub-watershed physical boundaries. These preliminary delineation maps shall be presented to the Provincial and Municipal Working Groups organized to operationalize the partnership and devolution of forest management functions¹ to serve as reference for the work of these working groups. These maps shall likewise be used as reference material in the IEC work to promote CBFM participation.

¹ See Joint DENR-DILG Memorandum Circulars 98-01 and 2003-01

The forest management units so delineated shall be the basis for determining the metes and bounds of discrete areas to be eventually handed over to the respective CBFM POs, whose membership shall be exclusive to those directly dependent on the land and forest resources within that management unit.

Sec. 3. Validation of CBFM Participants. The multisectoral group at the local level composed of the DENR, LGU, other government agencies, NGO and other sectors concerned shall be involved in the validation of CBFM participants. In areas where there are existing POs, the following are the qualifications²:

- a) Members shall be Filipino citizens;
- b) Members may either be:
 - Actually tilling portions of the area to be awarded;
 - Traditionally utilizing the resources for all or substantial portion of their livelihood;
 - Actually residing within or adjacent but are developing portions of the areas to be awarded.

In areas where there is no existing PO, the CBFM Coordinator shall facilitate its formation with members in accordance with the above qualifications. Formation of the PO shall only proceed when the multisectoral group has validated the CBFM participants.

Sec. 4. PO Formation. The CENRO through the CBFM Coordinator and the LGU, the provincial, municipal, city technical working group on co-management/partnership³ and/or the Assisting Organization (AO) shall assist in the formation of the PO pursuant to the requirements outline in Section 8, Article III of DAO 96-29. The PO to be formed or an existing informal group shall be duly assisted in accomplishing the requirements and in their registration. Once the PO is registered, the Community Based forest Management Agreement shall then be consummated.

Sec. 5. Processing of CBFMA Application.

1. The DENR-DILG-LGU working group shall seek individual and/or joint endorsement of the application from the respective LGU/s. As provided for in DAO 2003-11, the concerned LGU/s shall act on the CBFMA application within a period of 15 working days. Should the LGU fail to act on the CBFMA application filed within a period of 15 working days, the concerned DENR office shall process the CBFMA application.

The DENR Regional Office and LGU concerned shall provide assistance to POs seeking NCIP certification/precondition pursuant to Sec 59 of Republic Act No. 8371 known as the Indigenous Peoples Rights Act of 1997.

2. The PO applicants shall submit the CBFMA application with complete requirements to the CENRO pursuant to Sec 8 of DAO 96-29.
3. A map which shall form part of the CBFMA shall be prepared based on the preliminary delineation provided for in section 2 hereof. A more precised map shall be prepared based on actual ground survey which shall be done in the course of its implementation.
4. The CENRO reviews the CBFMA applications with 500 and less hectares and endorses CBFMA applications with more than 500 to 5,000 hectares to the PENRO.

² Sec 1 Article 2 of DAO 96-29

³ Joint DENR- DILG Memorandum Circular No. 98-01

5. The PENRO reviews the CBFMA applications with more than 500 to 5,000 hectares and endorses CBFMA applications with more than 5,000 to 15,000 hectares to the Regional Executive Director.
6. The DENR Regional Office reviews the CBFMA applications with more than 5,000 to 15,000 hectares and endorses applications with more than 15,000 hectares to the USEC for Field Operations.

The review committee as provided in Sec. 8, Article III of DAO 96-29, shall within 15 days convene and discuss with the PO the terms and conditions embodied in the CBFMA.

Sec. 6. Signing of the CBFMA. The signatories and the corresponding CBFM areas are as follows:

| Signatories | CBFM Area (ha) |
|---|---------------------------|
| a) Community Environment and Natural Resources Officer (CENRO) | 500 and below |
| b) Provincial Environment and Natural Resources Officer (PENRO) | More than 500 to 5,000 |
| c) Regional Executive Director (RED) | More than 5,000 to 15,000 |
| d) Undersecretary (USEC) for Field Operations | More than 15,000 |

The concerned DENR Official awards the CBFMA to the PO and shall furnish the CENRO, PENRO, Regional Office, and the Forest Management Bureau a copy of the approved CBFMA.

Sec. 7. CS Issuance. The CBFM strategy recognizes the individual rights of occupancy through the granting of the certificate of stewardship (CS). The CS may be issued by the PO based on the census of actual forest occupants conducted, provided that the area is within the CBFM area applied for and the CS applicant is a regular member of the PO. The PO, through a resolution shall submit a list of CS issued to individual members to the CENRO for affirmation. This repeals Sections 3.3 and 3.4 of DAO No. 98-45

The DENR in collaboration with appropriate/concerned LGU shall provide the PO with the appropriate technical and social assistance to ensure the smooth implementation of the CS issuance. In addition, the DENR shall also monitor the strict implementation of the CS issuance.

CHAPTER 2

CBFM Planning Process

Sec. 8. Community Resource Management Framework (CRMF). The CRMF is a strategic plan of the community on how to manage and benefit from the forest resources on a sustainable basis. It describes the community's long-term vision, aspirations, commitments and strategies for the protection, rehabilitation, development and utilization of forest resources.

The CRMF is prepared within 30 days after the approval of the CBFMA. The steps and procedures (**Annex A**) in the preparation of the CRMF are as follows:

1. PO orientation/PO planning team's training on CRMF preparation. The CENRO-CBFM unit, LGU counterparts where there is an existing partnership or cooperation agreement and/or the assisting organization, shall provide the necessary PO orientation on CRMF preparation in consonance with DAO 96-29, MC 97-12 and JMC No. 2003-01. The Regional CBFM Head in coordination with the Human Resources Development shall conduct consultation on training needs and package training programs/courses to build and strengthen the capability of

the PO. The LGU/s, Assisting Organization and NGO shall provide ways and means to the PO planning team's workshop.

2. Defining the Vision, Mission Goals, Objectives. The CRMF shall contain the PO's vision, mission, goals and objectives, and physical development goals and objectives for indicative forest management strategies.
3. Determination of the Components of Forestlands and Resources Plan
 - a. Livelihood. Together with the Community Development Assistant (CDA), the LGU, assisting organization and NGO shall also provide supervision and guidance to the PO in identifying and setting up of upland livelihood enterprises.
 - b. Assessment of existing and potential land uses within the CBFM area. The CENRO through its Project Management Officer (PMO)/CBFM Unit shall serve as adviser and resource person in the Planning Team's assessment of existing and potential land uses as well as appropriate resource production systems.
 - c. Setting up of a framework for local market information system based on existing and potential markets. A market information/market specialist shall serve as adviser and specialist to the PO in the conduct of this activity.
 - d. Participatory development of socioeconomic criteria and indicators (C&I) shall be formulated as possible application of DAO 2001-04 (Guidelines and Methodologies for Institutional and Project Benefit Assessment with that of the Criteria and Indicators for Sustainable Resource Use and Development).
4. Financing strategy and accessing resource funds. The financing strategy and accessing of resource funds and the proposed marketing strategies would cover the wider aspect of attaining financial viability and increased economic activities through livelihood and the present or potential economic activities.
5. Strategizing for financing of CRMF. The PO with the assistance of the DENR, LGU, AO and concerned organizations shall do linkages with market and funding institutions.
6. Public Consultation and Ratification of CRMF. The CRMF draft shall be written in the community's own dialect and discussed in a public consultation organized by the PO with the assistance of the concerned CENRO, LGU, and/or assisting organization. After the consultation, the ratified CRMF may be translated to another language/dialect by the CDO/CDA and/or AO.

Sec. 9. Affirmation of CRMF. The ratified CRMF shall be endorsed by the concerned LGU as provided for in Sec 7 of JMC 2003-01 prior to its affirmation by the CENRO to confirm that it has been prepared in a participatory manner. The affirmation of the CRMF by the CENR Officer shall be deemed as the approval of the plan and a confirmation of DENR's active involvement in the preparation thereof, and a proof of the DENR's commitment to support the PO in the implementation of the plan. **(Annex B)**

A copy of the affirmed CRMF shall be provided to the concerned municipal/provincial LGU, CENRO, PENRO, Regional Office, FMB/CBFM and the PO for their reference and as basis of support and assistance.

The CRMF submitted by the PO shall be considered affirmed after the lapse of 30 days if the CENRO fails to act and accordingly notify in writing the PO concerned. In such a case, the PO shall show proof of the application's date of submission and that the 30 days period had already lapsed. After giving due notice to the CENRO, the PO may proceed to implement the activities in the CRMF.

Sec. 10. Affirmed CRMF and ECC Issuance. The CRMF once affirmed shall also serve as the Initial Environmental Examination (IEE) for CBFM, which describes the environmental impacts of and mitigation and enhancement measures for activities to be undertaken in the area. The affirmed CRMF shall be made as basis for the issuance of Environmental Compliance Certificate (ECC) and applied at the Regional Environmental Management Bureau. The affirmed CRMF shall likewise be reviewed every five years including the ECC compliance. The strengths, weaknesses, opportunities and threats (SWOT) of the different components shall be used in the revision of the CRMF.

Pursuant to DAO 98-43, dated June 24, 1998, the POs of CBFM projects are exempted from the payment of administrative fees in the issuance of the ECC.

Sec. 11. Five-Year Work Plan. The PO with the assistance of the concerned sectors shall prepare a five-year work plan (5-Yr WP) that is consistent with the affirmed CRMF instead of an Annual Work Plan (AWP). The 5-Yr WP shall be the sole document containing the detailed strategies, activities and targets for five years on protection, rehabilitation, development and resource utilization, organizational strengthening, financing, marketing and enterprise development, among others. The Plan shall include the annual activities and work targets of the PO for the period covered by the plan and shall be prepared during the final quarter of the calendar year for affirmation by the CENR Officer.

Sec. 12. Preparation of the 5-Year Work Plan. The steps and procedures (**Annex C**) in the preparation of the 5-Yr WP are as follows:

1. PO orientation/PO Planning Team's training on the 5-Yr WP. The CENRO-CBFM units, LGU counterpart where there is an existing partnership or cooperation agreement and/or the AO shall provide the necessary PO orientation on CRMF preparation in consonance with DAO 96-29, MC 97-12 and JMC No. 2003-01. The Regional CBFM Head in coordination with the Human Resources Development shall conduct consultation on training needs and package training programs/courses to build and strengthen the capability of the PO. The LGUs, AO and NGO shall provide ways and means in the PO planning team's workshop.
2. Preparation of the Five - Year WP. The PO shall identify their priority activities and targets. The PO Planning Team and Officers shall provide ways and means in the identification of priority activities and targets with the supervision and guidance from the CENRO-CBFM Units or PMO, LGU counterparts and/or AO.
3. Ratification of 5-Yr WP. The 5-Yr WP shall be discussed and ratified in a general assembly meeting or in special meeting called for the matter. The activity shall be organized by the PO with the assistance of the concerned CENRO, LGU, and/or assisting organization

Sec.13. Affirmation of 5-Year Work Plan. The ratified WP shall be endorsed by the local chief executives of the concerned LGU as provided for in Sec 7 of JMC 2003-01 prior to its affirmation by the CENRO to confirm it has been prepared in a participatory manner. The affirmation of the 5-Yr WP by the CENR Officer shall be deemed as an approval of the plan and a confirmation of the DENR's active involvement in its preparation and the proof of the DENR's commitment to support the PO in the implementation of the plan. (**Annex D**)

A copy of the affirmed 5-Yr WP shall be provided to the concerned municipal/provincial LGU, CENRO, PENRO, Regional Office and the PO for their reference and as basis of their support and assistance.

The 5-Yr WP submitted by the PO shall be considered affirmed after the lapse of 30 days if the CENRO fails to act and accordingly notify in writing the PO concerned. In such a case, the PO shall proceed to implement the activities in the 5-Yr WP.

The 5-Yr WP once affirmed shall serve as the PO's guide for the development and utilization of the resources therein.

CHAPTER 3

CBFM Implementation : Operationalizing the CRMF and the Five-Year Work Plan

Sec. 14. Development and Management of CBFM Areas. The development and management of CBFM areas shall be in conformity with the CRMF. The appropriate land use and forest management systems in the production forest and protection forest shall be determined by the PO with the assistance of the DENR to ensure the sustainability and stability in the CBFM areas.

The management and development activities in the CBFM areas shall include plantation establishment in open areas and application of silvicultural programs such as timber stand improvement (TSI), assisted natural regeneration (ANR), other silvicultural schemes in adequately stocked areas and biodiversity conservation. The agro-forestry, mix planting of agricultural crops, fruit and forest trees shall be done in areas identified to be suitable for agriculture.

Sec. 15. Forest Protection and Conservation. The PO, with assistance from the DENR and the LGU, shall be primarily responsible for the protection and conservation of the natural resources within the coverage of the CBFMA. The protection forest identified by the community shall be protected from illegal cutting and/or extraction. Likewise, no cutting along gullies, steep slopes, river channels and other identified critical areas shall be observed as part of the PO's forest protection activity.

The PO shall likewise assist the government in the protection of adjacent forestlands and take active part in the forest protection activities. In order for the PO members to have legal authority e.g. to apprehend illegal loggers/cutters and confiscate illegally cut timber, the DENR shall deputize selected PO members as environment and natural resources officers (ENROs). The deputized ENROs shall exercise their duties in accordance with DAO No. 98-09.

Sec. 16. Harvesting, Processing and Transport of Forest Products in CBFM Areas. Harvesting, processing and transport of forest products in CBFM areas shall be in accordance with existing rules and regulations.

Sec. 17. Production Sharing Scheme from Government-owned Plantations within CBFM Areas. All forest products harvested from forest plantation established with government funds or plantation established by former TLAs shall be subjected to a sharing agreement in accordance with DAO No.98-42.

Sec. 18. PO's Contract Services and Development Activities. The PO may enter into contracts with private and government entities or individuals for the development of portions, or the entire CBFM area, as provided for and in accordance with MC No 98-08.

CHAPTER 4

Participatory Monitoring and Evaluation

Sec. 19. Multi-Sectoral Monitoring and Evaluation. A participatory mode of monitoring and evaluation through a composite team shall be conducted annually based on critical activities to assess the various issues, problems and constraints related to the development and strengthening of the CBFM implementation. The composite team shall include representatives from the CBFM Regional Office, PENRO, CENRO, LGU, AOs/NGOs and other concerned sectors. The M&E project report, which highlights the problems, opportunities and recommendations shall be submitted by the CENRO to the Forest Management Bureau (FMB) through proper channels.

In addition to the multi-sectoral M&E, the concerned CENRO, PENRO and Regional Office shall conduct regular monitoring and evaluation. The field personnel shall be consulted on the kind of criteria and indicators that will be included in the performance of their job as part of the internal monitoring and evaluation system of the DENR.

Monitoring should be activity focused, the results of which shall be the basis in determining the nature and scope of assistance to be provided.

Sec. 20. Process Documentation of the PO's Ecological, Economic, Social and Organizational Activities. The assigned CDA/project site leader shall document the PO's entire activities and outputs pertaining to their organizational, social and economic development activities and the corresponding influence or impact towards the promotion of sustainable resource use and development. Lessons learned and issues and concerns shall be translated into a summary report on a quarterly basis for submission and discussion during the regional and national steering committee meetings. These are necessary inputs for field implementers and policy makers to finding solutions on implementation problems, opportunity for adjustments and improvement of project management and refinement of CBFM policies.

Sec. 21. Support to CBFM Implementation. The costs needed to operationalize the POs CRMF shall be included in the CENRO, PENRO and the Region s Work and Financial Plans as part of the DENR s major final output (formerly key result area or KRA). Objectively verifiable indicators of the different activities shall likewise be identified as basis of the monitoring and evaluation.

CHAPTER 5

Transitory, Penal and Final Provisions

Sec. 22. Transitory Provision. The PO's AWP affirmed by the CENRO-DENR before the issuance of this Order shall continue their operations based on the existing AWP. Provided that, after the termination of the current AWP, the concerned PO shall prepare and submit the 5-Yr WP as provided for under Chapter 2, Sec 11 of this Order.

Sec. 23. Penal Provision. The harvest and utilization of timber and non-timber forest products shall strictly follow the terms and conditions stipulated in the CBFMA, CRMF and 5-Yr WP. The harvesting and utilization operations in the CBFM areas shall be suspended for any violation hereof and any of the provisions of this Order and the perpetrators penalized in accordance with Section 68 of PD 705, as amended, and other existing laws, rules and regulations.

Sec. 24. Repealing Clause. The pertinent provisions of DAO 96-29 and MC 97-12 and all other rules, regulations and issuances inconsistent herewith are hereby amended accordingly.

Sec. 25. Separability Clause. In the event that any provision of these guidelines is declared unconstitutional or null and void, the validity of the other provisions shall not be impaired by such declaration.

Sec. 26. Effectivity. This order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and submission to the National Registry Center.

ELISEA G. GOZUN
Secretary

Attachment D

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MATRIX ON DRAFT DAO NO. 2003 FDC-FMB-CBFMD & DENR-TWG VERSIONS

| DAO No. 2003-- FDC-FMB-CBFM Draft (Proposed) | DAO No.2003- DENR-TWG Draft (for signature of the DENR Secretary) | Remarks/Items Included or Revise in DENR-TWG Draft |
|---|---|---|
| Chapter 1 Preparatory Activities in CBFM Implementation | Chapter 1 Preparatory Activities in CBFM Implementation | <ul style="list-style-type: none"> ▪ The same title. |
| Section 1. Establishing Institutional Linkages and Intensive IEC Campaign | Section 1. Establishing Institutional Linkages & Intensifying IEC in support of CBFM | <ul style="list-style-type: none"> ▪ DENR to promote and support active participation of various agencies and participation in CBFM implementation ▪ Intensive conduct of IEC campaign/orientation to all sectors concerned ▪ Continuing and joint IEC undertaking |
| Sec. 2. Identification and Selection of CBFM sites | Sec. 2. Identification and Delineation of CBFM sites | <ul style="list-style-type: none"> ▪ Prepare/ use of control maps on DENR tenure instruments/projects within jurisdiction ▪ Control maps/associated registries harmonized with CLUPs ▪ Regular updating of maps/registries ▪ Maps for CBFM/PO's reference/ IEC works |
| Sec.3. Initial Screening of Applicants | Sec.3. Validation of CBFM Participants | <ul style="list-style-type: none"> ▪ Use of word Validation instead of Initial Screening ▪ Multi-sectoral (MC) group to conduct validation ▪ Validation however is limited to existing qualification requirements not on the additional traits of the applicants as provided in first paragraph of the proposed draft. ▪ Formation of PO only to proceed after the MC has validated the CBFM participants based on the existing qualifications and not on the additional PO traits specified in the proposed draft. |
| Sec.4. PO Formation and Registration | Sec.4. PO Formation | <ul style="list-style-type: none"> ▪ In case of LGU assistance to PO formation, the LGUs were specified into the provincial, municipal, city technical working group on co-management/partnership based on DENR-DILG MC No.98-01). ▪ In the case of AO assistance to PO formation, assistance through the CDA was deleted. |
| Sec.5. Processing of CBFMA Application | Sec.5. Processing of CBFMA Application | <p>The same except that in:</p> <ul style="list-style-type: none"> ▪ No.1 procedure " instead of the PO applicants, it was replaced with the DENR-DILG-LGU Working Group shall be responsible to seek individual and/or joint endorsement of the application from the respective LGUs. ▪ INos. 3, 4 and 5 the word validates was changed into reviews. ▪ No. 6 pertaining on perimeter surveying and completion time was deleted. |

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| Sec.6. Signing and Approval of the CBFMA | Sec.6. Signing of the CBFMA | <ul style="list-style-type: none"> CBFMA copies must also be provided to the PENRO and Regional Office. |
| Sec.7. CS Issuance | Sec.7. CS Issuance | <ul style="list-style-type: none"> The same |
| Chapter 2 CBFM Planning Process | Chapter 2 CBFM Planning Process | <ul style="list-style-type: none"> The same title |
| Sec.8. Community Mapping and Land Use Planning | Section Deleted | |
| Sec.9. Community Resource Management Framework (CRMF) | Sec.8. Community Resource Management Framework (CRMF) | <ul style="list-style-type: none"> The same except for the first sentence in the proposed draft deleted. |
| Sec.10. Preparation of the CRMF | Section/Items merged in Sec.8. | <ul style="list-style-type: none"> No.1 PO orientation/Planning teams' training on CRMF preparation tem the same NO.2. PO sectoral Planning Workshop changed into Determination of the Components of Forestlands and Resources Plan but items a to d retained/the same as in proposed draft. Item Nos. 2, 4, 5 and 6 of final draft the same as in proposed draft. |
| Sec.11. Affirmation of CRMF | Sec.9. Affirmation of CRMF | <ul style="list-style-type: none"> The same |
| Sec.12. Affirmed CRMF and ECC Issuance | Sec.10. Affirmed CRMF and ECC Issuance | <ul style="list-style-type: none"> The same except that in final draft CRMF shall be reviewed every five years not three years |
| Sec. 13. Three/Five – Year Work Plan | Sec.11. Five –Year Work Plan | <ul style="list-style-type: none"> The same except that in final draft it was five- year work plan instead of three/five years. |
| Sec.14. Preparation of the 3/5-Year Work Plan | Sec.12. Preparation of the 5-Year Work Plan | <ul style="list-style-type: none"> The same except that: (a.)In final draft it was five-year work plan instead of three/five years; (b.) Nos. 2 and 3 (Identification of sectoral priority activities and targets/Consolidation of PO sectoral plans into a 3/5 Yr WP) of proposed draft merged as item No.3 Preparation of the 5 – Yr WP in the final draft.. Nos. 1 and 4 in proposed draft the same in the final draft. |
| Sec. 15. Affirmation of the 3/5 – Year Work Plan | Sec.13. Affirmation of the 5 – Year Work Plan | <ul style="list-style-type: none"> The same except that in final draft it was five- year work plan instead of three/five years. |
| Sec.16. Affirmed 3/5 – Year Work Plan | Section/Items merged in Sec.13. | <ul style="list-style-type: none"> In first sentence, the words shall serve as permit to utilize the resources pursuant to Sec. 1, Rationale, MC No.97-12 were deleted and replaced instead of shall serve as guide for the development and utilization of the resources therein. The second sentence in the proposed draft (PO's exemption from getting all kinds of permit, e.g. RCC |

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| | | etc.) was deleted in the final draft. |
| Chapter 3 CBFM Implementation: Operationalizing the CRMF and 3/5 – Year Work Plan | Chapter 3 CBFM Implementation: Operationalizing the CRMF and 3/5 – Year Work Plan | <ul style="list-style-type: none"> The same title |
| Sec. 17. Development and Management of CRMF Areas | Sec. 14. Development and Management of CRMF Areas | <ul style="list-style-type: none"> The first sentence in the proposed draft was replaced with “The development and management of CBFM areas shall be in conformity with the CRMF.” Paragraphs 2 and 3 in No. 1 item in the proposed draft were deleted. No.2 item in the proposed draft was deleted. |
| Sec. 18. Forest Protection and Conservation | Sec.15. Forest Protection and Conservation | <ul style="list-style-type: none"> The proposed “forest environment and natural resources officers (FENROs) was replaced with environment and natural resources officers (ENROs). Last three (3) sentences(“specified forms of incentives and protection benefits) in 2nd paragraph were deleted. |
| Sec. 19. Harvesting and Utilization | Sec. 16. Harvesting, Processing and Transport of forest products in CBFM Areas. | <ul style="list-style-type: none"> Specifics provided for in Sections. 19, 20 and 21 of the proposed draft were deleted and replaced with “ Harvesting, processing and transport of forest products in CBFM areas shall be in accordance with existing rules and regulations” |
| Sec.20. Processing of Harvested Products | Section/Items merged in Sec.16. | |
| Sec. 21. Transport of Harvested Products | Section/Items merged in Sec.16. | |
| Sec. 22. Production Sharing Scheme from Government-owned Plantations within CBFM Areas | Sec. 17. Production Sharing Scheme from Government-owned Plantations within CBFM Areas | <ul style="list-style-type: none"> Specifics provided for in Section 22 of the proposed draft were deleted and replaced with reference to sharing agreement in accordance with DAO No.98-42 |
| Sec. 23. Support to the PO's Development Activities | Section deleted | <ul style="list-style-type: none"> Specifics provided for in Sec.23 of the proposed draft were deleted. |
| Sec. 24. Participation of POs in CBFM Workshops and Meetings | Section deleted | <ul style="list-style-type: none"> Specifics provided for in Sec.24 of the proposed draft were deleted |
| Sec.25. POs Contract Services and Development Activities | Sec.18. POs Contract Services and Development Activities | <ul style="list-style-type: none"> Specifics provided for in Section 25 of the proposed draft were deleted and replaced with reference to and in accordance with MC No.98-08. |
| Chapter 4 Support | Chapter Deleted | |

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| Structures and Mechanisms to strengthen CBFM Implementation | <i>(Sections deleted and/or /merged in succeeding chapter)</i> | |
| Sec. 26. Implementation of JMC No.2003-01 in support of CBFM | Section deleted | <ul style="list-style-type: none"> Summarized provisions on JMC No.2003-01 in support of CBFM were deleted |
| Sec. 27. Basic Assistance and Support Services | Selected Item merged in Sec. 21. | <ul style="list-style-type: none"> First paragraph of the proposed Sec. 27 was deleted. Second paragraph of the proposed Sec. 27 was incorporated/merged in Sec. 21. |
| Chapter 5 Participatory Monitoring and Evaluation | Chapter 4 Participatory Monitoring and Evaluation | |
| Sec. 28. Multi-Sectoral Monitoring and Evaluation | Sec. 19. Multi-Sectoral Monitoring and Evaluation | <ul style="list-style-type: none"> The same for paragraph Nos. 1 and 2. Additional paragraph as in Monitoring should be activity focused, the results of which shall be the basis in determining the nature and scope of assistance to be provided." |
| Sec. 29. Monitoring and Documentation of Harvesting and Re-Sawmill Operations | Section deleted | <ul style="list-style-type: none"> Specifics provided for in Section 22 of the proposed draft were deleted, i.e. PO Federation involvement in monitoring and documentation of harvesting and re-sawmill operations and examples of their involvement |
| Sec.30. Process Documentation of the PO's Ecological, Economic, Social and Organizational Activities | Sec.20. Process Documentation of the PO's Ecological, Economic, Social and Organizational Activities | <ul style="list-style-type: none"> The same |
| | Sec. 21 Support to CBFM Implementation | |
| Chapter 6. Transitory, Penal and Final Provisions | Chapter 5. Transitory, Penal and Final Provisions | <ul style="list-style-type: none"> The same title |
| Sec. 31 Transitory Provision | Sec. 22 Transitory Provision | <ul style="list-style-type: none"> The same |
| Sec. 32. Penal Provision | Sec. 23. Penal Provision | <ul style="list-style-type: none"> The same |
| Sec. 33 Repealing Clause | Sec. 24. Repealing Clause | <ul style="list-style-type: none"> The same |
| Sec. 34. Separability Clause | Sec. 25. Separability Clause | <ul style="list-style-type: none"> The same |
| Sec. 35. Effectivity | Sec. 26. Effectivity | <ul style="list-style-type: none"> The same |