

## **DENR ADMINISTRATIVE ORDER NO. 15-90**

### **SUBJECT : Regulations Governing the Utilization, Development and Management of Mangrove Resources**

In accordance with the provisions of P.D. 705, as amended otherwise known as the Revised Forestry Code of the Philippines, the following rules and regulations governing the utilization, development and management of mangrove resources are hereby promulgated for the information and guidance of all concerned:

SECTION 1. Policy and Objectives. Mangroves have multi-uses. As such, the utilization, development and management of mangrove resources shall involve as many uses as possible for the benefit of the greater number of users. To sustain optimum productivity, it shall be the policy of the government to conserve, protect, rehabilitate and develop the remaining mangrove resources of the country; give preference to organizations, associations or cooperatives over individual users in the utilization and development of the mangrove resources; stop the wanton exploitation of the mangrove resources; and enhance the replenishment of the denuded areas through natural or artificial means.

SECTION 2. Definition of Terms. For the purpose of this Order, the following terms are defined:

- a. Alienable or Disposable Lands refer to those lands of the public domain which have been the subject of the present system of classification and certified as not needed for forestry purposes.
- b. Communal Mangrove Forest refers to a tract of public forest set aside by the Secretary of the Department of Environment and Natural Resources upon the recommendation of the Director of the Forest Management Bureau for the exclusive use of the residents of the municipality from which said residents may cut, collect or remove mangrove forest products, such as firewood and mangrove timber for charcoal production for home consumption in accordance with existing laws and forest rules and regulations.
- c. Denuded areas refer to mangrove areas which have been devoid of mangrove trees, shrubs and/or nipa palms. Treeless areas covered with weeds and vines fall under this definition.
- d. Fishpond Lease Agreement is a privilege granted by the state to a person or group of persons to occupy and possess in consideration of specified rental any public lands for the raising of fish and other aquatic products.
- e. Forest Lands include the public forest, the permanent forest or forest reserves, and forest reservations.
- f. License is a privilege granted by the State to a person to utilize forest resources within any forest land, without any right of occupation and possession over the same, to the exclusion of others, or establish and operate a wood processing plant, or conduct any activity involving the utilization of any mangrove forest resources.
- g. Mangrove area refers to the area found along the seacoast and estuaries whether sparsely or thickly vegetated with true and/or associated mangrove species, or open swampy areas, including brackish fishponds, extending along stream where the water is brackish.
- h. Mangrove Buffer Zones are strips of land at least 50 meters in width fronting seas, oceans and other bodies of water and 20 meters on both sides of river channels/banks maintained and developed to enhance the protective capability of the mangroves against strong currents, winds and high waves in areas covered by Ministry Administrative Order No. 42, Series of 1986.

i. Mangrove Forest refers to forest stand found in the mangrove areas and composed primarily of mangrove and associated species.

j. Mangrove Plantation refers to a stand of mangrove trees and/or palms of true or associated species planted in the mangrove area.

k. Mangrove Resources refer to all terrestrial and aquatic flora and fauna in the mangroves including land and minerals which could bestow any form of services influences, and amenities to man and the environment.

l. Mangrove Swamp Forest Reserves are mangrove areas of the public domain which are declared as such under Presidential Proclamation 2152 and are determined to be needed for conservation and protection purposes.

m. Permit is a short term privilege or authority granted by the State to a person or group of persons to utilize any limited forest resources or undertake a limited activity within any forest land without any right of occupation and possession therein.

n. Protected Areas refer to mangrove areas declared as such under the Integrated Protected Areas System to be instituted by the DENR.

o. Timber refers to any piece of wood more than 1.5 meters long and having an average diameter of more than 15 centimeters.

p. Wilderness Areas refer to the mangrove areas which have been declared as such by the President of the Philippines under Presidential Proclamations for the preservation of the floral and faunal species found therein to prevent their extinction and to serve as genepool for the proliferation of said species.

SECTION 3. Prohibition in the Issuance of License and Permit. Upon the effectivity of this Order, the granting and/or renewal of mangrove timber license and/or permit of any kind that authorizes the cutting and/or debarking of the trees for commercial purposes in areas outside the coverage of Fishpond Lease Agreements and mangrove plantations shall no longer be allowed.

SECTION 4. Conversion of Mangrove Areas into Fishponds Conversion of thickly vegetated mangrove areas into fishponds shall no longer be allowed. All mangrove swamps released to the Bureau of Fisheries and Aquatic Resources which are not utilized, or which have been abandoned for five (5) years from the date of such release shall revert to the category of forest land in accordance with existing laws and regulations.

SECTION 5. Fishponds in Mangrove Forest Reserves and Wilderness Areas. In accordance with the national policy fishponds will not be allowed within mangrove forest reserves and wilderness areas. However, in cases where legally acquired productive fishponds are found within such areas, and the government opts to revert them to the category of forest lands and if public interest so dictates, the operator would be justly compensated.

SECTION 6. Issuance of Certificate of Stewardship Contract. A Certificate of Stewardship Contract may be issued covering mangrove areas to individuals, communities, associations or cooperatives, except in wilderness areas, provided that the activities shall be limited to sustainable activities as indicated in the approved Management Plan for such areas. Conversion of mangroves for, but not limited to, fishpond development, saltworks and paddy cultivation shall not be allowed under the Certificate of Stewardship Contract.

SECTION 7. Cutting of Trees within FLA Areas. No cutting of trees within existing Fishpond Lease Agreement (FLA) areas shall be allowed without the benefit of a permit from the Department of

Environment and Natural Resources. The trees cut in FLA areas through a permit shall be turned over to the DENR for disposition through public bidding. FLA holders are given the right to equal the highest bidder, in which case the bid is automatically awarded to him.

SECTION 8. Establishment, Development and Management Communal Mangrove Forest. Communal mangrove forests may be established in mangrove-endowed municipalities/cities in accordance with the policy guidelines as enunciated in Ministry Administrative Order No. 48, Series of 1982, as amended. The development and management of the communal mangrove forest shall be the responsibility of the community people concerned under the concept of community-based forest management and in accordance with an approved Management Plan to be monitored closely by the Regional Offices of the DENR. However, the DENR may disestablish a mangrove area as communal mangrove forest if the allowable activities thereat are found to be non-sustainable to the resource.

The DENR through its field offices shall conduct a sustained information dissemination campaign on the environmental aspect of mangrove management. Local immersion should also be used as a tool to train the people on the technical aspect of mangrove management. The substance of the training should be attuned to the policy as enunciated in this Order.

SECTION 9. Fishpond Development. Fishpond development shall only be allowed in denuded areas which have been zonified as suited for such activity. Estuarine mangroves which are predominantly, if not totally, vegetated with shrubs shall not be disposed for fishpond development as such areas still contribute to the productivity of the nearby marine ecosystem, hence should also be extensively rehabilitated. Applications for fishpond development covering the estuarine areas shall be returned to the applicants immediately with a corresponding responsibility on the part of the Department of Environment and Natural Resources to assist the applicants in locating suitable areas as an alternative area for fishpond development in accordance with the provisions of this Order.

SECTION 10. Responsibility and Authority on the Protection, Development and Management of Mangrove Areas. The protection, development and management of mangrove areas shall be the responsibility of the concerned Regional Offices of the Department of Environment and Natural Resources in coordination with the Department of Agriculture.

SECTION 11. Continuing Assessment of Mangrove Resources. There shall be a periodic assessment of the mangrove resources throughout the country. The National Mapping and Resource Information Authority (NAMRIA) shall be responsible in the interpretation of aerial photographs, Land Satellite (LANDSAT) and other remote sensing data while the Regional Land Evaluation Teams will do the ground verification activities. The involvement of interested Non-government Organizations shall also be solicited in the conduct of the assessment.

SECTION 12. Establishment of Mangrove Plantations. Mangrove plantations are allowed to be established in denuded or sparsely-vegetated mangrove forest lands and A and D areas through an approved permit in accordance with the relevant provisions of Forestry Administrative Order No. 8-3, Series of 1941, prescribing the revised guidelines governing the special uses of forest lands, as amended, and other related laws, rules and regulations. The initial maximum area allowed for mangrove plantation establishment shall be fixed at fifty (50) hectares for corporations, cooperatives and associations and ten (10) hectares for individuals. However, additional areas may be subsequently granted to existing developers after thorough evaluation of accomplishments provided that the accumulated area does not exceed two-hundred (200) hectares for corporations, cooperatives and associations and fifty (50) hectares for individuals.

SECTION 13. Cutting of Trees in Mangrove Plantations. Mangrove plantation developers shall be allowed to cut the planted trees found within their respective plantations through clearcutting by strips system, whether such is intended for personal or commercial purposes: Provided, That they secure a permit from the immediate office of the DENR.

SECTION 14. Silviculture. Silvicultural practice allowed in naturally grown mangrove forest shall be a combination of seed-tree method and planting. In the course of harvesting, at least forty (40) healthy trees per hectare, spaced regularly over the area, and representative of the species in the area, shall be retained to provide the seeds necessary for regeneration purposes.

SECTION 15. Penal Provision. Violations of any of the provisions of this Order shall be penalized in accordance with existing laws and regulations.

SECTION 16. Repealing Clause. This Order supercedes radiogram message dated June 13, 1986; BFD Circular No. 13, Series of 1986; and all previous administrative orders, regulations, circulars, memorandum orders or instructions involving the disposition of mangrove resources inconsistent herewith.

SECTION 17. Separability Clause. Should any of the provisions of this Order be subsequently or otherwise revised, modified or repealed accordingly, the same shall not affect the validity or legality of the other provisions so far as they could stand independently so revised, modified or repealed.

SECTION 18. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

(SGD.) FULGENCIO S. FACTORAN, JR.  
Secretary