

MEMORANDUM ORDER NO. 96 – 28

SUBJECT: **GUIDELINES, TERMS AND CONDITIONS FOR UPLAND AGRICULTURAL LIVELIHOOD PROGRAM**

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

- 1.0 UPLAND AGRICULTURAL LIVELIHOOD PROGRAM AGREEMENT – a contract entered into by and between an individual/group forest occupant/s and the National Power Corporation, the former the right to peaceful occupation and utilization over agriculture. The contract be non-transferable but in cases of death or incapacity, the same shall on to the grantee's -of-kin.
- 2.0 AGREEMENT – formal or legal documents authorizing, directing or controlling specified activities in watershed reservations.
- 3.0 AUTHORIZED REPRESENTATIVE – officials from the Watershed Management Department or other agencies of the government authorized by President, National Power Corporation or the Manager, NPC-WMD to perform certain administrative and/or other functions/matters relative to this guidelines, terms and conditions.
- 4.0 BONAFIDE RESIDENT – is a person who has continuously resided in the place for at least ten years upon approval of this Order.
- 5.0 FOREST PRODUCT – includes among others, timber, pulpwood, firewood, bark, tree top, rattan and other forest growth.
- 6.0 FOREST PRODUCT COLLECTION/GATHERING – includes cutting, collecting, gathering and transportation of forest products for commercial and other purposes.
- 7.0 CORPORATION – National Power Corporation
- 8.0 OCCUPANT – refers to any person or group of persons, who in any way occupy, use or develop watershed reservations or derive benefits therefore.
- 9.0 NPC-WMD – Watershed Management Department of National Power Corporation
- 10.0 SALT – a diversified farming system of growing field and permanent crops in 3-meters to 5-meters wide bands between contoured rows of nitrogen fixing trees.
- 11.0 UPLAND AGRICULTURE – the cultivation or raising of corn, rice, vegetable and other agricultural crops on sloping or upland areas.
- 12.0 WATERSHED – a land area, including all the surface, geological or other resources therein, bounded by a topographic divide, drained by a stream or other

bodies of water (perennial, intermittent or ephemeral) and may form part of a larger complex with pre-established physical or land boundaries.

SECTION 2.0 SCOPE

Authority to develop and manage “Upland Agricultural Livelihood Program” may be issued within the watershed areas/reservations covered by EOs 224 and 258. the authority may be conducted within titled lands, areas covered by tax declarations, alienable and disposable land or public lands inside the reservation not scheduled for reforestation within the next five years from the date of issue of authority.

SECTION 3.0 UPLAND AGRICULTURAL LIVELIHOOD PROGRAM

3.1 ISSUING AUTHORITY

The President, National Power Corporation, may issue an authority for the development of an agricultural livelihood project upon the recommendation of the Manager, Watershed Management Department.

2.1 QUALIFIED APPLICANTS

The following may be qualified to apply for the Upland Agricultural Livelihood Program inside the areas mentioned in Section 2.0.

2.1.1 A bonafide resident of the community since 1983 residing near, adjacent to or surrounding the area desired to be developed into and agricultural area.

2.1.2 An individual of at least 21 years of age, Filipino citizen, with no pending criminal charge and must be “capable to develop and an upland agricultural livelihood project.

2.1.3 He/She must be a head of the family and has no other source of income of not more than P2,000.00 a month.

2.1.4 Owner/s of titled lands or his/her authorized representative/s.

2.1.5 Owners of titled lands or his/her authorized representative.

2.1.6 Duly organized upland farmers organization or cooperative registered with the Securities and Exchange Commission.

3.3 REQUIREMENTS

0.1.1 Duly accomplished application form;

0.1.2 Location map of the area applied for with complete technical description;

0.1.3 Clearance from the NPC of the site applied for with complete technical description;

0.1.4 Inspection report jointly undertaken by the applicant and WMD or its authorized representative;

0.1.5 Application fee of P20.00 per application;

0.1.6 Inspection fee of P15.00 per hectare or a fraction thereof;

0.1.7 Proof/Certification that applicant is technically capable to develop and manage an agricultural farm issued by the Barangay Captain where he is a resident; and

0.1.8 Submission of a project plan as stated in Section 3.6.1

3.4 PROCEDURE

3.1.1 After submission of all the requirements to the NPC-WMD, the Head Office Staff, shall evaluate the merits of the application and make necessary recommendations.

3.1.2 The Manager, NPC-WMD, makes the final decision on the matter within two months after submission of the application.

3.5 AVAILABLE AREAS

3.5.1 Brush lands or tracts of forest lands below 18% slope, generally covered with brush, which are not subject to reforestation within the next five years;

3.5.2 The Manager, NPC-WMD, makes the final decision on the matter within two months after submission of the application.

3.5.3 Areas stated in 3.5.1 and 3.5.2 must not be located at the immediate banks of the reservoir or river tributaries.

3.6 AREA AND TENURE

3.6.1 The size of an area which may be subject to Upland Agriculture Livelihood Program shall be as follows:

3.6.1.1 For individuals – not more than (3) hectares.

3.7 CONSERVATION/PROTECTION MEASURES

The grantee shall:

3.7.1 Develop the area based on a development/management plan approved by NPC-WMD;

3.7.2 Delineate/Demarcate the area with markers such as trees or green breaks which shall be installed on corners and prominent points along the boundary;

3.7.3 Not undertake any cutting of timber, unnecessary under brushing, forest floor clearing and burning or gathering of any other forest products or undertaking of any activity not consistent with the purpose of the authority granted;

3.7.4 Bench terrace or contour sloping areas. Bench risers on contour paddies shall immediately stabilized by planting grasses (i.e., star grass, Napier grass). At the same time, timber and or fruit trees shall be planted on the benches or between contour paddies. Diversified cropping and organic fertilization is preferred;

3.7.5 Protect the area from destructive land uses/activities such as: illegal occupancy, uncontrolled burning, etc., causing detrimental impacts on soil, water and other watershed resources;

- 3.7.6 Preserve the area for its natural characteristics/attributes;
- 3.7.7 Limit soil tillage to SALT practices whenever applicable. Intensive soil preparation using mold board plows and other farm implements shall not be allowed;
- 3.7.8 Refrain from establishing permanent or semi-permanent structures within the area;
- 3.7.9 The grantor reserves the right to terminate the agreement in case the area will be explored for geothermal and other sources of energy. The grantee shall always make the area available for energy and geothermal exploration.
- 3.7.10 Perform other necessary conservation/protection measures that NPC-WMD may require.

3.8 ORGANIZATION/LINKAGES

When so required by NPC-WMD, at least fifteen (15) persons shall organize themselves into a farmers organization.

The Organization shall:

- 3.8.1 Have a Constitution and By-Laws
- 3.8.2 Link with the Barangay Captain who has the administrative jurisdiction over the area. The Barangay Captain shall be actively involved in the affairs of the organization.
- 3.8.3 Have its own set of officers duly elected by the general membership with specific function and responsibilities; and
- 3.8.4 Closely coordinate with NPC-WMD on matters affecting their organizations role and responsibilities in carrying out the herein stated terms and conditions.

3.9 RENEWAL OF PERMIT

- 3.9.1 An Upland Agricultural Livelihood Program Agreement may be renewed upon an application duly filed and the necessary requirements complied with only if the area is not included in the Five (5) Year Reforestation Plan; and
- 3.9.2 A permit to develop an agricultural plantation may be renewed upon filing of an application sixty (60) days before its expiration and completion of necessary documents.

SECTION 4.0 CRIMINAL OFFENSES AND PENALTIES

- 2.1 Illegal cutting and harvesting, gathering or transporting of forest products shall be punished in accordance with the provisions of Ministry Order No. 83-01-13 and other appropriate laws. Confiscated or seized forest products shall be impounded at NPC-WMD designated areas.
- 2.2 Illegal occupancy, cutting and transporting of forest products shall be punished accordance with the provisions of Ministry Order No. 83-01-13 and other appropriate laws.
- 2.4 Authorization/Permits issued under this order/regulation may be revoked, cancelled and/or suspended for any violation of the terms and conditions of this permit and other applicable laws and regulations.

SECTION 5.0 EFFECTIVITY

This Memorandum Order shall take effect this _____day of
_____ year 1995.

(SGD) GUIDO ALFREDO A. DELGADO
President