



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
www.pangasinan.gov.ph

OFFICE OF THE SANGGUNANG PANLALAWIGAN SECRETARY

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the special session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on August 31, 2022 at Lingayen, Pangasinan, the following provincial resolution was approved:

Authored by SP Member Vici M. Ventanilla

PROVINCIAL RESOLUTION NO. 715-2022

AUTHORIZING THE PROVINCIAL GOVERNOR, RAMON V. GUICO III, TO ENTER INTO AND SIGN A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) FOR THE ADOPTION OF UNTENURED NATIONAL GREENING PROGRAM PLANTATION AT BARANGAY CAYANGA, BUGALLON, PANGASINAN

WHEREAS, the Department of Environment and Natural Resources (DENR) has signified interest to establish a partnership relation with the Provincial Government of Pangasinan for the maintenance and protection of an agroforestry areas over a forestland situated at Sitio Dumuloc, Barangay Cayanga, Bugallon, Pangasinan under the Enhanced National Greening Program of the former;

WHEREAS, an Indicative Development and Management Plan on the Adoption of Untenured National Greening Program was submitted by the Provincial Government of Pangasinan covering a total area of 120 hectares for the implementation of the Project;

WHEREAS, the activities to be undertaken for the project shall include among others, the following:

1. Ring weeding or strip brushing
2. Application of organic fertilizers
3. Replanting
4. Maintenance of established firebreaks/firelines
5. Foot patrolling
6. Watering

WHEREAS, the Project is in line with the objective of the Expanded National Greening Program of DENR which seeks to grow billions of trees in unproductive, denuded and degraded forestlands for the period 2023-2028;



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WHEREAS, the Project can also help contribute to the mitigation of the effects of climate change and the enhancement of disaster management in the community and its nearby surroundings considering its wider scope of jurisdiction;

WHEREAS, the Sangguniang Panlalawigan fully supports the convergence efforts to be undertaken between the Provincial Government and the DENR for the protection, development and conservation of forestlands in the Province;

WHEREAS, the Memorandum of Agreement shall serve as a vehicle for collaborative efforts between the Province of Pangasinan and the Department of Environment and Natural Resources for the realization of the Project;


WHEREAS, for the above purpose, the Memorandum of Agreement shall be entered into and signed between the Province of Pangasinan, represented by Governor Ramon V. Guico, III, and the Department of Environment and Natural Resources, represented by Atty. Crizaldy M. Barcelo, Regional Director;

WHEREFORE, in view of the foregoing, on motion of SP Member Vici M. Ventanilla, duly seconded, it was –

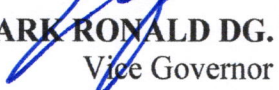
RESOLVED, by the Sangguniang Panlalawigan in session assembled to authorize, as he is hereby authorized, the Provincial Governor, Ramon V. Guico III, to enter into and sign a Memorandum of Agreement with the Department of Environment and Natural Resources (DENR) for the adoption of Untenured National Greening Program Plantation at Barangay Cayanga, Bugallon, Pangasinan;

RESOLVED FINALLY, to furnish copies of this resolution to Governor Ramon V. Guico III, Province of Pangasinan, and Atty. Crizaldy M. Barcelo, Regional Director, Department of Environment and Natural Resources, for their information and guidance.

CERTIFIED BY:

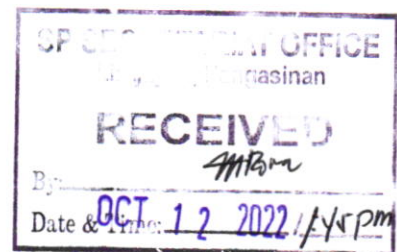

VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


MARK RONALD DG. LAMBINO
Vice Governor
(Presiding Officer)



Republic of the Philippines
PROVINCE OF PANGASINAN
Office of the Provincial Legal Officer
Capitol Compound, Lingayen, Pangasinan



ATTY. BABY RUTH F. TORRE
Provincial Legal Officer

October 11, 2022

MR. LEONCIO S. SALDIVAR III
Consultant
Environmental Management and Protection
Alvear St. Capitol Compound, Lingayen, Pangasinan

Dear Sir:

Reference is made to your request for legal opinion and recommendation on the propriety of entering into a Memorandum of Agreement (MOA) by and between the Department of Environment and Natural Resources (DENR) and the Provincial Government of Pangasinan for the implementation of the Enhanced National Greening Program (ENGP).

The National Greening Program is a massive forest rehabilitation program of the government established by virtue of Executive Order No. 26 issued on February 24, 2011 by President Benigno S. Aquino III. It seeks to grow 1.5 trees in 1.5 million hectares nationwide within a period of six years, from 2011 to 2016.

Aside from being a reforestation initiative, the NGP is also seen as a climate change mitigation strategy, as it seeks to enhance the country's forest stock to absorb carbon dioxide, which is largely blamed for global warming. It is also designed to reduce poverty, providing alternative livelihood activities for marginalized upland and lowland households relating to seedling production and care and maintenance of newly-planted trees.

The subject MOA is in harmony with the Presidential Decree No. 705 otherwise known as the "Revised Forestry Code of the Philippines", where the State adopts the protection, development and rehabilitation of forest lands to ensure their continuity in productive condition.

The same is in conformity with the DENR Administrative Order No. 2019-03, entitled: "Revised Implementing Rules and Regulations of Executive Order No. 193, series of 2015: Expanding and Enhancing the Coverage of the National Greening Program", which accelerates the rehabilitation and reforestation of unproductive, denuded, and degraded areas, sustain rehabilitation and conservation of watershed areas, enhance and encourage equal participation of members from the private sector, local government units, organized upland communities, and other relevant stakeholders in the sustainable management of developed plantations and protection of existing forests, and contribute to the development and enhancement of the socio-economic standards of local communities and provide opportunities to develop social enterprises to produce sustainable livelihood and optimize benefit through the implementation of the program.

Moreover, DENR Administrative Order No. 2021-20, entitled: "Guidelines in Managing Untenured Forestlands with Plantations Established through Government Funds", where the State recognizes the indispensable role of the private sector in natural resources development, thus encourages private enterprise and provides incentives to needed investments. In order to promote Sustainable Forest Management, it is the policy of the Government to place under any appropriate tenure instrument or management arrangement, all parcels that still untenured, in order to ensure the sustainable management of these lands and their resources therein.

The DENR is responsible for the conservation, management, and development of the country's environment and natural resources. It shall ensure the proper use of these resources and the protection of the environment within the framework of sustainable development.

On the other hand, Local Government Units are empowered under **Section 22 (a) (5) of R.A. No. 7160** to enter into contracts, such power may be exercised with prior authorization emanating

from the sanggunian concerned through a resolution/ordinance. This authority is laid down in **Section 22 (a) (c) and Section 465 (vi) of the Local Government Code of 1991**, to quote:

"Sec. 22. Corporate Powers. (a) Every local government unit, as a corporation, shall have the following powers: xxx

(c) Unless otherwise provided in this Code, no contract may be entered into by the local chief executive in behalf of the local government unit without prior authorization by the sanggunian concerned. A legible copy of such contract shall be posted at a conspicuous place in the provincial capitol or the city, municipal or barangay hall."

"Sec. 465. The Chief Executive: Powers, Duties, Functions, and Compensation xxx.

(vi) Represent the province in all its business transactions and sign in its behalf all bonds, contracts, and obligations and such other documents upon authority of the Sangguniang Panlalawigan or pursuant to law or ordinance."

However, with all due respect, the undersigned notes the following on particular provisions of the subject MOA, to wit:

1. While the purpose of the subject MOA is notably for a noble purpose, it being aimed to support the implementation of the National Greening Program (NGP) to address resource conservation, environmental protection and climate mitigation, particularly rehabilitation, protection, and maintenance of the NGP plantation in Brgy. Cayanga, Bugallon, Pangasinan, this office wishes to make reservations on Section 4 (Funding). With all due respect, the wordings of the said section appear to limit the funding provision to the Province. A gentle reminder is made that the intended appropriation is subject to the availability of funds. Also, we would like to inquire of other sources can be considered, in order to provide support to more effectively achieve the purpose of this MOA.

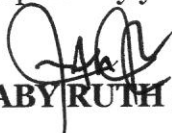
2. Section 6 (Amendment) states that *"This Agreement shall not be revised, amended, or modified any respect **except** by the mutual consent and in writing of the Parties hereto."* With all due respect, the word **"EXCEPT"** is the more appropriate term. Rectification on this matter is thus humbly requested in order to properly convey the thought therein.

3. Undersigned respectfully recommends a modification and/or rectification on the description of the Local Government of the Province of Pangasinan be simply referred to as **"PANGASINAN"**, instead of **"PARTNER"**, for easy reference.

Premises considered, this Office humbly recommends that the afore-cited observations be duly considered. Further, it is humbly requested that an enabling resolution/ordinance which will authorize the Hon. Governor, Ramon V. Guico III to enter into and sign the subject MOA with DENR be secured from the Honorable Sangguniang Panlalawigan.

Thank you.

Respectfully yours,


BABY RUTH F. TORRE

Copy furnished:

Mr. Melicio F. Patague II
Provincial Administrator

ATTY. VERNA T. NAVA-PEREZ
Secretary to the Sangguniang Panlalawigan