SPECIAL USE AGREEMENT IN PROTECTED AREAS (SAPA)
LEGAL BASIS

- Sec. 25 of RA 7586, as amended.
- DAO 2007-17: “Rules and Regulations governing Special Uses within Protected Areas”
- Memorandum Order of the Secretary dated Jan. 31, 2011 suspending the processing of SAPA due to nonstandard rates of fees
- DENR Administrative Order No. 2018-05: Addendum to DENR Administrative Order No. 2007-17 on the rules and regulations governing special uses within Protected Areas
- Memorandum from the Secretary dated 15 March 2018 lifting of suspension of the implementation of DAO 2007-17
- Memorandum from the Secretary dated 18 July 2018 on the implementation of the DAO 2007-17 and DAO 2018-05
To provide access and economic opportunities to indigenous peoples, tenured migrant communities and other stakeholders of protected areas thereby contribute in the reduction of poverty incidence;

To optimize special uses of protected areas consistent with the principles of sustainable development and biodiversity conservation in cooperation w/ the stakeholders;
**SAPA Objectives**

- To guide the development of the appropriate zones of protected areas in accordance with their management objectives; and

- To earn revenues for the sustainability of protected areas management

- Income from SAPA will accrue to IPAF as one major source of PA income.
SCOPE AND COVERAGE

SAPA may be issued within PAs except in Strict Nature Reserves and shall be confined only to the management zones of the PA appropriate for the purpose.
Definition of Terms

Special Uses include activities and introduction of development consistent with the Protected Area Management Plan (PAMP).

Special Use Agreement in Protected Areas (SAPA) a binding instrument between the DENR through the PAMB as the 1st Party and with the applicants as the 2nd party.
Zonal Value
the amount set by the BIR with the assistance of realtors and other knowledgeable persons in the area as the basis for capital gains, transfer, donor's and creditable withholding taxes, expropriation and other transactions with the Government.

Development Fee
the fee for the use of land or other resources for the privilege of undertaking small, medium and other bigger scale development.
The following are the special uses that may be allowed, but not limited to, within protected areas, subject to the issuance of an ECC and approval by the Secretary or his duly authorized representative:

- a. Ecotourism facilities
- b. Camp sites
- c. Communication facilities
- d. Transmission lines, canals/waterways
- e. Irrigation
- f. Rights-of-way (transmission lines, communication facilities, etc.)
- g. Aquaculture
- h. Scientific Monitoring Stations
- i. Agroforestry
- j. Forest Plantation
The SAPA may have duration of twenty five (25) years and may be renewed, subject to review and approval of the Secretary or his authorized representative upon endorsement of the Protected Area Management Board.

After the expiration or non-renewal of the agreement, all improvements and structures in the area shall be donated/turned-over to the DENR.
WHO MAY APPLY FOR SAPA

- Indigenous Peoples
- Tenured Migrants
- Local Government Units
- Other Government Agencies (OGAs)
- Other stakeholders (corporations, cooperatives, business entities, NGOs, etc.)

* Preference shall be given to IPs and tenured migrants in the issuance of the SAPA.
QUALIFICATIONS

- For individual applicant, must be Filipino;

- For association, corporation, cooperative, partnership or a juridical person, including non-government organizations at least sixty percent (60%) of the capital of which is owned by Filipino citizens, whether private or public, duly created and/or registered under Philippine laws.
GENERAL REQUIREMENTS

- Duly accomplished application form;
- Certified copy of birth certificate or any other evidence of Filipino citizenship (for individuals) or ownership (for corporations);
- Project description supported by maps and pictures of the proposed area, development plan, timetable and description of activities from preparation to project implementation. The description should show sustainable management and development;
- Proof of financial capability to manage and develop the area applied for based on paid-up capital and/or collaterable real properties;
- Free and Prior Informed Consent (FPIC) of concerned IPs, as the case maybe.
APPLICATION REQUIREMENTS

FOR GROUPS/CORPORATIONS;

• Copy of the SEC registration, Articles of Incorporation and By laws. A resolution of the governing board designating the authorized representative of the said corporation, association or partnership, if applicable;

• Copy of the Resolution or Ordinance approved by the respective Sangguniang Panlalawigan/Panlungsod/Bayan, if the applicant is a Local Government Unit (LGU).

• For cooperatives, a Certificate of Registration with the Cooperative Development Authority.
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ADDITIONAL REQUIREMENTS UPON ISSUANCE OF PAMB CLEARANCE

1) Comprehensive Development and Management Plan (CDMP)
2) Environmental Compliance Certificate (ECC)
3) Rehabilitation Plan
<table>
<thead>
<tr>
<th>Region</th>
<th>Name of PA</th>
<th>Name of Holder</th>
<th>Approved Area</th>
<th>Project Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAR</td>
<td>Upper Agno River Basin Reserve</td>
<td>SN Aboitiz Power-Benguet, Inc.</td>
<td>88,481 sq.m.</td>
<td>Ambuklao Hydro Electric Power Plant (AHEPP)</td>
</tr>
<tr>
<td></td>
<td>Lower Agno Watershed Forest</td>
<td>SN Aboitiz Power-Benguet, Inc.</td>
<td>89,887 sq. m.</td>
<td>BINGA Hydro Electric Power Plant (BHEPP)</td>
</tr>
<tr>
<td>3</td>
<td>Masinloc-Oyon Bay Marine Reserve</td>
<td>Alpha Water and Realty Services Corporation</td>
<td>170,025 sq.m.</td>
<td>Unloading jetty, small craft jetty, discharge channel and reclaimed land</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alpha Waters and Realty Services Corporation</td>
<td>40.55 ha.</td>
<td>Cooling water discharge canal/circulating water intake pipe</td>
</tr>
<tr>
<td></td>
<td>Bataan National Park</td>
<td>Westshore Dev't. Corp.</td>
<td>277.50 ha.</td>
<td>Ecotourism Cultural Project</td>
</tr>
<tr>
<td>4-A</td>
<td>Marikina Watershed Reservation</td>
<td>CARE Foundation, Inc.</td>
<td>201 ha.</td>
<td>Forest Plantation</td>
</tr>
<tr>
<td></td>
<td>Buenavista Protected Landscape</td>
<td>Digitel Mobile Philippines, Inc. (DMPI)</td>
<td>256 sq.m.</td>
<td>Sun Cellular's Transmitter Tower</td>
</tr>
<tr>
<td>10</td>
<td>Initao-Libertad PLS</td>
<td>Provincial Government of Misamis Oriental</td>
<td>5000 sq.m.</td>
<td>Treetops and Boardwalk Project</td>
</tr>
<tr>
<td></td>
<td>Mt. Malindang Natural Park</td>
<td>Highland Stone Chapel</td>
<td>11,700 sq. m</td>
<td>Highland Stone Chapel Adventure Park</td>
</tr>
<tr>
<td>11</td>
<td>Mt. Apo Natural Park</td>
<td>Energy Development Corporation</td>
<td>3 ha.</td>
<td>Mindanao Geothermal Production Field/ (re-injection pad) within Buffer Zone, Parcel 2 of MANP</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Energy Development Corporation</td>
<td>10.66 ha</td>
<td>KL-5RD Development Project/Reinjection Pipeline(s)/Corridor(s)/Energy Support Zone, Buffer Zone, Parcel 2 of MANP</td>
</tr>
</tbody>
</table>
BACKGROUND

**PENDING SAPA**

- Eighty-four (84) pending SAPA applications
- within twenty-two (22) protected areas in 8 Regions
SAPA RATE

- 5% of the most recent zonal value of the commercial zone in the nearest barangay or municipality every year multiplied by the area applied for development

+ 1% value of improvement as premium to the protected area.

subject to reevaluation every five years.

SAMPLE COMPUTATION OF DEVELOPMENT FEE FOR SAPA

<table>
<thead>
<tr>
<th>Area Applied (A)</th>
<th>Zonal Value (B)</th>
<th>5% of Area applied x Zonal Value/sq.m (C)</th>
<th>1% value of improvement as premium to PA (D)</th>
<th>ANNUAL SAPA FEE (C + D)</th>
</tr>
</thead>
<tbody>
<tr>
<td>50,000 sq.m.</td>
<td>Zonal value PhP 1,000/sqm</td>
<td>5% x 1,000 x 50,000 sq.m. = PhP 2,500,000</td>
<td>Value of Improvement: P50M x .01 = P500,000</td>
<td>PhP 2,500,000 + PhP 500,000 = PhP 3,000,000</td>
</tr>
</tbody>
</table>
The SAPA may be cancelled by the Secretary or his authorized representative as recommended by the PAMB for any of the following:

1) Violation or non-compliance with any of the terms and conditions stipulated in the SAPA, the ECC and permits issued by other Government agencies;
2) If the Agreement was obtained through fraud, misrepresentation or omission of material facts existing at the time of filing of the application;
3) Abandonment of the area or failure to exercise the privilege granted within the prescribed period of one (1) year from the issuance of the SAPA;
4) Bankruptcy or closure of operation of the Corporation;
5) Violation of natural resources laws, rules and regulations;
6) When national interest so requires as determined by the DENR Secretary.
SAPA can only be issued in PAs whose management plan is in effect* and where zones have been identified and delineated**.

The proposed development is consistent with the PA Mngt. Plan***
The annual SAPA fee shall be paid upon issuance of SAPA and annually thereafter within thirty (30) days from the date of issuance.
• Failure to pay within the prescribed period shall be subject to surcharges of 8.33% monthly for late payment or 100% for one (1) year.

• An administrative fee of Php 5,000.00 shall also be paid by the proponent for every SAPA application filed.
• Environmental programs and/or projects implemented and services rendered by the proponent for the PA shall be accounted for.
The activity should not be detrimental to ecosystem functions, biodiversity, and cultural practices and traditions.
• All holders of permits, contracts and agreements are required to prepare and submit a rehabilitation plan to the PAMB.

• A sufficient bond shall be remitted by the proponent to the DENR to be released to a depository bank in the event of damage by or closure of the establishment after satisfactory rehabilitation according to the zones and objectives of the management plan as attested to by the PAMB.
If the permits, contracts, and agreements are not renewed, such areas shall be rehabilitated or restored by the permit holders.
A SAPA holder may transfer the permit or any rights therein or any assets used therewith, if authorized by the Secretary, and if:

- The SAPA has been in existence for at least three (3) years;
- The SAPA holder has been faithfully complying with all the terms and conditions of the SAPA, including implementation of the CDMP;
- The transferee has all the qualifications and none of the disqualifications to hold a SAPA; and
- The transferee shall assume all the obligations and responsibilities of the transferor specified in the SAPA, CDMP and ECC.
In case of force majeure resulting to the non-performance of any of the obligations of the SAPA holder, the latter shall notify the DENR within thirty (30) days from the occurrence of such events, including a statement describing the force majeure and its effect upon the SAPA holder's ability to comply with the terms and conditions of the Agreement. The DENR and SAPA holder shall then discuss the actions to be taken within mutually agreed schedule but not to exceed 30 days after such notice.
• All existing Memorandum of Agreement (MOA) on Special Uses within Protected Area shall be converted into SAPA in accordance with DAO 2007-17 and this Order.
FLOWCHART OF SAPA PROCESSING

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>PASU</th>
<th>PAMB</th>
<th>RD</th>
<th>EMB</th>
<th>SECRETARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Files application; Submits requirements; and Pays administrative fee</td>
<td>- Reviews requirements; - Checks status of area - Endorses application (10 days)</td>
<td>Deliberation (30 days)</td>
<td>Clearance/Disapproved (30 days)</td>
<td>Project Description</td>
<td></td>
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<td>If w/ clearance, submit CDMP and application for ECC (90 days)</td>
<td>Informs Applicant (7 days)</td>
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<tr>
<td>Submit application for ECC</td>
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<tr>
<td>If approve, receives ECC</td>
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<tr>
<td>Submit CDMP &amp; ECC</td>
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<tr>
<td>Receives SAPA; Pays annual SAPA Fee</td>
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</tr>
</tbody>
</table>

- Reviews/Deliberates CDMP & EIA report
- Approves/Disapproves
- Issue the SAPA
EXPECTED OUTCOMES FROM SAPA

✓ Ensured protection of biodiversity and the environment

✓ Increased PA income = reduced government subsidy = increased budget allocation for other equally important social services

✓ Increased private sector contribution to PA management
THANK YOU FOR LISTENING!

😊😊😊

This is my thank you dance!
MEMORANDUM FROM THE SECRETARY

TO: The Regional Directors
DENR Regions I to XIII (Caraga) and CAR

ATTN: The Assistant Regional Directors for Technical Services

SUBJECT: DIRECTIVES ON THE IMPLEMENTATION OF DENR ADMINISTRATIVE ORDER NO. 2007-17, RULES AND REGULATIONS GOVERNING SPECIAL USES WITHIN PROTECTED AREAS AND DAO NO. 2018-05, ADDENDUM TO DAO 2007-17

In view of the lifting of the suspension of the implementation of DAO 2007-17 or the “Rules and Regulations Governing Special Uses within Protected Areas” in Memorandum dated 15 March 2018 of the undersigned and the issuance of DENR Administrative Order No. 2018-05, “Addendum to DENR Administrative Order No. 2007-17”, the following directives are hereby issued for the guidance of all DENR Regional and Field Offices:

1. All pending applications for Special Use Agreements within Protected Area (SAPA) should be reviewed thoroughly to ensure that the proposed development is consistent with the approved Protected Area Management Plan (PAMP) of concerned protected area, satisfies the requirements under DAO 2007-17 and DAO 2018-05, and conforms to environmental standards prescribed under existing laws, rules and regulations. Applications that will meet these requirements may be processed and issued SAPA accordingly;

2. All Memoranda of Agreement (MOA) pertaining to special uses within protected areas which are still in effect should likewise be reviewed as in the preceding paragraph. If the holder satisfies the requirements and has faithfully complied with the provisions of the said MOA, the holder shall be made to apply for SAPA in accordance with DAO 2007-17 and DAO 2018-05; and

3. Processing of new applications for SAPA shall be withheld until further notice.

For strict compliance.

ROSY GIMATU