



Republic of the Philippines  
**Department of Environment and Natural Resources**  
Visayas Avenue, Diliman, Quezon City  
Tel Nos. (632) 929 6626 to 29 (632) 929 6253  
929 6620 to 29 (929 66 3316 35  
929 70 1116 43

FEB 28 2007

**DENR Memorandum Circular**  
No. 2007 - 02

**SUBJECT: GUIDELINES ON THE ESTABLISHMENT AND MANAGEMENT OF CRITICAL HABITAT**

Pursuant to Sections 4 and 25 of Republic Act No. 9147, otherwise known as the "Wildlife Resources Conservation and Protection Act", Rules 25.1-25.5 of Joint DENR-DA-PCSD Administrative Order No. 01, Series of 2004, and Executive Order No. 578 of 2006, the guidelines on the establishment and management of critical habitat for species under the jurisdiction of the DENR is hereby promulgated for the guidance of all concerned.

**Section 1. Scope of Coverage.** The provisions of this Memorandum Circular shall be enforceable within public lands for all terrestrial and wetland areas outside protected areas established under Republic Act No. 7586 (National Integrated Protected Areas System Act) as well as privately owned lands where threatened species are found.

**Section 2. Definition of Terms.** As used in this Memorandum Circular, the terms:

- 2.1 **Critical habitats** – refer to areas outside protected areas under Republic Act No. 7586 that are known habitats of threatened species and designated as such based on scientific data taking into consideration species endemism and/or richness, presence of man-made pressures/threats to the survival of wildlife living in the area, among others;
- 2.2 **Ecosystem** – means a dynamic complex of plants, animal and micro-organism communities and their non-living environment interacting as a functional unit.
- 2.3 **Endemic species** – species or subspecies which is naturally occurring and found only within specific areas in the country;
- 2.4 **Threatened species** – species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction.
- 2.5 **Species richness** – refers to the number of species per unit area.

**Section 3. General Considerations in the establishment of Critical Habitats.** For purpose of this Memorandum Circular, the presence of threatened species shall be the primary consideration in determining areas for establishment as critical habitats and this shall be made on the basis of best scientific data available. The following are the general considerations in the establishment of critical habitats.

- 3.1 Threatened species listed in DAO 2004-15 (Establishing the List of Terrestrial Threatened Species and their Categories, and List of Other Wildlife Species pursuant to RA 9147);
- 3.2 Areas used as a breeding, nesting, roosting, wintering, foraging and other activities by a natural population/individuals of a threatened species listed or not yet listed but are posing extinction;

- 3.3 Presence of man-made pressures/threats such as but not limited to logging, quarrying, mining, squatting/informal settling, and mineral exploration;
- 3.4 Priority areas for conservation identified by the Philippine Biodiversity Conservation Priority Setting Program and other key biodiversity areas;
- 3.5 Presence of other natural resources that has economic and social impacts on the area.

#### **Section 4. Procedures in the Establishment of Critical Habitats.**

##### **4.1 Establishment of Critical Habitats by the DENR**

The concerned DENR Regional/Field Offices (PENROs/CENROs) shall facilitate the establishment of critical habitats through its own initiative or upon the request of any of the concerned Local Government Unit (LGU), private individual/land owner, group, or other interested parties. Critical habitats shall be established thru the following procedures:

###### **a. Identification/validation of the presence of threatened species**

The presence of a threatened species within the proposed critical habitat shall be validated by competent staff of the Protected Areas and Wildlife Division/Sector/Unit of the concerned DENR Regional/Field Office. The validation activity shall be coordinated with the concerned community. The DENR Staff may seek the participation of the community in the conduct of the activity.

The validation report must indicate the specific identity of the threatened species and must be supported by proper documentation such as photographs.

###### **b. Population estimates and rapid habitat assessment**

The DENR Field Office concerned shall create/categorize a Composite Team composed primarily of DENR Technical personnel and LGU representative to undertake the habitat and population assessment. Where necessary, experts from private sector, academe, NGOs, etc. may be invited as members of the Team. The habitat assessment is undertaken to gather pertinent information and determine the general status of the prospective critical habitat which shall serve as basis in the preparation of management plan.

The parameters for assessment shall include the following:

- i. Population estimate of threatened species found in the area
- ii. Assessment of other wildlife resources present in the area;
- iii. Status of vegetation and ecosystem type/s;
- iv. Presence or absence of area occupants/settlers;
- v. Presence or absence of man-made pressures/threats to the survival of wildlife living in the area;

- vi. Identification of existing land-uses, tenurial instruments and claims (e.g. Integrated Forest Management Agreement, Forest Land Grazing Management Agreement, Agro-forest, Mineral Lands Agreement, etc.); and
- vii. Management issues/interventions (i.e. habitat rehabilitation needs, management constraints)

The Composite Team, shall, as may be necessary and warranted, consult with the Forest Management Bureau (FMB), Mines and Geo-Sciences Bureau (MGB) and other relevant agencies in assessing proposed critical habitats.

**c. Community consultation**

The DENR Field Office shall conduct community consultation with the local stakeholders and concerned LGUs on the results of the assessment and ensure their support in case the area is found suitable for establishment as critical habitat.

In case of private lands, community consultation may be waived and a written consent from the land owner will suffice.

The DENR Field Office shall prepare a consultation report to include highlights of discussions, agreements reached, and recommendations generated from the community, as appropriate. Such report must be supported by attendance sheet and photographs

**d. Review and recommendation**

The DENR Regional Office shall consolidate and analyze the validation, population estimates and rapid habitat assessment, and community consultation reports and submit its recommendations including necessary map/s to the Secretary thru PAWB.

**e. Declaration of Areas as Critical Habitat**

The DENR Secretary shall issue an Order declaring the area as critical habitat.

**f. Ground Truthing**

After the issuance of an Order declaring a certain area as critical habitat, the DENR Regional/Field Office shall initially delineate on the ground the metes and bounds thereof using the natural topographic features of the area and/or vegetative cover as boundary monuments. Final boundaries shall be established through the use of Global Positioning System (GPS). Whenever practicable, a permanent markers shall be placed around the designated critical habitat.

**4.2 Establishment of Critical Habitat through LGU Initiative**

The LGU (provincial, municipal or city), may initiate the establishment of a critical habitat through the issuance of a resolution or ordinance. Provided that such resolution/ordinance shall be issued only upon completion of the process enumerated under items 4.1.a to 4.1.d above. Provided further, that such process shall be led by the concerned LGU in coordination with the concerned DENR Regional/Field Office.

The concerned LGU will submit the resolution/ordinance with supporting documents to the DENR Secretary thru the Regional Office for the designation and issuance of the corresponding Order pursuant to Section 25 of RA 9147.

After the issuance of the Order, the concerned LGU in coordination with the DENR Regional/Field Office shall delineate on the ground the metes and bounds of the declared critical habitat.

### **Section 5. Management of Critical Habitat**

- 5.1 All designated critical habitats shall be managed in partnership with local government units and other concerned groups. To this end, the DENR through the Regional Executive Director concerned may enter into a Memorandum of Agreement (MOA)/Partnership Agreement with concerned LGU, People's Organization (PO), Non-Government Organization (NGO), Indigenous People/Indigenous Cultural Community (IP/ICC), private sector or other concerned entities for the management of critical habitats;
- 5.2 In case of areas covered by tenurial instruments or private lands, the DENR through its Regional Executive Director concerned shall enter into a MOA with the tenure holder or landowner, as the case may be, for the management of the area;
- 5.3 The DENR, through the RED concerned may also delegate the full management of critical habitats to LGUs, NGOs, Private individuals and any other interested groups. The same shall be covered by a MOA between the DENR through the concerned RED and concerned party.

### **Section 6. Preparation of Critical Habitat Management Plan**

- 6.1 A Critical Habitat Management Plan (CHMP) shall be jointly developed by the concerned DENR Regional Office, LGU and other relevant parties. The CHMP will serve as guide in the management of critical habitats;
- 6.2 The Plan shall include, but not necessarily limited, to the following: (1) Objectives; (2) Key management issues; (3) Site management strategies and activities which include but not necessarily limited to monitoring and evaluation, community organizing, habitat rehabilitation, etc; and, (4) Administration, taking into consideration the results of processes under Section 4 of this Memorandum Circular.

### **Section 7. Collection and utilization of biological resources within critical habitat**

Collection and utilization of biological resources within critical habitats shall be subject to the provisions of RA 9147 and its Implementing Rules and Regulations and other existing relevant laws and policies.

### **Section 8. Prohibited Acts**

Pursuant to Section 27.c of RA 9147 the following activities are not allowed inside critical habitats:


1. dumping of waste products detrimental to wildlife;
2. squatting or otherwise occupying any portion of the critical habitat;
3. mineral exploration and/or extraction;
4. burning;
5. logging; and,
6. quarrying

### **Section 9. Penalty**

Any person who commits any of the prohibited acts enumerated above shall be penalized pursuant to pertinent provisions under Section 28 of RA 9147.

### **Section 10. Effectivity**

This Memorandum Circular shall take effect fifteen (15) days after publication in a newspaper of national circulation and upon acknowledgement of the Office of the National Administrative Register (ONAR).



**ANGELO T. REYES**  
Secretary



IN REPLYING, PLS CITE:  
**SEN07-006795**



**PUBLICATION: MANILA STANDARD TODAY**  
March 15, 2007

**REGISTRATION: UP LAW CENTER**  
March 16, 2007