

**CIRCULAR NO. : 2006 - 02**

**SUBJECT: Guidelines, Rules and Procedures in the Retention of Areas Within Certain Distances Along the Banks of Rivers, Streams, and Shores of Lakes / Reservoirs Inside NPC Managed Watersheds.**

In the interest of the service and in order to promote ecological balance and protection of the environment, the provisions of R. A. No. 1273, P. D. No. 705 (as amended) and P. D. No. 1067 shall be strictly implemented on areas subject of NPC's administration, control, and jurisdiction by virtue of P. D. No. 1749 dated December 1980, Proclamation No. 2320 dated November 22, 1983 and Executive Order Nos. 224 and 258 dated July 16, 1987 and July 19, 1995 respectively:

**SECTION 1.0**

**RATIONALE**

To ensure the preservation of ecological balance and protection of the environment, all concerned shall observe in the processing, verification and approval of isolated and cadastral surveys, the requirements of Section 1 of R. A. No. 1273 which amended Section 90 of Commonwealth Act 141 otherwise known as the "Public Land Act", Section 16 of P. D. 705 otherwise known as the "Forestry Code" and Article 51 of P. D. No. 1067 otherwise known as "Water Code of the Philippines", are quoted as follows:

- a) "Section 1 (I) That the applicant agrees that a strip of forty meters wide starting from the bank on each side of any river or stream that may be found on the land applied for shall be demarcated and preserved as permanent timberland to be planted exclusively to trees of known economic value, and that he shall not make any clearing thereon or utilize the same for ordinary farming purposes even after patent shall have been executive in his favor." (R. A. No. 1273)
- b) "Section 16. Areas needed for forest purposes x x x
  - (7) Twenty-meter strips of land along the edge of the normal high waterline of rivers and streams with channels of at least five (5) meters wide;
  - (8) Strips of mangrove or swamplands at least twenty (20) meters wide, along shorelines facing oceans, lakes and other bodies of water and strips of land at least twenty (20) meters facing lakes; xxx" (PD No. 705)

- c) "Article 51. The banks of rivers and streams and shores of the seas, and throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. NO person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind." (P. D. No. 1067)

## **SECTION 2.0**

### **IMPLEMENTATION**

It is well-settled that forest land is incapable of registration, and its inclusion in a title nullifies that title. This prohibition implies that no new titles could be granted within an established forest reservation. However, as an exemption, pursuant to the concept of prior rights defined by law, survey of alienable and disposable (A & D) lands of the public domain as well as titled private lands within forest reservation subject of NPC control and jurisdiction shall be governed by the following procedures:

#### **2.1 Survey of Public Lands:**

All alienable and disposable (A and D) lands of the public domain shall be surveyed pursuant to Section 1 Par. (I) of R. A. 1273 whereby a strip of forty (40) meters wide starting from the banks on each side of any river or stream that may be found on the land shall be demarcated and preserved as permanent timberland.

Likewise, to be demarcated are public lands along the banks of rivers and streams and the shores of the lakes and reservoirs throughout their entire length and within a zone of three (3) meters in urban area, twenty (20) meters in agricultural areas and forty (40) meters in forest area, measured on horizontal distance along the their margins which are subject to the easement for public use in the interest of recreation, navigation, floatage, fishing and salvage.

#### **2.2 Survey of Private Lands:**

##### **2.2.a. Administratively Titled Lands:**

The provisions of item 2.1. shall be observed as the above. However, when those lands are to be subdivided, consolidated or consolidated-subdivided, the strip of three (3) meters which falls within urban areas shall be demarcated and marked on the plan for easement and bank protection.

The purpose of these strips of land shall be noted in the technical description and annotated in the title.

2.2.b. Judicially Titled Lands:

When lands judicially titled are subdivided, consolidated or consolidated-subdivided the strip of three (3) meters in urban areas and twenty (20) meters in agricultural areas shall be demarcated and indicated on the plans using dotted lines.

2.2.c. Complex Subdivision or Consolidation Subdivision Surveys for Housing/Residential, Commercial or Industrial Purposes:

When titled lands are subdivided or consolidated-subdivided into lots for residential, commercial or industrial purposes, the segregation of the three (3) meter wide strip along the banks of rivers or streams shall be observed and be made part of the open space requirement pursuant to PD. 1216.

The strip shall be preserved and shall not be subject to subsequent subdivision.

## **SECTION 3.0**

### **ADMINISTRATION**

To properly implement the provisions of this order:

3.1 All concerned departments/offices of NPC shall implement these guidelines;

- a) Deny and contest all applications for land registration/titling of parcels of land within NPC areas not otherwise classified as forest lands;
- b) Prohibit the conduct of surveys and/or subdivision surveys which are not in conformity with laws and these guidelines;
- c) Cause the removal, clearing or eviction of natural or man-made obstructions of rivers, lakes, reservoirs or waterways, including structures built along easement zones without permission;
- d) Undertake sufficient measures to prevent soil erosion due to inappropriate land use activities;

- e) Ensure the protection and rehabilitation of each side of the bank of river, streams, creeks or arroyo, or shore of the lakes and reservoirs by preserving its vegetative cover and planting of trees;
- f) Conduct survey to permanently delineate the edge of the high waterline or banks of lakes/reservoirs, rivers, streams, creeks, arroyos or esteros. Direct measurements shall be made to determine and mark the boundary lines showing the forty (40) meters in forest areas, twenty (20) meters in agricultural areas and three (3) meters in urban areas measured landward/horizontally from each side of the bank of river, stream, creek or arroyo, or shore of lake or reservoir. The boundary lines shall be clearly marked or blazed on the ground with permanent concrete monuments or any practicable sign to ensure protection and maintenance of the area. The strips of lands shall be excluded from survey claims.

## **SECTION 4.0**

### **CREATION OF TASK GROUPS and OVERSIGHT COMMITTEE**

For purposes of implementing the provisions of this Order, Tasks Groups and an Oversight Committee shall be created.

#### 4.1 Composition and Functions of the Task Groups

A. Composition – A Task Group shall be created for each of the watershed areas being managed by NPC which shall be composed of:

- |                                    |                   |
|------------------------------------|-------------------|
| 1. (1) Section Chief               | Team Leader       |
| 2. (1) Sr. Wat. Mgt. Splst.        | Asst. Team Leader |
| 3. (4) WAT Rank & File personnel   | Member            |
| 4. (1) LGU representative          | Member            |
| 5. (1) DENR representative         | Member            |
| 5. (1) Power Plant representative  | Member            |
| 6. (1) Local NGO/PO representative | Member            |

B. Function – The Task Group shall be responsible in enforcing the provisions of this Order within their respective areas of operation. They shall conduct the actual delineation surveys, soil erosion control

and protection and rehabilitation of easement zones, etc. A periodic monitoring and accomplishment report shall be prepared and submitted by each Task Group to the Oversight Committee which shall include updates on survey activities, protection and rehabilitation programs and related issues requiring decisions and actions by the Oversight Committee.

#### 4.2 Composition and Functions of the Oversight Committee

A. Composition – The Oversight Committee shall be composed of the following:

1. Manager	WMD	Chairperson
2. Manager	G/Survey Dept.	Member
3. Manager	Row/SED	Member
4. Manager	EMD	Member
5. Legal Officer	OGC	Member
6. Plant Manager(s)	HEP/GPP	Member
7. Section Chief(s)	WAT	Member
8. LGU representative(s)		Member

\* Items 1 ~ 5 shall consist the permanent/core group while items 6 ~ 8 shall be on “on call” basis depending on the need and concerns to be discussed and deliberated.

B. Function – The Oversight Committee shall be the over-all governing body. They shall act and decide on matters with regards to the implementation of this Order.

### **SECTION 5.0**

#### **DOCUMENTATION**

Each Task Group shall assign from among the group a Secretary who shall keep the records of the group. Maps, plans, reports, land titles, tax declarations, photographs, minutes of meetings and other documents pertaining to the implementation of this Order shall be compiled and properly kept. Copies of these records shall be submitted to the Oversight Committee for records and documentation purposes. The Oversight Committee on the other hand, shall

appoint additional personnel who will handle the document storage and retrieval works for the committee.

## **SECTION 6.0**

### **PENAL SANCTIONS**

Employees, officials, and other parties involved in the conduct of surveys, certification and processing of land registration applications that failed to observe provisions of this Order and pertinent laws or found conniving with applicants or surveyors or committing fraud shall be dealt with administratively and criminally in accordance with the existing and applicable laws on the matter.

## **SECTION 7.0**

### **REPEALING CLAUSE**

Other existing issuances, memoranda and circulars which are not consistent herewith are hereby repealed, amended or modified accordingly.

## **SECTION 8.0**

### **EFFECTIVITY**

This Memorandum Order shall take effect immediately.