



**Excerpts from the Minutes of the 201st PCSD Regular Meeting
held at the Session Hall of Sangguniang Panlalawigan Building
Fernandez Street, Puerto Princesa City
August 2, 2013**

Present:

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| 1. | Gov. Jose Ch. Alvarez, Provincial Governor | Chairman |
| 2. | Vice Gov. V. Dennis M. Socrates, Sangguniang Panlalawigan | Vice Chairman |
| 3. | Dir. Romeo B. Dorado, OIC-Executive Director, PCSDS | Secretary |
| 4. | Usec Ernesto D. Adobo, Undersecretary, DENR | Member |
| 5. | Mayor Lucilo R. Bayron, City Mayor, Puerto Princesa City | Member |
| 6. | Board Member Ramon A. Zabala, Liga ng mga Barangay | Member |
| 7. | PS/Supt Atanacio T Macalan Jr, PNP Provincial Director | Member |

Represented:

- | | | |
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| 8. | Usec. Edilberto M. de Luna, Assistant Secretary, DA Represented by Ms. Lucille E. Odejar | Member |
| 9. | LtGen Rustico O Guerrero AFP, Commander, WESCOM Represented by Col Emmanuel B Salamat PN(M)(GSC) | Member |

Absent:

- | | | |
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| 10. | Dep. Dir. Gen. Margarita R. Songco, NEDA | Member |
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PCSD RESOLUTION NO. 13-481

**“CONFIRMING THE ACTION OF THE EXECUTIVE COMMITTEE
ADOPTING THE GUIDELINES ON THE ESTABLISHMENT AND
MANAGEMENT OF CRITICAL HABITAT AS MAY BE MADE
APPLICABLE IN THE PROVINCE OF PALAWAN, AS AN
AMENDMENT TO SECTION 50 OF PCSD ADMINISTRATIVE ORDER
NO. 12, SERIES OF 2011”**

WHEREAS, on the 29th day of July 2011, the PCSD approved the Detailed Guidelines in the Implementation of Republic Act No. 9147 and Joint DENR-DA-PCSD Administrative Order No. 01 as may be made applicable in the province of Palawan, otherwise known as the PCSD Administrative Order No. 12, series of 2011;

WHEREAS, Section 50 of the said Guidelines provides that the designation of critical habitat in the Province of Palawan pursuant to the Wildlife Act shall be governed by subsequent regulation promulgated for the purpose;

“PCSDS: Working together towards sustaining the future.”

WHEREAS, the subject guidelines was deliberated upon by the Environment and Natural Resources Committee and was recommended for approval by the Council, which approved the same during its meeting held on February 22, 2013;

WHEREAS, since during the said meeting the members present failed to muster a quorum the body was constituted as an Executive Committee pursuant to PCSD Resolution No. 99-138, which provides that *“when a quorum cannot be constituted but the Chairman or the Vice Chairman is present and there are four other members present, the Chairman or the Vice Chairman may convene the group into an Executive Committee and proceed with the meeting. The action taken in the Executive Committee shall be confirmed in the next regular meeting”*;

WHEREAS, in today’s regular meeting, the approval of the Executive Committee of the subject guidelines is being presented for confirmation by this body in accordance with the above-quoted provisions of PCSD Resolution No. 99-138;

NOW THEREFORE, upon motion duly seconded, be it resolved as it is hereby resolved to confirm the action of the Executive Committee, as it is hereby confirmed, adopting the **“Guidelines on the Establishment and Management of Critical Habitat as may be made applicable in the Province of Palawan”**, as an amendment to Section 50 of PCSD Admin Order No. 12, series of 2011, to read as follows:

Section 1.0 Scope of Coverage. The provisions of this Guidelines shall be enforceable within public lands for all terrestrial, wetland and aquatic 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 may be found.

Section 2.0 Definition of Terms. As used in this Guidelines, the following terms are herein provided as an amendment to Section 3, Chapter II of PCSD Admin Order No. 12, series of 2011, as follows:

- 2.1 **Critical habitats** - refer to areas defined under Section 3 paragraph (u) of PCSD Admin Order No. 12, series of 2011;
- 2.2 **Ecosystem** - means a dynamic complex of plants, animal and microorganism communities and their non-living environment interacting as a functional unit.
- 2.3 **Endemic species** - species or subspecies defined under Section 3 paragraph (bb) of PCSD Admin Order No. 12, series of 2011;
- 2.4. **Foraging** - searching for and exploiting food resources which plays an important role in an animal's ability to survive and reproduce as a response to the environment where the animal lives.
- 2.4 **Nominating Entity** – refers to groups (NGOs, POs etc.), individuals (private land owners, tenurial instrument holders etc) or private persons who initiates a request or action from PCSD or LGU the declaration of an area as a wildlife critical habitat.
- 2.5 **Species richness** - refers to the number of species per unit area.
- 2.6 **Threatened species** – the definition of threatened species under Section 3 paragraph hhh of PCSD Admin Order No. 12, series of 2011, is hereby amended to read as follows:
Threatened species – refers to species or subspecies considered as critically endangered, endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction based on the conservation status category as provided for in the Red List of

Threatened Species of the International Union for the Conservation of Nature (IUCN), or the List of Threatened Wildlife of the PCSD.

2.7 **Wetlands** – areas where water is the primary factor controlling the environment and the associated plant and animal life. They occur where the water table is at or near the surface of the land, or where the land is covered by water. Specifically, wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six (6) meters including riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six (6) meters at low tide lying within the wetlands.

Section 3.0 General Considerations in the establishment of Critical Habitats. For the purpose of this Guidelines, 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 PCSD Resolution No. 10-413 “Approving the 2010 Updated List of Threatened and Marine Wildlife in Palawan and their Categories Pursuant to Republic Act 9147, Otherwise Known as the Wildlife Resources Conservation and Protection Act” including its amendments

3.2 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); ” including its amendments

3.3 Areas used as a breeding, spawning, nesting, roosting, foraging and other activities by a natural population/ individuals of a threatened species listed or not yet listed but are posing extinction;

3.4 Presence of man-made pressures/threats such as but not limited to logging, quarrying, mining, squatting/informal settling, mineral exploration, and swidden agriculture, tourism;

3.5 Priority areas for conservation identified by the Philippine Biodiversity Conservation Priority Setting Program and other Key Biodiversity Areas (KBAs); Important Bird Areas (IBAs); Endemic Bird Areas (EBA’s); Critical Wetlands among others.

Section 4.0 Procedures in the Establishment of Critical Habitats.

4.1 Establishment of Critical Habitats

The PCSD 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, civil society, Non-Government Organizations (NGOs), People’s Organization (POs) and other social groups, or other interested parties as a requesting/nominating entity. Critical habitats shall be established through the following procedures:

4.1.1. Nomination by the LGU or any entity other than PCSDS

Initiation for the establishment of critical habitat maybe done by any entity to the PCSD thru nomination. The LGU (provincial, municipal, city, barangay) or other groups, may initiate the establishment of a critical habitat. Nomination shall be in the form of a resolution in the case of LGUs, or letter request in the case of other groups.

4.1.2 Identification / validation of the presence of threatened species

The presence of a threatened species within the proposed critical habitat shall be validated by a composite team as provided in Section 4.2 hereof. The PCSD Staff may seek the direct participation of the community, academe and other research groups in the conduct of the activity as warranted.

The validation report must indicate the specific identity of the threatened species and must be supported by proper documentation such as photographs and species identification certificate of sort issued by either of the designated scientific management authorities provided for under Section 19 of RA 9147 as follows: Ecosystems Research and Development Bureau (ERDB); UP Institute of Biological Sciences and the National Museum and other agencies as may be designated by PCSD.

The report shall likewise include an approximate extent of the area covered by the species or the estimated area of the habitat prior to actual mapping and boundary demarcation.

4.1.3 Population estimates and rapid habitat assessment

The parameters for assessment shall include the general considerations in the establishment of critical habitats as provided under Section 3 and the following parameters and additional parameters deemed relevant for management planning as determined by the Composite team:

- 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 and natural 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, Certificate of Ancestral Domain Title (CADT); Certificate of Ancestral Land Claim (CALC); Certificate of Title, Tax Declaration, etc.), and
- vii. Management issues/interventions (i.e. habitat rehabilitation needs, management constraints)
- viii. Initial or draft community assisted initial maps based on existing topographic or land use maps of the area
- ix. Land Classification Status

4.1.4 . Community consultation

The nominating entity shall be responsible for the conduct of 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 nominating entity 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.

4.1.5. Boundary Delineation

The PCSD Staff / the concerned LGU or the requesting entity which comprises the composite team shall validate the initial community maps and delineate on the ground the metes and bounds thereof in reference to the community prepared initial maps and the natural topographic features of the area and/or vegetative

cover as boundary monuments established through the use of current and existing mapping technologies to come up with a preliminary map.

4.1.6. Submission of Technical Report & Recommendation by the PCSD Staff.

The PCSD Staff shall consolidate and analyze the validation, population estimates, rapid habitat assessment, community consultation reports, maps and other necessary documents and submit its recommendations to the Council for review and subsequent adoption.

4.1.7. Approval of the PCSD & Declaration of Areas as Critical Habitat.

Upon review of the evaluation and recommendations of the technical staff, the PCSD shall declare the area as Critical Habitat through a resolution or proclamation.

4.1.8 LGU Adoption of the PCSD Declaration

The LGU concerned shall adopt the PCSD resolution/proclamation through an ordinance.

4.1.9. Boundary Demarcation

On the basis of the PCSD issued resolution/ proclamation and LGU ordinance adopting the declared critical habitat, the area shall be marked on the ground using permanent markers to be facilitated by the concerned LGU.

4.1.10 Inclusion of the declared area into the ECAN Map and MCLWUP

The declared critical habitat shall be utilized as input for updating of the Municipal ECAN Zones Map and Municipal Comprehensive Land and Water Use Plan as core zones per section 10 of the amended rules and regulations implementing the strategic environmental plan for Palawan.

4.2. Creation and Composition of the Composite Team. The PCSDS Executive Director shall create/categorize a Composite Team composed primarily of PCSDS Technical personnel either a forester, technical mapper, engineer or similar expert/specialist as needed; LGU representative and or DENR Field staff to undertake the habitat and population assessment.

Where necessary, experts from the 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 a critical habitat zoning management plan.

The Composite Team, shall, as may be necessary and warranted, consult with the Protected Areas and Wildlife Bureau of DENR and other relevant agencies in verifying and/or assessing proposed critical habitats

Section 5.0 Management of Critical Habitat

5.1 Designated critical habitats may be managed by the concerned LGU, or the requesting/nominating entity under the supervision of the PCSDS. For this purpose, the PCSD 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 (P/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 management of the area shall be the responsibility of the tenure holder to be supervised by the PCSD. The PCSD may enter into a MOA with the tenure holder or landowner, as the case may be, for this purpose;

5.3 The PCSD may delegate the management of critical habitat to LGUs or any qualified group or individuals under such terms and conditions that may be agreed upon in a MOA between or among the parties

Section 6.0 Preparation of Critical Habitat Management Plan

6.1 A Critical Habitat Management Plan (CHMP) shall be jointly developed by the PCSDS, LGU or nominating entity. The CHZMP 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; (4) zonation scheme, and (5) Administration, taking into consideration the results of processes under Section 4 of this Guidelines.

Section 7.0 Collection and utilization of biological resources within critical habitat

Collection and utilization of biological resources within critical habitats shall be governed by the relevant provisions of PCSD Administrative Order No. 12 series of 2011 and other existing rules and regulations.

Section 8.0 Prohibited Acts, Penalties & Administrative Adjudication and Disposition.

Prohibited acts, penalties and procedures for adjudication and disposition provided under Chapter VI and VII of PCSD Administrative Order No. 12, series of 2011, shall be applied in this Guidelines.

Section 9.0 Applicability of other Provisions of PCSD Administrative Order No. 12, series of 2011.

Other provisions of PCSD Administrative Order No. 12, series of 2011, as may be found relevant and applicable to critical habitat are hereby adopted as integral part of this Guidelines.

Section 10.0 Effectivity

This Guidelines shall take effect fifteen (15) days following its complete publication in a newspaper of national circulation and upon deposit of a copy hereof to the Office of the National Administrative Register (ONAR) at the UP Law Center, Diliman, Quezon City.

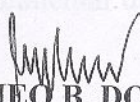
APPROVED and ADOPTED this 2nd day of August 2013 at Puerto Princesa City.

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I hereby certify that the above-quoted resolution has been duly approved and adopted on the 2nd day of August 2013 at Puerto Princesa City.


ROMEO B. DORADO
Secretary

ATTESTED:


JOSE CH. ALVAREZ
Chairman