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DEC 23 2021

DENR ADMINISTRATIVE ORDER
No. 2021 - 41

SUBJECT: GUIDELINES IN THE CREATION OF WATERSHED MANAGEMENT COUNCILS

Pursuant to Presidential Decree No. 705, otherwise known as the “Revised Forestry Code of the Philippines” as amended, Executive Order No. 192, series of 1987 providing for the reorganization of the Department of Environment, Energy and Natural Resources, Renaming it as the Department of Environment and Natural Resources, and for other Purposes, Republic Act (RA) No. 7586 also known as the “National Integrated Protected Areas System Act of 1992” as amended by RA No. 11038 also known as “Expanding the National Integrated Protected Areas System Act of 2018”, DENR Administrative Order (DAO) No. 99-01, s. of 1999 entitled, “Adoption of Watershed and Ecosystems Planning Framework”, DAO No. 2005-23 entitled “Adoption and Implementation of Collaborative Approach to Watershed Management”, and DAO No. 2008-05, otherwise known as “Guidelines in the Preparation of Integrated Watershed Management Plans”, the following guidelines for the creation of the Watershed Management Councils are hereby promulgated to further strengthen the collaboration between the DENR, DILG, LGUs, POs, NGOs and other critical stakeholders in the sustainable management of watersheds for the information and guidance of all concerned.

SECTION 1. Basic Policies. It is the policy of the State to protect and advance a balance and healthful ecology in accord with the rhythm and harmony of nature and to promote sustainable management of natural resources through adoption of ridge-to-reef approach and integrated area development.

SECTION 2. Objectives. The objectives of this Order are:

- 2.1. To standardize and provide guidance on the institutionalization of existing and creation of new Watershed Management Councils and ensure that it adheres to the participatory, collaborative, multi-sectoral and interdisciplinary principle of watershed management, in accordance with existing laws, rules and regulations;
- 2.2. To strengthen and develop the collaboration between and among the various government agencies, Local Government Units (LGUs), and other concerned stakeholders in the management of the watershed; and
- 2.3. To improve the technical and operational capacity of the DENR, LGU, and other stakeholders involved in the Watershed Management Council.

SECTION 3. Scope and Coverage. This Order shall cover the institutionalization of existing and creation of new Watershed Management Councils (WMCs) of all critical watersheds and proclaimed watershed forest reserves.

SECTION 4. Definition of Terms. As used in this Order, the following terms shall be defined as follows:

- 4.1 Critical Watershed - is a drainage area of a river system supporting existing and proposed hydro-electric power, irrigation works or domestic water

facilities needing immediate protection or rehabilitation to minimize erosion, improve water yield and reduce vulnerabilities to geo-hazard and climate change impacts.

- 4.2 Forest – land with an area of more than 0.5 hectare and tree crown threshold (or equivalent stocking level) of more than 10 percent. The trees should be able to reach a minimum height of 5 meters at maturity in situ. Young natural stands and all tree plantations established for forestry purposes, which have yet to reach a crown density of more than 10 percent or tree height of 5 meters, are included under forest. These are normally forming part of the forest area which are temporarily unstocked as a result of human intervention or natural causes but which are expected to revert to forest.
- 4.3 Watershed – a land area drained by a stream or fixed body of water and its tributaries having a common outlet for surface run-off. This includes small watersheds with area of ten thousand hectares (10,000 ha) and below; medium scale watershed with area of ten thousand hectares (10,000 ha) to fifty thousand hectares (50,000 ha); and large-scale watershed with area above fifty thousand hectares (50,000 ha).
- 4.4 Watershed Ecosystem Management (WEM) - the holistic, collaborative, multiple use and sustainable management of all the resources within a planning unit known as watershed.
- 4.5 Watershed Characterization - the process of describing the bio-physical and socio-economic characteristics and features of a watershed in order to have an understanding of the various processes therein.
- 4.6 Watershed Management Council (WMC) - is a multi-agency, inter-LGU, multi-sectoral consortium working to ensure effective and sustainable resource management of a particular watershed and providing the development needs of local communities without compromising the watershed's capacity to provide the same welfare and benefits to future generations.
- 4.7 Proclaimed Watershed Forest Reserve - refers to watershed covered by presidential proclamation designating parcels of land for purposes of protecting, maintaining or improving its water-yield, among others; and providing restraining mechanism for inappropriate forest exploitation and disruptive land-use.

SECTION 5. Creation and Institutionalization of the Watershed Management Councils. The Watershed Management Council shall be composed of a composite team of the Chief Executive Officer of Agencies, Offices, Organizations and instrumentalities or their duly authorized representatives that have jurisdiction of the watershed, to wit:

5.1. Provincial Level

Chairperson: Provincial Environment and Natural Resources Officer (PENRO)

Co-Chairperson: Provincial Governor, LGU

Core Members:

- a. Protected Area Superintendent (PASu)
- b. Municipal Mayor/s
- c. Manager, Irrigation Management Office of National Irrigation Administration (NIA)
- d. Duly Authorized Representative, Regional Development Council of National Economic Development Authority (RDC-NEDA)

- e. President or the duly authorized representative of Peoples Organizations/Indigenous Peoples Organizations within the watersheds (IPs/IPOs)
- f. Provincial Director, Provincial Office of the National Commission on Indigenous People (NCIP)
- g. District Engineer, District Engineering Office of the Department of Public Works and Highways (DPWH)
- h. Duly Authorized Representative, Department of Agriculture (DA)
- i. Provincial Agrarian Reform Officer, Provincial Office of the Department of Agrarian Reform (DAR)
- j. Duly Authorized Representative, Philippine Association of Water Districts (PAWD)

Should a watershed transcend more than one province, a Watershed Management Council at the Regional Level shall be created and composed of the following:

5.2. Regional Level

Chairperson: Regional Executive Director (RED), DENR

Co-Chairpersons: a. Governor, LGU with largest jurisdiction of the watershed
b. Regional Director, RDC-NEDA

Core Members:

- a. Assistant Regional Director for Technical Services
- b. Chief of the Provincial Administrator's Office, other LGUs
- c. CENR/PENR Officer/s
- d. Protected Area Superintendent (PASu)
- e. Regional Director, National Irrigation Administration (NIA)
- f. Manager, Irrigation Management Office of National Irrigation Administration (NIA)
- g. President or the duly authorized representative of Peoples Organizations/Indigenous Peoples Organizations within the watersheds (IPs/IPOs)
- h. Regional Director, National Commission on Indigenous People (NCIP)
- i. Regional Director, Department of Public Works and Highways (DPWH)
- j. Regional Director, Department of Agriculture (DA)
- k. Regional Agrarian Reform Officer, Department of Agrarian Reform (DAR)
- l. President or Duly Authorized Representative, Philippine Association of Water Districts (PAWD)

The composition of the Council may be expanded to include other stakeholders as deemed necessary (e.g. Indigenous Groups, NGAs, NGOs, OGAs, Irrigators Association, Agriculture and Fisheries Council and Religious Groups). Existing Watershed Management Councils created prior to this Order shall be recognized/ respected and may opt to adopt or conform with the composition of the WMC as prescribed in this Order through a resolution. The sample Memorandum of Agreement (MOA) for WMC at the regional and provincial level is attached as Annex A.1 and Annex A.2, respectively.

SECTION 6. Jurisdiction. When a particular watershed covers two or more regions, the DENR Regional Executive Director for the region which covers the largest portion of the watershed shall be the Chairperson of the Council and the Regional Directors of the remaining regions as members.

When a particular watershed covers two or more provinces; the Regional Director of RDC-NEDA and the province (Governor) which covers the largest portion of the watershed must be selected as Co-Chairpersons of the Council and other province(s) as members.

The NGOs and IPOs/POs as members of the Council shall be known to be with interest, integrity and commitment to the conservation of natural resources and locally-based and legally existing continuously for at least three (3) years prior to the proposed membership to the Council. They shall also be registered at the Security and Exchange Commission / Cooperative Development Authority (CDA)/Department of Trade and Industries (DTI)/Department of Labor and Employment (DOLE).

The Council shall exercise and perform its duties by adoption of resolutions and/or directives thru a simple majority vote based on proportional representation.

The Council shall be supported by Watershed Management Planning Team (WMPT) whose members shall be nominated and appointed by the DENR, LGU Governor or Administrator (in case of joint watershed administration with DENR) and other Council members. The WMPT shall prepare the Integrated Watershed Management Plan (IWMP) to be approved by the Council.

SECTION 7. Term of Office. The DENR shall hold the Chairpersonship of the Watershed Management Councils.

In the case of elective LGU officials, whether Chairperson or members of the Council, the term of Office shall be co-terminus to his/her position. Once the term of Office of the incumbent expires, the next official shall assume the position.

SECTION 8. Functions, Tasks and Responsibilities of the Watershed Management Council. The Council shall serve as an oversight and advisory body on watershed planning and program/ project implementation. Hence, the following functions, tasks and responsibilities of the Watershed Management Council within their particular watershed/s shall be done in coordination with concerned agencies and in accordance with existing laws, rules and regulations:

- 8.1. Create a Watershed Management Planning Team (WMPT) for the preparation of Integrated Watershed Management Plan to include, among others, protection, restoration and rehabilitation, water quality monitoring and delineation of buffer zone;
- 8.2. Approve the Integrated Watershed Management Plan endorsed by the WMPT;
- 8.3. Participate in the formulation of policies that support inter-agency coordination, collaboration, cooperation, partnership & convergence, and complementation of natural resources benefits and cost sharing, and resources planning and program implementation;
- 8.4. Contribute in the management of the resources and development activities stipulated under the approved Integrated Watershed Management Plan;
- 8.5. Review existing policies governing their specific watershed and recommend appropriate revisions/amendments to concerned agencies, if necessary;
- 8.6. Join in the monitoring of the activities, such as rehabilitation and protection, among others, within their particular watershed;
- 8.7. Ensure enforcement of Environment and Natural Resources (ENR) laws, rules and regulations in coordination with DENR and concerned agencies;
- 8.8. Endorse persons for deputation by the Department of Environment and Natural Resources Office (DENR);
- 8.9. Facilitate the resolution of problems and conflicts that may occur within their particular watershed, in coordination with concerned agencies;
- 8.10. Support and participate in activities that promote and establish awareness on watershed management and resource use;

- 8.11. Formulate internal rules, regulations and guidelines with regards to the conduct and principles for the proper functioning of the Council;
- 8.12. Develop a Manual of Operations for the guidance of the Council;
- 8.13. Coordinate with existing watershed management bodies present within the watershed (Protected Area Management Board, Water Quality Management etc.) to ensure that watershed programs, projects and activities of the council complement with that of other watershed management bodies; and
- 8.14. Present to RDC the Integrated Watershed Management Plan for adoption.

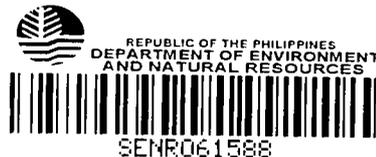
SECTION 9. Funding. The DENR shall allocate funds for the creation and operationalization of the Watershed Management Council in its annual budgeting program.

SECTION 10. Separability Clause. If any of provision of this Order shall be held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue in full force and effect.

SECTION 11. Repealing Clause. All Order and other similar issuances inconsistent herewith are hereby revoked, amended or modified accordingly.

SECTION 12. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgement of the receipt of the copy thereof by the Office of the National Administrative Register (ONAR).


ROY A. CIMATU
Secretary



Publication: The Philippine Star
February 11, 2022

Acknowledgement: U.P. Law Center
February 11, 2022

ANNEX A.1. SAMPLE MEMORANDUM OF AGREEMENT FOR WATERSHED MANAGEMENT COUNCILS AT THE REGIONAL LEVEL

MEMORANDUM OF AGREEMENT ON THE CREATION OF (NAME OF THE WATERSHED MANAGEMENT COUNCIL)

KNOW BY ALL MEN THESE PRESENTS:

This Memorandum of Agreement made and entered into this *(Day)* of *(Month)* *(Year)* in *(Address)*, Philippines, by and among the following:

The **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**, a government entity created and existing by virtue of the laws of the Republic of the Philippines, represented in this agreement by *(NAME OF DENR REGIONAL EXECUTIVE DIRECTOR)*, with office address at *(Address)*.

The **MUNICIPALITY OF (NAME OF MUNICIPALITIES)**, Province of *(Name of Province/s)*, a municipality created and existing by virtue of the laws of the Republic of the Philippines, herein represented by *(Names of Governor and Chief/s of Provincial Administrator's Office)*.

The **REGIONAL DEVELOPMENT COUNCIL OF THE NATIONAL ECONOMIC DEVELOPMENT AUTHORITY** a national government agency with office addresses at *(Address)* herein represented by its *Regional Director (Name)*.

The **NATIONAL IRRIGATION ADMINISTRATION**, a national government agency with office addresses at *(Address of the Regional Office and Irrigation Management Office)* herein represented by its *Regional Director (Name)*.

The **NATIONAL COMMISSION ON INDIGENOUS PEOPLES**, a national government agency with office addresses at *(Address of the Regional Office and the Irrigation Management Office)* herein represented by its *Regional Director and Manager (Names)*.

The **DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS**, a national government agency with office addresses at *(Address)* herein represented by its *Regional Director (Name)*.

The **DEPARTMENT OF AGRICULTURE**, a national government agency with office address at *(Address)* herein represented by its *Regional Director (Name)*.

The **DEPARTMENT OF AGRARIAN REFORM**, a national government agency with office address at *(Address)* herein represented by its *Regional Agrarian Reform Officer (Name)*.

The **(NAME OF PEOPLES ORGANIZATIONS/INDIGENOUS PEOPLES ORGANIZATIONS)**, an organization registered with the Securities and Exchange Commission with address at *(Address)* herein represented by its *President (Name)*.

The **PHILIPPINE ASSOCIATION OF WATER DISTRICTS**, with office address at *(Address)* herein represented by its *President (Name)*.

WITNESSETH:

WHEREAS, the 1987 Constitution of the Republic of the Philippines mandates the protection and advancement of the right of Filipino People to a healthful and balanced ecology, provides for the promotion of social justice, guarantees the right of the people and their organization to reasonable participation at all levels of social, political and economic decision making.

WHEREAS, Republic Act No. 7160 known as the Local Government Code (Code) directs and authorized local government to establish, maintain, preserve and conserve communal forest and watersheds.

WHEREAS, Executive Order 192 mandates the DENR as the primary government agency responsible for the conservation, management and protection, and proper use and sustainable development of the country's environmental and natural resources and the LGUs, who have likewise the responsibility for sustainable management and development of forest resources and watersheds within their territories, mutually commit themselves to pursue such objectives under a multiple and sustainable use, demand driven and participation, development approach.

WHEREAS, the role of non-government, people's and civic organizations in local governance and administration in the area of environmental protection and management is promoted and mandated in the Local Government Code.

WHEREAS, the management of watersheds should achieve the goals of (1) sustainable multiple use of natural resources within the watersheds in a manner that is environmentally sound, economically viable and socially acceptable; and (2) the prevention of further watershed degradation and the restoration of the productive and protective function of currently degraded watersheds.

WHEREAS, effective and purposive collaboration and coordination of development initiatives among all stakeholders in a watershed including Local Government Units, National Government Agencies, Non-Government Organizations, People's Organizations, and the Private Sector, will hasten and facilitate the achievement of these goals.

Section 1. Creation of the Watershed Management Council – To carry out the objectives outlined of managing the (Name of Watershed), the (Name of the Watershed Management Council) is hereby created.

Section 2. Role and Function of the Council – The Council shall serve as a decision and implementing body that:

1. Create a Watershed Management Planning Team (WMPT) for the preparation of Integrated Watershed Management Plan to include, among others, protection, restoration and rehabilitation, water quality monitoring and delineation of buffer zone;
2. Approve the Integrated Watershed Management Plan endorsed by the WMPT;
3. Participate in the formulation of policies that support inter-agency coordination, collaboration, cooperation, partnership & convergence, and complementation of natural resources benefits and cost sharing, and resources planning and program implementation;
4. Contribute in the management of the resources and development activities stipulated under the approved Integrated Watershed Management Plan;
5. Review existing policies governing their specific watershed and recommend appropriate revisions/amendments to concerned agencies, if necessary;
6. Join in the monitoring of the activities, such as rehabilitation and protection, among others, within their particular watershed;

7. Ensure enforcement of Environment and Natural Resources (ENR) laws, rules and regulations in coordination with DENR and concerned agencies;
8. Endorse persons for deputation by the Department of Environment and Natural Resources Office (DENR);
9. Facilitate the resolution of problems and conflicts that may occur within their particular watershed, in coordination with concerned agencies;
10. Support and participate in activities that promote and establish awareness on watershed management and resource use;
11. Formulate internal rules, regulations and guidelines with regards to the conduct and principles for the proper functioning of the Council;
12. Develop a Manual of Operations for the guidance of the Council;
13. Coordinate with existing watershed management bodies present within the watershed (Protected Area Management Board, Water Quality Management etc.) to ensure that watershed programs, projects and activities of the council complement with that of other watershed management bodies; and
14. Present to RDC the Integrated Watershed Management Plan for adoption.

Section 3. Composition of the (Name of Watershed Management Council) – the (Name of Watershed Management Council) shall be composed of the authorized representatives of all parties to this agreement.

Section 4. Term of Office – The position of the Chairperson shall have a term of two (2) years. The DENR shall hold the Chairpersonship of the Watershed Management Councils. In the case of elective LGU officials, whether Chairperson or members of the Council, the term of Office shall be co-terminus to his/her position. Once the term of Office of the incumbent expires, the next official shall assume the position.

Section 5. Effectivity. This Memorandum of Agreement shall take effect upon signing of the parties herein.

IN WITNESS WHEREOF, the parties have affixed their respective signatures on this (Day) of (Month) (Year) at (Address).

(SIGNATURES)

ACKNOWLEDGEMENT

Republic of the Philippines)

_____) S.S.

BEFORE ME, a Notary Public for and in the above jurisdiction, personally appeared the following:

NAME	GOVERNMENT-ISSUED ID	DATE/PLACE ISSUED
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(NAMES)

Known to me and to be the same persons who executed the foregoing instrument and they acknowledge to me that the same is their true act and voluntary deed and that of the entities, which they respectively represent.

This instrument, denominated as a Memorandum of Agreement by and among the Department of Environment and Natural Resources, (name of all parties), consists of (number of pages) including this page where this acknowledgement is written and has been signed by the parties and their instrumental witnesses on each and every page thereof

WITNESS MY HAND AND SEAL on the date and place first above written.

NOTARY PUBLIC

ANNEX A.2. SAMPLE MEMORANDUM OF AGREEMENT FOR WATERSHED MANAGEMENT COUNCILS AT THE PROVINCIAL LEVEL

MEMORANDUM OF AGREEMENT ON THE CREATION OF (NAME OF THE WATERSHED MANAGEMENT COUNCIL)

KNOW BY ALL MEN THESE PRESENTS:

This Memorandum of Agreement made and entered into this *(Day)* of *(Month)* *(Year)* in *(Address)*, Philippines, by and among the following:

The **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**, a government entity created and existing by virtue of the laws of the Republic of the Philippines, represented in this agreement by *(NAME OF PENRO)*, with office address at *(Address)*.

The **MUNICIPALITY OF (NAME OF MUNICIPALITY)**, Province of *(Name of Province)*, a municipality created and existing by virtue of the laws of the Republic of the Philippines, herein represented by *(Names of Governor and Mayor)*.

The **NATIONAL IRRIGATION ADMINISTRATION**, a national government agency with office addresses at *(Address of the Irrigation Management Office)* herein represented by its *Manager (Name)*.

The **REGIONAL DEVELOPMENT COUNCIL OF THE NATIONAL ECONOMIC DEVELOPMENT AUTHORITY** a national government agency with office addresses at *(Address)* herein represented by its *Duly Authorized Representative (Name)*.

The **NATIONAL COMMISSION ON INDIGENOUS PEOPLES**, a national government agency with office address at *(Address)* herein represented by its *Provincial Director (Name)*.

The **DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS**, a national government agency with office addresses at *(Address)* herein represented by its *District Engineer (Name)*.

The **DEPARTMENT OF AGRICULTURE**, a national government agency with office address at *(Address)* herein represented by its *Duly Authorized Representative (Name)*.

The **DEPARTMENT OF AGRARIAN REFORM**, a national government agency with office address at *(Address)* herein represented by its *Provincial Agrarian Reform Officer (Name)*.

The **(NAME OF PEOPLES ORGANIZATIONS/INDIGENOUS PEOPLES ORGANIZATIONS)**, an organization registered with the Securities and Exchange Commission with address at *(Address)* herein represented by its *President (Name)*.

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WHEREAS, Executive Order 192 mandates the DENR as the primary government agency responsible for the conservation, management and protection, and proper use and sustainable development of the country's environmental and natural resources and the LGUs, who have likewise the responsibility for sustainable management and development of forest resources and watersheds within their territories, mutually commit themselves to pursue such objectives under a multiple and sustainable use, demand driven and participation, development approach.

WHEREAS, the role of non-government, people's and civic organizations in local governance and administration in the area of environmental protection and management is promoted and mandated in the Local Government Code.

WHEREAS, the management of watersheds should achieve the goals of (1) sustainable multiple use of natural resources within the watersheds in a manner that is environmentally sound, economically viable and socially acceptable; and (2) the prevention of further watershed degradation and the restoration of the productive and protective function of currently degraded watersheds.

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6. Join in the monitoring of the activities, such as rehabilitation and protection, among others, within their particular watershed;

7. Ensure enforcement of Environment and Natural Resources (ENR) laws, rules and regulations in coordination with DENR and concerned agencies;
8. Endorse persons for deputation by the Department of Environment and Natural Resources Office (DENR);
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10. Support and participate in activities that promote and establish awareness on watershed management and resource use;
11. Formulate internal rules, regulations and guidelines with regards to the conduct and principles for the proper functioning of the Council;
12. Develop a Manual of Operations for the guidance of the Council;
13. Coordinate with existing watershed management bodies present within the watershed (Protected Area Management Board, Water Quality Management etc.) to ensure that watershed programs, projects and activities of the council complement with that of other watershed management bodies; and
14. Present to RDC the Integrated Watershed Management Plan for adoption.

Section 3. Composition of the (Name of Watershed Management Council) – the (Name of Watershed Management Council) shall be composed of the authorized representatives of all parties to this agreement.

Section 4. Term of Office – The position of the Chairperson shall have a term of two (2) years. The DENR shall hold the Chairpersonship of the Watershed Management Councils. In the case of elective LGU officials, whether Chairperson or members of the Council, the term of Office shall be co-terminus to his/her position. Once the term of Office of the incumbent expires, the next official shall assume the position.

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(SIGNATURES)

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WITNESS MY HAND AND SEAL on the date and place first above written.

NOTARY PUBLIC