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DEC 23 2021

DENR Administrative Order
No. 2021 – 42

SUBJECT : GUIDELINES ON THE PROCESSING OF APPLICATIONS FOR EXPANSION OF AREAS UNDER COMMUNITY-BASED FOREST MANAGEMENT AGREEMENT (CBFMA) TO COVER ADJACENT UNTENURED AREAS WITHIN FORESTLANDS

Pursuant to Executive Order (EO) No. 263, Series of 1995 adopting Community-Based Forest Management as the National Strategy to Achieve Sustainable Development of the Country's Forestland Resources, and DENR Administrative Order (DAO) No. 2004-29 its Revised Implementing Rules and Regulations, EO No. 318, Series of 2004 entitled "Promoting Sustainable Forest Management in the Philippines" which requires the government to provide incentive mechanisms for those stakeholders performing sustainable forest management activities, Philippine Master Plan for Climate Resilient Forestry Development (2016-2028), and other pertinent laws, rules and regulations, the guidelines for the expansion of Community-Based Forest Management Agreement (CBFMA) covering adjacent untenured areas within forestlands is hereby issued for the guidance of all concerned.

SECTION 1. Basic Policy. It is the policy of the state to protect and advance the right of the people to a balanced and healthy environment in accord with the rhythm and harmony of nature and to promote the socio-economic upliftment of forest communities, and ensure the sustainable management of forestlands.

SECTION 2. Objectives. The main objective of this Order is to set the criteria and procedures on the expansion of existing CBFMA covering adjacent untenured areas within forestlands for management, development, maintenance and protection. The specific objectives are:

- 2.1. To provide incentives by granting POs specific portions of forestlands to develop, utilize, and manage for the enhancement of environmental conditions; and generation of additional income to improve the POs' socio-economic condition towards poverty reduction and hunger mitigation;
- 2.2. To place untenured areas adjacent to CBFMA areas into proper management regime cognizant with the programs and strategies of the Philippine Master Plan for Climate Resilient Forestry Development; and
- 2.3. To ensure continuous protection and sustainable management of developed areas and natural forests.

SECTION 3. Scope and Coverage. This Order shall apply to adjacent untenured areas within forestlands including those areas separated from the CBFMA by the presence of Alienable and Disposable lands (A&D) or Natural Forest as expansion to existing CBFMA areas for management, development, maintenance and protection.

SECTION 4. Definition of Terms. For the use of this Order, the following terms shall be defined as follows:

- 4.1. **Adjacent Untenured Areas** - are areas within forestland contiguous or joined by a common endpoint/border to the existing CBFMA area subject for expansion.

- 4.2. **Amendment** - a process executed by the parties, after the issuance of the CBFMA, containing the mutually agreed changes in the original provisions in the CBFMA, which changes constitutes as the new agreement of the parties. Said amendment forms an integral part of the CBFMA.
- 4.3. **Expansion** - a process of extending or expanding the coverage area of a qualified CBFMA holder based on the criteria prescribed herein to include adjacent untenured areas within forestlands described under Section 6 of this DAO for further development, protection and maintenance.
- 4.4. **Untenured Areas** - refers to parts of forestlands, developed or undeveloped, which are not covered by any tenure or management arrangement and other legal issuances.
- 4.5. **Stakeholders** - any individual, group or organizations who directly or indirectly have an interest or stake in the endeavor/initiatives in the area being applied for expansion.
- 4.6. **Peoples Organization (PO)** - CBFMA holders which may be an association, cooperative, or federation established by the community to undertake collective action to address community concerns and needs and mutually share the benefits from the endeavor.

SECTION 5. Areas Available for CBFM Expansion. The following untenured areas may be applied for expansion by an existing CBFMA PO.

- 5.1. The adjacent untenured area has no established plantation or project - The PO managing the CBFMA adjacent to the subject area has the preferential right to apply for expansion. Provided that said CBFMA holder has fully developed (100%) its existing plantable area.
- 5.2. The adjacent untenured area has an established plantation or project - The CBFMA PO who established and developed said plantation or project has the preferential right to apply for expansion. However, the extent of expansion shall only be confined to the actual plantation/project area developed and/or based on the approved MOA or contracts.
- 5.3. The adjacent untenured area has an established plantation or project, however, the PO/entity (whose members are not living therein) who established and developed the plantation/project has no interest to continue to develop, protect and manage the subject area - The PO managing the CBFMA adjacent to the said land may opt to apply for expansion, provided that said holder has fully developed (100%) its existing plantable area. The DENR shall then secure a waiver from the PO/entity who established the plantation/project.
- 5.4. The adjacent untenured area has an established plantation or project with residents living therein, however, the PO/entity who established and developed the plantation/project has no interest to continue to develop, protect and manage the adjacent untenured area - The PO managing the CBFMA adjacent to the said land may opt to apply for expansion, provided that said holder has fully developed (100%) its existing plantable area. Provided further, that it shall enjoin the participation of the residents living within the adjacent untenured area to be a member of the PO. The DENR shall then secure a waiver from the PO/entity who established the plantation/project.
- 5.5. The subject untenured area has an established plantation or project but is separated from the CBFMA area by the presence of Alienable and Disposable (A&D) land or Natural Forest - The CBFMA PO who established and developed said plantation or project has the preferential right to apply for expansion, however, application must be supported by a GIS-generated map; and subject untenured area is within the jurisdiction of the same municipality and CENRO.

- 5.6. The subject untenured area has no established plantation and is separated by the presence of A&D land or Natural Forest - The PO managing the CBFMA adjacent to the subject area may opt to apply for expansion. Provided that said CBFMA holder has fully developed (100%) its existing plantable area.
- 5.7. The adjacent untenured area is classified as natural forest - The PO managing the CBFMA adjacent to the natural forest may apply for expansion provided that the purpose is for protection and maintenance of the natural forest.

SECTION 6. Qualifications of CBFMA Holders Peoples Organizations. Interested CBFMA PO shall satisfy the following qualifications in order to apply for expansion:

- 6.1. With affirmed Community Resource Management Framework (CRMF) as of the time of request for expansion;
- 6.2. With an updated Certificate of PO Registration with Securities and Exchange Commission (SEC) or Cooperative Development Authority (CDA) and list of PO Officers and members;
- 6.3. With good performance as determined through Compliance Monitoring/Performance Evaluation:
 - 6.3.1. For non-expiring CBFMA, the holder should be good performing in terms of project implementation and compliance with the terms and conditions of the Agreement as determined through the conduct of Compliance Monitoring.
 - 6.3.2. For renewed CBFMA that has undergone Performance Evaluation pursuant to FMB Technical Bulletin No. 36, the holder should have at least an Achiever or Extraordinary Performer rating.

SECTION 7. Application Requirements, Processing and Approval of CBFMA Area Expansion. Qualified CBFMA Holders shall submit the following necessary documentary requirements which shall be processed/evaluated and approved by the concerned DENR Field Offices. (see Annex I for the Process Flow)

- 7.1. The CBFMA holder shall submit the following documentary requirements to concerned CENRO/Implementing PENRO for review and evaluation:
 - 7.1.1. PO Board Resolution authorizing the PO President or Authorized Member/Representative to apply for CBFMA expansion with attachments such as Attendance sheet, minutes of meeting and geo-tagged photos;
 - 7.1.2. Letter of Intent for CBFMA area expansion signed by the PO President or Authorized Representative (see Annex II);
 - 7.1.3. Authenticated/Certified True Copy of the CBFM Agreement;
 - 7.1.4. Updated Authenticated/Certified True Copy of Certificate of PO Registration with Securities and Exchange Commission (SEC)/Cooperative Development Authority (CDA) including the updated list of PO Officers and members; and
 - 7.1.5. Affirmed CRMF (affirmation page only).
- 7.2. The CENRO/Implementing PENRO shall review and evaluate the documents submitted by the CBFMA holder and conduct ground validation and survey of the applied area for expansion in coordination with the PO concerned, LGU and other stakeholders to ensure the validity of the application for area expansion. Provided that the maximum CBFMA area shall not exceed 5,000 hectares or five (5) hectares per PO member.

7.3. If the ground validation merits the application for area expansion, the CENRO/Implementing PENRO shall also assist the PO in preparing or securing the following documents as requirements in the application for area expansion:

7.3.1. LGU endorsement in the form of resolution from concerned Sanggunian where the area is located;

Coverage for CBFMA Expansion	Applicable LGU Endorsement
Areas within one barangay	Sangguniang Barangay or Sangguniang Bayan or Sangguniang Panlungsod
Areas within two or more barangays of the same municipality and CENRO	Sangguniang Bayan or Sangguniang Panlungsod or all Sangguniang Barangays concerned

The CBFMA area expansion application shall be deemed endorsed 20 working days upon receipt thereof if the LGU fails to act on it unless the CBFMA-PO is notified in writing of any deficiency or objection pursuant to Republic Act 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018.

7.3.2. GIS-generated map of CBFMA covered area showing all developmental projects (e.g. UDP, CBFM-CARP, NGP);

7.3.3. CENRO or PENRO Certification that the PO applying for area expansion is the same PO that developed the established plantation for areas under item 5.2 of this DAO; and

7.3.4. Draft CBFMA Amendment in four (4) original copies (see Annex III).

7.4. Upon completion of the requirements, the CENRO/Implementing PENRO shall again review and evaluate the completeness and authenticity of the submitted documents within ten (10) working days upon receipt thereof. If found in order, the CENRO shall endorse the application to PENRO; and in the case of Implementing PENRO, the application shall be endorsed to the RED.

7.5. The PENRO shall review and evaluate the applications for CBFMA area expansion endorsed by the CENRO within five (5) working days upon receipt thereof. If found in order, the PENRO shall endorse the application to the Regional Executive Director (RED).

7.6. The RED shall review and evaluate the applications for CBFMA area expansion endorsed by the PENRO within five (5) working days upon receipt thereof. If found in order, the RED shall approve the application for CBFMA area expansion by signing the attached draft CBFMA amendment.

7.7. Once the CBFMA amendment is approved, the agreement shall be notarized at the Regional Office before transmitting the same to the CENRO/Implementing PENRO for further appropriate actions. The CBFMA area expansion will bear the same tenure number and is co-terminus with the original CBFMA.

7.8. The signing of the CBFMA amendment signifies the full assumption of the CBFMA holder of all the rights and responsibilities over the expanded area. The original copy of the approved and notarized document on CBFMA area expansion shall be provided to the CBFMA holder, DENR Regional Office, PENRO and CENRO, copy furnished FMB; and certified photocopy for the LGU for their information and record purposes.

7.9. Reports on basic information of the approved CBFMAs with area expansion which include name of PO, location, CBFMA number, date of issuance, area, and GIS-

generated maps, among others shall be submitted by the Regional Office to FMB for record purposes.

SECTION 8. Database and Monitoring and Evaluation. The concerned personnel from the different DENR field offices shall update the Enhanced Forestry Information System (eFIS) and other related CBFMA database to include the approved document for consistencies. Likewise, the Community Resource Management Framework (CRMF) and Five-Year Work Plan (FYWP) shall be updated, subject to the affirmation of the RED, to incorporate plans for the approved expansion area. The development to be introduced in the expansion area shall be in harmony with the approved Forest Land Use Plan of the area and other forest management plan (IWMP, CLUP, etc). The Regional Offices shall include the expansion area in the regular monitoring and evaluation of CBFMA holders.

SECTION 9. Budgetary Support. The budget needed by the field offices for the processing of applications for CBFMA area expansion based on the provisions stated herein shall be included in the CENRO, PENRO and the Region's Work and Financial Plans as part of the DENR's major final output. Objectively verifiable indicators of the different activities shall likewise be identified as basis for monitoring and evaluation.

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

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

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

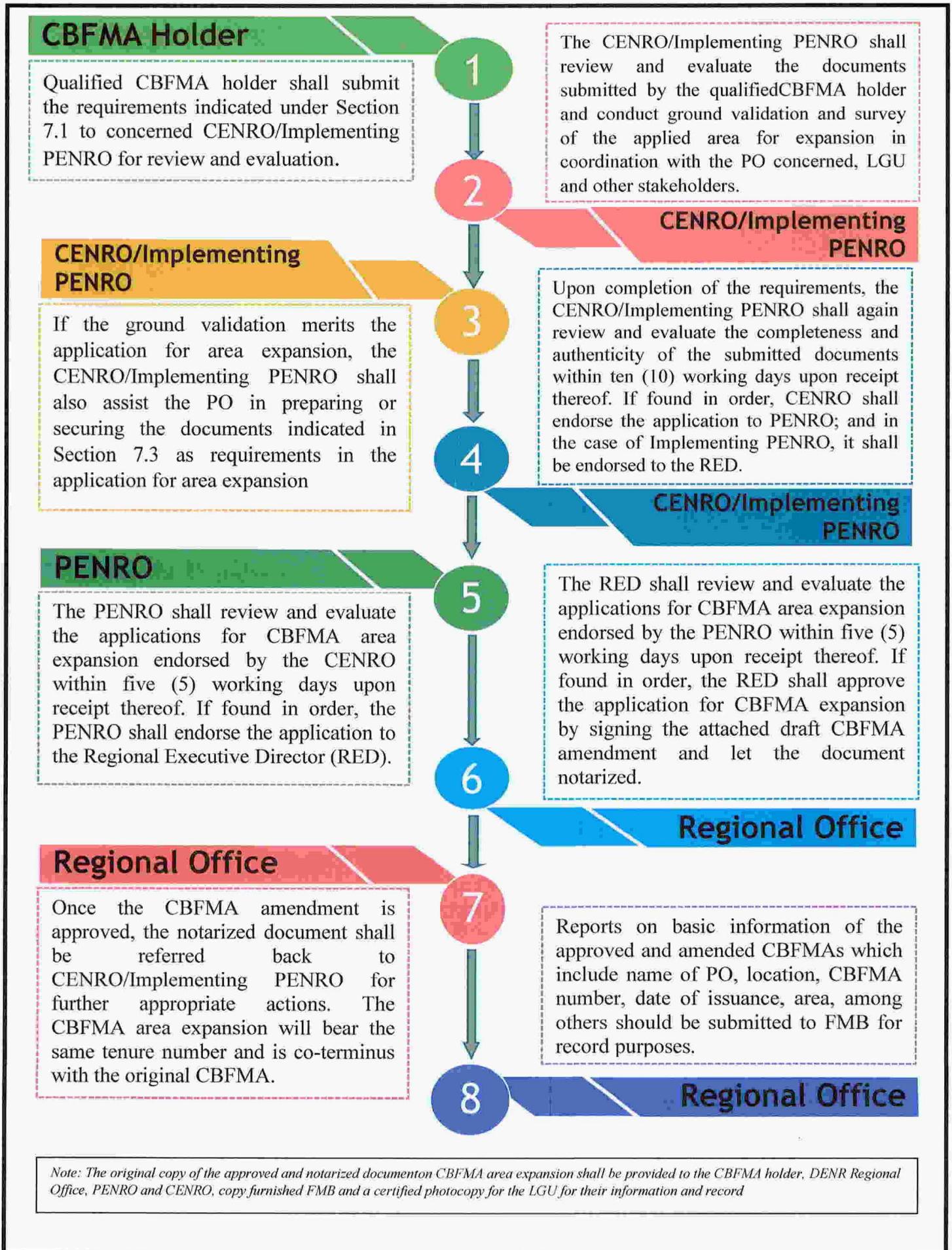
ROY A. CIMATU
Secretary



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January 18, 2022

Acknowledgement: U.P. Law Center
January 18, 2022

ANNEX I. Flow Chart for the Processing and Approval of CBFMA Area Expansion



Note: The original copy of the approved and notarized document on CBFMA area expansion shall be provided to the CBFMA holder, DENR Regional Office, PENRO and CENRO, copy furnished FMB and a certified photocopy for the LGU for their information and record

Annex II. Letter of Intent of CBFMA Holder Applying for Area Expansion

(Date) _____

The CENRO/Implementing PENRO
Office Address

**Subject :Application for CBFMA Area Expansion of CBFM
PO _____ Located at _____**

Dear Sir/Madam:

I, _____, Chairman/Authorized PO Representative, of Name of People's Organization, express our intention to develop, maintain and protect the adjacent untenured area to our Community-Based Forest Management Agreement (CBFMA) Area with CBFMA No. _____ issued on _____ with a total area of _____ hectares and located at _____. Our organization is composed of _____ males and _____ females including officers.

The said adjacent area has a total area of _____ hectares and situated at _____ . Attached are pertinent documents for your review.

1. PO Board Resolution authorizing the PO President or Authorized Member/Representative to apply for CBFMA expansion with attachments such as Attendance sheet, minutes of meeting and geo-tagged photos;
2. Authenticated/Certified True Copy of the CBFM Agreement;
3. Updated Authenticated/Certified True Copy of Certificate of PO Registration including the updated list of PO Officers and members; and
4. Affirmed CRMF (affirmation page only).

Hoping this merit your favorable consideration.

Very truly yours,

Signature Over Printed Name
PO Chairman/Authorized Representative
CBFM- PO _____

ANNEX III: Template for Expansion of Area Coverage

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
(Office Address)

**AMENDMENT TO THE COMMUNITY-BASED FOREST
MANAGEMENT AGREEMENT**
(CBFMA NO. _____)

of

(Name of CBFMA Holder)

(Location)

This **AGREEMENT**, made and entered into by and between the _____ (Regional Executive Director) _____ for and in behalf of the Republic of the Philippines, hereinafter referred to as the **FIRST PARTY** and _____ a/an association/peoples organization/ cooperative/ duly organized under the existing laws of the Republic of the Philippines, with SEC/CDA registration No. _____ and represented herein by _____ (PO Chairman/Representative) _____, with residential and postal address at _____ (PO Address/Location) _____ hereinafter referred to as the **SECOND PARTY**.

WITNESSETH:

WHEREAS, the **FIRST PARTY** and the **SECOND PARTY** entered into a Community Based Forest Management Agreement (hereinafter referred to as CBFMA No. _____ for brevity) sometime in _____ (date of issuance). Said agreement was registered in the notarial registry of Atty. _____ as Doc. No. _____; Page No. _____; Book No. _____ Series of _____.

WHEREAS, the **FIRST PARTY** in _____ issued DAO No. _____ Series of _____ entitled "Guidelines on the Processing of Application for Expansion of Areas Under Community Based Forest Management Agreement (CBFMA) To Include Adjacent Areas Within Forestlands".

WHEREAS, the **SECOND PARTY** passed and approved PO Resolution No. _____ dated _____ entitled _____ whereby the **SECOND PARTY** resolves to protect and sustainably manage an additional _____ hectares of forestland located in _____ in accordance with the terms and conditions set forth in CBFMA No. _____.

WHEREAS, per assessment and evaluation conducted by the **DENR CENRO/Implementing PENRO** _____, the **SECOND PARTY** possesses all the qualification and none of the disqualification required of a tenure holder under existing laws, policies or guidelines being implemented by DENR. That the **SECOND PARTY** has the legal, socio-economic preparedness and organizational capacity to protect and sustainably manage the existing CBFM area as well as the additional area subject of this agreement. That all the relevant

and necessary requirements for the amendment of CBFMA No. _____ have been complied with by the SECOND PARTY;

NOW THEREFORE, for and in consideration of the foregoing premises, both parties mutually agree to amend the area covered by CBFMA No. _____ to include an additional _____ hectares of forest land located in _____. The map and technical description of the boundaries of the additional area is hereto attached and made as an integral part of this agreement. The area covered by CBFMA No. _____ shall now be _____ hectares which shall be protected and managed sustainably by the SECOND PARTY in accordance with the terms and conditions of CBFMA No. _____ and is co-terminus with the original CBFMA.

IN WITNESS WHEREOF, the parties have affixed their signatures below at _____, Philippines this _____ of _____, 20__.

FOR THE FIRST PARTY:

FOR THE SECOND PARTY:

Regional Executive Director

PO Chairman/Representative

WITNESSES:

CENR/PENR Officer

From the Second Party

ACKNOWLEDGEMENT

Republic of the Philippines)
Province of _____) S.S.
Municipality of _____

BEFORE ME, a Notary Public for and in _____ Philippines, this _____th day of _____, personally appeared the following with their respective certification opposite their names:

NAME	VALID GOVERNMENT ID	DATE/PLACE ISSUED

known to me to be the same persons who executed the foregoing instrument and acknowledge to me that the same in their free and voluntary act and deed, as well as the free and voluntary act and deed of the entities represented herein.

This instrument, which is the AMMENDED COMMUNITY-BASED FOREST MANAGEMENT AGREEMENT, consists of _____ pages including this page where the Acknowledgement is written, and is signed by the parties and their instrument on each page thereof.

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

Doc. No. _____
Page No. _____
Book No. _____
Series of _____