



MAR 12 2010

DENR ADMINISTRATIVE ORDER

No. 2010 - 07

SUBJECT: Guidelines on the Continuing/Phased Devolution of Environment and Natural Resources (ENR) Functions to Local Government Units (LGUs)

Pursuant to Republic Act 7160, otherwise known as the Local Government Code of 1991, and Executive Order 444 ("Directing A Strategic Review of the Operations and Organization of the Executive Branch and Providing Options and Incentives for Government Employees Who May Be Affected by the Rationalization of the Functions and Agencies of the Executive Branch"), the following guidelines are issued.

Section 1. Statement of Policy. It is the policy of the State to ensure the autonomy of local governments. It is also the policy of the State to see to it that decentralization/devolution contributes to the improvement of the performance of local government units and the quality of community life. In pursuit of these policies, the DENR shall undertake continuous delegation of powers to the local government units based on their absorptive capacity.

Section 2. Objectives:

1. To assess the progress of implementation by the local government units of the devolved environment and natural resources (ENR) functions pursuant to the Local Government Code and pertinent DENR implementing rules and regulations;
2. To develop a program/plan for the continuing devolution of other ENR functions in addition to those already devolved; and,
3. To develop an enabling environment through institutional capacity building and organizational development programs for the LGUs on devolved ENR functions.

Section 3. Components to support the continuing devolution of ENR functions.

3.1 Assessment of ENR devolved functions to LGUs. This component consists of the following activities:

- a. conduct an assessment of ENR services and functions devolved to the LGUs using a set of criteria and indicators;
- b. establish a baseline data on ENR services and functions devolved to the LGUs which shall serve as input in identifying other ENR services and functions intended for devolution; and
- c. develop a program for institutional strengthening of LGUs to implement devolved functions.

The assessment shall be conducted by the Ecosystems Research and Development Service of the regional offices under the supervision of the Ecosystems Research and Development Bureau (ERDB). A report shall be submitted within three (3) months after the issuance of this Administrative Order.



The program for institutional strengthening shall be developed by the Human Resource Development Service (HRDS) in coordination with DENR bureaus and attached agencies as well as those of the local government associations (e.g., League of Provinces/Cities/Municipalities of the Philippines), whenever applicable.

3.2 Development of Criteria and Indicators for Devolution. Criteria and indicators shall be developed to measure the existing capacity of LGUs in implementing the devolved ENR functions specifically but not limited to the following:

- a. effectiveness of the LGUs in implementing the ENR functions which have been devolved;
- b. readiness of the LGUs in implementing the devolve functions and the additional ENR functions for devolution; and
- c. adherence to national laws, policies, and rules and regulations

The criteria and indicators shall also be used to define and characterize the essential elements, as well as a set of conditions or processes by which ENR functions and services may be devolved to the LGUs.

The Office of the Undersecretary for Field Operations shall develop the criteria/indicators for devolution within one (1) year upon signing hereof. It may seek the assistance of the members of the Committee on Devolution created under DENR Special Order No. 2007-644, other DENR personnel and offices that may have the expertise in this field and the DILG and the Leagues of Provinces/Cities/ Municipalities.

The criteria and indicators developed shall be jointly approved by DENR, DILG and the Leagues of Cities/Municipalities/Provinces. The indicators shall be reviewed periodically to ensure the appropriateness and relevance.

3.3. Identifying relevant ENR functions for phased devolution. In harmony with the principle of phased devolution, the DENR shall supervise, control and review and together with the LGUs shall identify and schedule within the period of ten (10) years, other ENR functions that may be devolved to LGUs subject to existing laws, rules and regulations.

3.4. Development of an Institutional Strengthening Program for LGUs. An Institutional Strengthening Program (ISP), based on a training/capacity needs assessment, shall be developed within one (1) year upon signing hereof. This shall include, among others, a Capacitation Program/Five (5)-Year Human Resource Development Programs for the provincial and municipal government units.

The purposes of the ISP are:

- a. To strengthen the policy, planning, program/project development and resource generation capacities of pertinent local government officials and personnel, particularly, on ENR concerns.
- b. To enhance program/project management and implementation skills of LGUs particularly in executing and coordinating ENRM programs/projects.
- c. To facilitate and ensure a smooth turn-over of management and implementation responsibilities over ENR functions from DENR to the concerned local government units.

The DENR Human Resource Development Service with the Bureaus and attached agencies is hereby tasked to develop an Institutional Strengthening Program Plan (ISPP) with the aim to:

3.5 Development of a legislative agenda to support continuing devolution. Within three (3) months upon signing hereof a comprehensive Legislative Agenda in relation and in support to ENR functions to be devolved to LGUs pursuant to the Local Government Code shall be prepared by DENR Central Office together with the Bureaus. Working closely with the Philippine Congress, this shall be reviewed regularly by DENR, DILG and the Leagues of Cities/Municipalities/Provinces.

Section 4. The Devolution Process. The phased devolution process shall be composed of the following, determined by the criteria/indicators developed for the purpose:

4.1. Capacitation Phase. The Capacitation Phase shall involve among others the implementation of Five (5)-Year Human Resource Development Programs. It shall ensure substantial compliance with the criteria to obtain the desired level of competence. During this phase, the human resources of DENR and the LGUs shall be prepared in the pursuit of devolving and assuming functions, respectively.

4.2 Phasing-in Phase. The phasing-in phase shall include the adoption of applicable strategies and approaches on DENR-LGU partnership such as co-management. By co-management, there shall be a sharing of responsibility and/or authority between the DENR and the LGUs to perform ENR functions. By sharing of responsibility or authority, there shall be a clear delineation of ENR functions to be performed by DENR and LGUs and allocation of corresponding funds. During this phase, the LGUs shall assume management responsibilities and shall have the responsibility of leading and directing ENR functions. The DENR shall provide technical assistance and minimal supervision of ENR functions.

4.3 Full Assumption Phase. By full assumption, the LGUs shall perform ENR functions subject to monitoring of DENR to assess the LGU's performance vis-à-vis the specific criteria and indicators developed for this purpose. During this phase, the LGU shall fully assume the implementation of ENR functions including allocation of their local resources in relation thereto which shall be governed by DENR, DILG and LGU guidelines.

In cases where LGUs are capacitated as well as those LGUs that are ready to accept devolved functions, they may proceed to the next phase (i.e. Phasing-in Phase) subject to substantial compliance with the criteria and indicators developed for this purpose.

Section 5. Implementing Mechanisms. Under the supervision of the Office of the Undersecretary for Field Operations, a Technical Working Committee shall be created within one (1) month upon signing hereof that shall be responsible for the over-all implementation of this Administrative Order and perform the following functions, among others:

1. Coordinate with DENR Offices and Attached Agencies, DILG, Leagues of Cities/Municipalities/Provinces, and concerned LGUs in the over-all implementation of this Administrative Order;
2. Initiate in the implementation and monitoring of activities identified in Sections 3 and 4 of this Memorandum Circular.

All expenses to be incurred in the implementation of this Administrative Order shall be on a cost-sharing basis between the DENR and the stakeholders.



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DEPARTMENT OF ENVIRONMENT
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Section 6. Supplementary Circular/Guidelines

6.1 Issuance of Joint DENR-DILG-Leagues of Cities/Municipalities/ Provinces Circulars.

To enhance the active involvement of the LGUs in the implementation of ENR functions for devolution, the issuance of a Joint Circular (JC) among the DENR, DILG and the Leagues of Cities/Municipalities/Provinces is strongly encouraged. This JC shall spell out specific roles and responsibilities of DENR, DILG and the Leagues of Cities/Municipalities/Provinces.

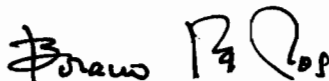
6.2 Issuance of Regional Memorandum Circulars (RMCs)

In recognition of the differences in the institutional settings prevalent at the LGU levels and the peculiarities or uniqueness of each Region, the Regional Executive Directors (RED) shall recommend to the Secretary a region-specific Circular implementing the ENR functions for devolution. In the preparation of RMCs, the REDs shall include the institutional arrangement and actively solicit and consult the LGUs pursuant to the provisions of this Order.

Section 7. Separability Clause. If any clause, sentence or provision of this Order shall be held invalid or unconstitutional, the remaining parts of this Order shall not be affected thereby.

Section 8. Repealing Clause. All orders, rules and regulations inconsistent or contrary to the provisions of this Order are hereby repealed or modified accordingly.

Section 9. Effectivity. This Administrative Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and after acknowledgement from the Office of the National Administrative Register (ONAR).


HORACIO C. RAMOS
Secretary



Publication: Manila Standard Today
March 18, 2010

Acknowledgement: ONAR, U.P. Law Center
March 22, 2010