

MEMORANDUM ORDER NO. 96 – 24

SUBJECT: **GUIDELINES, TERMS AND CONDITIONS FOR FOREST PRODUCT HARVESTING INSIDE RESERVATIONS COVERED BY EXECUTIVE ORDER NOS. 224 AND 258**

Pursuant to Executive Order Nos. 224 and 258, dated July 16, 1987 and July 10, 1995, respectively, “ VESTING ON THE NATIONAL POWER CORPORATION THE COMPLETE JURISDICTION, CONTROL AND REGULATION OVER WATERSHED AREAS AND RESERVATIONS SURROUNDING ITS POWER GENERATING PLANTS AND PROPERTIES OF SAID CORPORATION ” and Ministry Order No. 83-01-13, dated November 22, 1982, the following guidelines, terms and conditions are hereby issued for the information and guidance of all concerned:

SECTION 1.0 DEFINITION OF TERMS

- 1.1 **AUTHORITY** – Formal or legal documents authorizing, directing or controlling specified activities in watershed reservations.
- 1.2 **AUTHORIZED REPRESENTATIVE** – Officials from the Watershed Management Department or other agencies of the government authorized by the President, National Power Corporation or Manager, NPC-WMD to perform certain administrative and/or other functions / matters relative to these guidelines and terms and conditions.
- 1.3 **BONAFIDE RESIDENT** – is a person who has continuously resided in the place for at least six months upon approval of this Order.
- 1.4 **COMMERCIAL PURPOSES** – This may mean harvesting/gathering of forest products for commercial use within titled lands and areas covered by land use/activity authority/agreement issued by the National Power Corporation only.
- 1.5 Forest products includes among others, timber, pulpwood, firewood, bark, tree top, rattan or other forest growth.
- 1.6 **FOREST PRODUCT COLLECTION / GATHERING** includes cutting, collecting, gathering and transporting of forest products for commercial or other purposes.
- 1.7 **CORPORATION** - National Power Corporation
- 1.8 **NPC-WMD** - National Power Corporation of Watershed Management Department.
- 1.9 **ABANDONED FOREST PRODUCTS** – Refers to felled/fallen or confiscated forest products which have been unclaimed for more than 15 days.

- 1.10 **FOREST PRODUCT COLLECTING/GATHERING AUTHORITY** – Refers to authority issued by the Manager, NPC-WMD to gather/collect/utilized dead standing and/or abandoned forest products for personal use, livelihood purposes, government projects and for commercial purposes.
- 1.11 **FOREST PRODUCTS FOR PERSONAL USE** – refers to forest products which are granted for house construction/repair purposes.
- 1.12 **FOREST PRODUCTS FOR LIVELIHOOD** – refers to fallen and/or abandoned forest products which granted to forest occupants for the purpose of earning a living. This specifically refers to fourth group and third group species suitable for fuel wood or small scale cottage industries such as handicrafts, novelty items, bakya, etc.
- 1.13 **FOREST PRODUCTS FOR GOVERNMENT PROJECTS** – refers to fallen/or abandoned forest products for the construction of government or semi-government infrastructure projects.
- 1.14 **FOREST PRODUCTS FOR COMMERCIAL PURPOSES** – refers to trees, shrub and other minor forest products cut/felled due to site preparation activity of an authorized long term land use/activity which shall be disposed commercially.
- 1.15 **SALVAGEABLE FOREST PRODUCTS** – refers to dead standing trees or fallen forest products.

Section 2.0 **Scope**

Forest product gathering/collecting authority may be issued within watershed areas/reservations covered by Eos 224 and 258 for personal use, public works/projects for commercial purposes. The Authority may be conducted within titled lands, areas covered by tax declarations, alienable and disposable lands and public lands inside the reservation.

SECTION 3.0 **ISSUING AUTHORITY**

The Manager of NPC-WMD or his/her authorized representatives may issue authority to gather/harvest forest products according to the following schedules:

- 3.1 The authority to harvest/utilized forest products shall be issued by the Manager, NPC-WMD for a specified period and volume;
- 3.2 The Certificate of Origin shall be issued by the Supervising Watershed Forester upon inspection of a forest guard;
- 3.3 The authority to transfer the collected/gathered forest products shall be issued by the Manager, NPC-WMD upon recommendation Chief Watershed Officer.

- 3.4 The Manager, NPC-WMD may issue a maximum five (5) cubic meters for personal use and a maximum of three (3) cubic meters per family head for livelihood purposes which shall be good for three (3) months period.

SECTION 4.0 QUALIFIED APPLICANT

The following may be qualified to apply for an authority to gather harvest forest products inside areas mentioned in Section 2.0 of this Order:

- 4.1 Owners of titled lands or his/her authorized representative/s;
- 4.2 Owners of areas covered by valid tax declarations or his/her authorized representative/s;
- 4.3 Holder of approved land use/activity authority/agreement issued by the National Power Corporation;
- 4.4 Bonafide residents of the municipality where forest products will be gathered/harvested; and
- 4.5 Government/semi-government/private agency/institution and authorized representative.

SECTION 5.0 TERMS AND CONDITIONS

5.1 REQUIREMENTS

The applicant shall submit to NPC-WMD Field Office Staff or its authorized representative any, a combination thereof, or all the following requirements:

- 5.1.1 Duly accomplished application form;
- 5.1.2 Application fee of P20.00 per application;
- 5.1.3 Inspection fee of P5.00 per cubic meter;
- 5.1.4 Location map of the area where forest products gathering/harvesting shall be done;
- 5.1.5 Certification by the grantee to immediately plant five (5) forest or other tree species on cutting area for every cubic meter of harvested wood;

- 5.1.6 Authenticated copy of land title (for titled lands) and notarized authorization if the applicant is not the landowner;
- 5.1.7 Copy of land used/activity authority/agreement (for areas covered by land use/activity/authority/agreement);
- 5.1.8 Copy of Income Tax return for the previous year;
- 5.1.9 Inspection report jointly undertaken by the applicant and NPC-WMD Field/Office Staff or designated forms;
- 5.1.10 Sketch plan of the project/building to be constructed together with the bill of materials prepared by the licensed architect (if within a city) or a master carpenter and certified correct by the barangay captain, if the application is for construction purposes, like houses, school buildings, bridges, churches and other government projects;
- 5.1.11 Certification of the Municipal Mayor that the applicant is a bonafide resident of the municipality;
- 5.1.12 Certification from NPC that the area applied for is not affected by present or planned energy projects of the corporation; and
- 5.1.13 Certification of the Provincial Auditor as to availability of funds intended for the projects.

5.2 PROCEDURE

The following procedures shall be followed:

- 5.2.1 Applicant fills up application form and submits all necessary requirements to NPC-WMD field office staff;
- 5.2.2 Chief Watershed Officer checks and evaluates the initial requirements submitted to the field office;
- 5.2.3 Inspection Team conducts inspection/inventory of available fallen timber/logs and other forest products and prepare inspection report;
- 5.2.4 Chief Watershed Officer checks and verifies the completeness of the requirements and forwards application with complete documents to WMD Central Office;
- 5.2.5 NPC-WMD Field Office Staff, Central Staff evaluates the merit of the application and makes recommendations to the NPC-WMD Manager for his/her consideration;

- 5.2.6 NPC-WMD Manager issues permit/authority to utilize fallen/salvageable timber/logs or other forest products to applicant;
- 5.2.7 NPC Site Staff Monitors the cutting/gathering of forest products as well replanting program;
- 5.2.8 Applicant pays forest charges and secures auxiliary invoice from BIR local collection agent for gathered fallen/salvageable timber/logs or other forest products within the public lands;
- 5.2.9 Applicant shall be required to plant five seedlings per cubic meter while site staff conducts inspection of felled logs to be transported;
- 5.2.10 Site Staff stamps/mark forest products with NPC hatchet mark prior to transporting harvested forest products; and
- 5.2.11 The manager, NPC-WMD shall issue the authority to transport the Supervising Watershed Forester shall issue the Certificate of Origin.

5.3 VOLUME AND TENURE

5.3.1 For Personal Use

Gathering of fallen/salvageable timber/logs and/or other forest products within public land and titled lands shall be limited to a maximum volume of five (5) cubic meters (round timber) per family head per year.

5.3.2 For Livelihood Purposes

An applicant for livelihood purposes may be entitled to a maximum of volume of three (3) cubic meters of dead, fallen, drifted and/or abandoned logs and other forest products (round timber) per family head which shall be good for three (3) months.

5.3.3 For Commercial Purposes

Cutting/gathering/harvesting and transporting of timber/logs and other forest products for this purpose may allowed only when such shall be undertaken in support to a site preparation activity relative to an issued land-use/activity authority. Provided that tree cutting activity shall not adversely affect the ecological stability of the area.

5.3.4 For Government and Semi-Government

Government agencies and government assisted projects by utilized/salvage fallen timber/logs and/or unclaimed confiscated lumber and other

forest products within public land inside the reservations covered by EO 224. The volume for this purpose shall vary according to resource availability, available facilities, lumber requirement of the project and the discretion of the Manager of NPC-WMD.

5.4 FOREST CHARGES

5.4.1 Forest products gathered/collected within areas covered by tax declarations and public lands shall be paid forest charges in accordance with BIR Revenue Regulation No. 2-81 dated November 22, 1980, Forestry Administrative Order No. 1, series of 1984 and other relevant laws here in after issued/promulgated.

5.4.2 Forest products gathered/harvested within titled private lands or those to be used for research purposes shall be free from forest charges.

5.5 RESTRICTION

5.5.1 Cutting of tree within a strip of twenty (20) meters wide along both sides of creek or rivers bordering or traversing subject areas shall be prohibited.

5.5.2 Cutting trees along roads shall be prohibited, unless such trees have been determined to endanger life and property.

5.5.3 Areas over eighteen percent (18%) in slope shall be selectively logged or if public interest so requires, cutting shall not be allowed.

5.5.4 Clear cutting shall be allowed only on areas below eighteen percent (18%) in slope.

5.5.5 Selective cutting, clear cutting or other intensity of cutting may be allowed by the Manager, NPC-WMD for research or similar purposes.

5.5.6 Cutting of trees and other forest products within two (2) km. radius of proposed/existing geothermal plants feasible wells shall be prohibited.

5.5.7 Cutting of trees an other forest products within one-half (0.5) km. radius of any water sources like dams, deep wells, springs. Others shall be prohibited.

5.5.8 Agencies and authorities involved shall implement strict supervision and monitoring during cutting / harvesting / gathering and/or transporting under valid permit any forest product/s from watershed reservations.

5.6 INSPECTION

Periodic inspection shall be made by NPC-WMD Field Office Staff on the survival of planted trees or project/building under construction for the purpose of verifying all deliveries of timber/lumber and their use in the construction site.

SECTION 6.0 EFFECTIVITY

This Circular shall take effect this ____ day of _____, 19____.

(SGD) GUIODO ALFREDO A. DELGADO
President