



LAGUNA LAKE DEVELOPMENT AUTHORITY

RESOLUTION NO. 113, SERIES OF 1999

Amending Board Resolution No. 23, Series of 1996, By Adding the Implementing Guidelines Governing the Lease of the Laguna De Bay Shoreland Areas

WHEREAS, Section 41 (11) of Republic Act No. 4850, as amended, states that whenever Laguna Lake is used, it shall refer to Laguna de Bay which is that area covered by the lake water when it is at the average annual maximum lake level of elevation 12.50 meters, as referred to a datum 10.00 meters below mean lower low water (M.L.L.W.); lands located at and below such elevation are public lands which form part of the bed of said lake;

WHEREAS, the lakeshore areas comprise approximately of 14,000 hectares, portions of which are untitled but may or may not have existing claimants/occupants who, through and by means of tax declarations or any legal instrument treated as muniments of title, presently possess and occupy these shoreland areas for various purposes;

WHEREAS, the LLDA needs to address these land tenurial problems in order to maintain and preserve the ecological balance as well as the sustainable development of the lake;

WHEREAS, one of the declared policies of the Authority pursuant to the provisions of Republic Act No. 4850, as amended, is to properly manage and control the use/occupancy of the shoreland areas of Laguna de Bay, within the context of the Laguna de Bay Master Plan;

WHEREAS, the LLDA Board, under Resolution No. 23, Series of 1996, approved the rules and regulations implementing Section 41 (11) of R.A. 4850, as amended, defining and regulating the use/occupancy of Laguna de Bay shoreland areas, which resolution prescribes, among others, the allowable and prohibited uses of all titled and untitled lands below elevation 12.50 meters;

WHEREAS, Article 8 (b) of the aforesaid resolution, provides that shorelands not otherwise covered by legitimate titles or by any government development plans, programs and projects may be leased to bonafide residents or duly organized people's organizations, associations or cooperatives in accordance with the terms and conditions and subject to the approval of the Authority;

WHEREAS, to carry out such purpose, the Authority contracted the services of the National Mapping and Resource Information Authority (NAMRIA) to delineate and demarcate on the ground the reglementary elevation 12.50 meters around Laguna de Bay;

WHEREAS, approval of the guidelines on the implementation of the lease of untitled shoreland areas and the corresponding lease rates for pertinent areas within the shoreland municipalities is necessary in the regulation of the use/occupancy of the Laguna de Bay shoreland areas;

NOW, THEREFORE, in consideration of the foregoing premises, **BE IT RESOLVED** as it is hereby **RESOLVED**, to amend Board Resolution No. 23, Series of 1996, by adding the following Implementing Guidelines Governing the Lease of Laguna de Bay Shoreland Areas:

Article I. Objectives. These guidelines aim to achieve the following objectives:

1. To set appropriate lease rates based on existing/proposed uses;
 2. To set in place systems and procedures in leasing the shoreland areas;
- and;
3. To identify responsibilities of agencies/division concern in the operationalization of the systems and procedures.

Article II. Scope and Coverage. These guidelines shall apply to all untitled lands so situated between 10.50 meters to 12.50 meters as referred to datum 10.0 meters below mean lower low water (MLLW), as follows:

- a) Untitled shoreland areas presently occupied/used/unoccupied and whose use is consistent with the Rules and Regulation Implementing Sec. 41 of R.A. 4850, as amended, pursuant to Board Resolution No. 23, Series of 1996;
- b) Untitled shoreland areas presently occupied/used and whose use is inconsistent with the allowable uses as prescribed under the approved implementing rules; and
- c) Untitled shoreland areas not otherwise covered by any government development plans, programs or projects.

Article III. Definition of Terms. For the purpose of these guidelines, whenever any of the following words, terms, phrases or abbreviations are used herein or in any amendment or supplementary thereto which may be issued hereafter, they shall have the meaning ascribed in these guidelines:

- a) **Allowable uses** are those shoreland uses, which are permitted by the LLDA subject to conditions as prescribed under Board Resolution No. 23, Series of 1996;
- b) **Authority or LLDA** means the Laguna Lake Development Authority created under R. A. No. 4850 as amended;
- c) **Bonafide occupant/resident** is one who has been using the area since 14 December 1996, the date of approval of Board Resolution No. 23, Series of 1996, as determined/validated by the LLDA;
- d) **Environmental Protection Division or EPD** is an organic unit of the LLDA mandated to implement its environmental management regulations and standards including monitoring, enforcement and permitting/licensing of all development activities in the Laguna de Bay Region;
- e) **Laguna de Bay Shoreland Area** also known as the “buffer zone” is that part of the lake bed along the lakeshore lying at elevation 12.50 meters and below and alternately submerged or exposed by the normal annual rising and lowering of the lake levels. Datum elevation is a point 10.00 meters below Mean Lower Low Water (M.L.L.W.). This is a linear strip of open space designed to separate incompatible elements or uses, or to control pollution/nuisance and for identifying and defining development areas or zones;
- f) **Permanent structure** is a concrete structure formed through a combination or mixture of any of the following materials: steel, cement and aggregates;

g) **Prohibited uses** are those which are strictly not allowed in the shoreland areas in accordance with Board Resolution No. 23, Series of 1996;

h) **Shoreland Occupancy Permit** is a legal authorization granted by the LLDA to qualified lease applicant for the use/occupancy of certain portion of the untitled shoreland areas for a specified period of time subject to the lease regulations, terms and conditions as prescribed under these guidelines;

i) **Special Concerns Office or SCO** is an organizational unit of the LLDA in charge of the implementation of all shoreland development and management policies, rules and regulations, among others;

j) **Untitled shoreland areas** are all lands which are not covered by valid or legitimate Original Certificate of Title and/or Transfer Certificate of Title secured prior to 1975, or by any legal instrument treated as muniments of title.

ARTICLE IV. Lease Regulations. Lease of untitled shoreland areas shall be governed as follows:

a) Untitled shoreland areas presently occupied/used/unoccupied and whose use is consistent with the Rules and Regulation Implementing Sec. 41 of R.A. 4850, as amended, pursuant to Board Resolution No. 23, Series of 1996, shall be leased to the present/prospective occupants/users;

b) Untitled shoreland areas presently occupied/used and whose use is inconsistent with the allowable uses as prescribed under the approved implementing rules shall be leased to existing occupants/users; provided, however, that such use shall be given a transition period of one (1) year to a maximum of three (3) years to shift to the allowable uses or introduce mitigating measures to protect the environment otherwise and after which, their existence will ipso facto becomes illegal that warrants immediate eviction and all buildings or other permanent structures or improvements introduced therein by the lessee, his heirs, executors, administrators, successors or assigns shall accrue to the LLDA (confiscation) except those which are highly pollutive in nature based on LLDA standards and will pose great danger to the ecology of Laguna de Bay which shall be immediately ordered to relocate farther elsewhere in areas located at and above 12.50 meters elevation or in such other areas of their choices provided, further, that no new residential use shall be allowed;

c) Shoreland areas not otherwise covered by any government development plans, programs or project may be leased to bonafide residents or duly organized association or cooperative; provided, however, that low-income/marginalized bonafide residents of Laguna de Bay lakeshore communities or their associations or cooperatives shall be given preference in accordance with the following priority criteria by cluster of user groups:

Priority	Cluster of User Groups
1	Bonafide occupants/residents or duly organized associations or cooperatives of the <u>shoreland barangay where the land is located.</u>
2	Bonafide occupants/residents or duly organized associations or cooperatives of other barangays of the same shoreland municipality.

- 3 Bonafide occupants/residents or duly organized associations or cooperatives of other shoreland municipalities within the same province.
- 4 Bonafide occupants/residents or duly organized associations or cooperatives of other shoreland municipalities of other province.
- 5 Bonafide occupants/residents or duly organized associations or cooperatives of non-shoreland municipality within the Laguna de Bay Region.
- 6 Bonafide occupants/residents or duly organized associations or cooperatives of municipalities outside the Laguna de Bay Region.

d) No individual shall be allowed to lease more than one (01) hectare at any given period of time. Individual lessee should not be a member of any association or cooperative. Shoreland areas for **residential use** can be leased to a cluster of individual lessees provided they have been occupying the area prior to the approval of this Board Resolution. These individual lessees may, however, be allowed to lease other shoreland areas for different use other than residential;

e) Duly organized associations or cooperatives may be allowed to use a maximum of five (5) hectares, but in no case shall the maximum allowable area for lease to individuals be violated if the total area to be leased is divided by the number of association/cooperative members. No individual shall, however, be a member of more than one association or cooperative;

f) New entrants/applicants shall be allowed to lease a maximum area of one (1) hectare. No new residential and industrial uses shall be allowed. Existing users/occupants of areas used for residential and industrial uses may be allowed to apply for lease of the same or other shoreland area for purposes allowed by the rules upon termination of such inconsistent uses or compliance with the provisions of letter (b) above;

However, if the present and existing user occupies more than what is allowed under the rules, the excess area if found to be within five (5%) percent of the allowable area considered as the margin of error as determined by LLDA, it shall inure to the benefit of the present and existing user. In the event that it is considerably more, such excess area shall be forfeited in favor of the LLDA for use either as the additional buffer zone or may be offered for lease to other qualified lessees.

g) All lease agreement shall have a term of five (5) years renewable every five years (5) at the option of both parties and application for renewal thereof must be made one (1) month prior to the date of expiration of the agreement. Failure to apply for renewal of lease agreement within the period aforestated above and to pay the fee for the **Shoreland Occupancy Permit (SOP)** upon approval of application for renewal shall mean as an abandonment of his right to occupy said premises amounting to an automatic revocation of the permit;

h) No lessee shall be allowed to sub-lease or transfer all or any portion of the leased area without the consent of the Authority, nor shall a lessee be allowed to expand the approved area for lease without prior consent and approval of the Authority. Violation thereof shall mean automatic revocation of the permit and cancellation of eligibility to lease such other shoreland areas in the future. Transfer of lease may be allowed only within the first degree of

consanguinity, that is from parent to child or surviving spouse with the approval of the Authority; and

i) Payment of fees shall be based on the approved lease rates per type of land use as prescribed in these guidelines.

Article V. Terms and Conditions. Qualified lease applicants shall be issued a **Shoreland Occupancy Permit (SOP)** together with the lease agreement upon approval of the lease application under the following terms and conditions:

a) The lease agreement shall be valid for a period of five (5) years renewable at the option of both parties, unless sooner revoked by the Authority. The lease rate is subject for review by the Authority every two (2) years;

b) Shoreland Occupancy Permit (SOP) shall be paid and issued every year upon payment of the lease fees.

c) All plans for development and feasibility study shall be submitted to the Authority for evaluation, favorable consideration and approval of which shall be the basis for the issuance of the initial SOP;

d) The occupant is prohibited from introducing or constructing improvement within the occupied area which will pose problems on lake pollution, lake water quality management and environmental control of Laguna de Bay, such as but not limited to the following:

i) Piggery farms regardless of the number of heads;

ii) Dumpsites;

i) Quarrying; and

ii) All other activities that will pose pollution and cause ecological disturbance to the lake.

e) Permanent structures shall not be allowed to be constructed along the shoreland areas;

f) All taxes levied on the subject land and on the improvements to be introduced thereon during the term of the lease agreement shall be for the account of the occupant;

g) For any breach of the lease agreement by the occupant, the LLDA shall declare this permit null and void, and after a thirty-day (30) written notice and may enter and take possession of the premises and all improvements actually existing thereon;

h) If at any time during the life of the lease agreement the leased property is subjectively necessary for public use, interest, welfare and or otherwise covered by any government development plans, programs or projects as described by proper authorities, the LLDA may terminate or cancel the lease agreement; and

a) Upon termination of the lease agreement or of an extension thereof, all the improvements made by the occupant or lessee, his heirs, executors, administrators, successors or assigns shall accrue to the LLDA;

Article VI. Lease Rates. The lease rates per square meter per year for each land use per municipality are enumerated in the attached Annex I. Assessed payment for the leased premises shall be a condition for approval of Shoreland Occupancy Permit.

The lease rates as enumerated herein do not apply to major industrial leases of shoreland areas such as those of the Rizal Cement Company Inc., National Power Corporation, Kepco Philippine Corporation, Shell Philippine Petroleum Corporation and other similar establishments.

Article VII. Lease Procedures. The following are the procedural guidelines in the receipt, processing and approval of the Shoreland Occupancy Permit (SOP). The Systems and Procedures are shown in Annex II.

Step 1 Activities

- 1 Applicant secures application form and pay the necessary processing fee. The application forms should be filed together with the official receipt of processing fee and signed in triplicate, either by the Owner, General Manager/President or any of his authorized representative
- 2 Special Concerns Office (SCO) accepts and checks the document/application form
- 3 Special Concerns Office (SCO) checks and conducts field and ocular inspection
- 4.A If project falls within/below the 12.50m elevation, applicant/proponent submits a project proposal
- 4.A.1 If project falls outside the 12.5 m elevation, SCO endorses project to EPD for the necessary documents and eventual issuance of LLDA Clearance
- 5 SCO evaluates project proposal/feasibility study and recommends appropriate action, If acceptable, SCO undertakes the following : 1) advises proponent to pay the assessment fees, 2) conducts technical survey, 3) and processes application, If not, advises proponent to revise/or modify their proposal
- 6 Proponent pays processing fees, SOP, lease, fee, etc. and presents proof of payment to SCO
- 7 SCO prepares the Shoreland Occupancy Permit (SOP) and the lease agreement for GM's approval
- 8 GM approves SOP/Lease Agreement
- 9 SCO advises proponent and releases the SOP/Lease Agreement
- 10 Proponent accepts approved SOP/Lease Agreement

Article VIII. Final Provisions

Section 1. Monthly Reports. The Special Concerns Office shall submit to the General Manager a monthly report on all SOPs/Lease Agreements issued/approved by the LLDA including information on the name of the lessees, leased area, the purpose, project or activity for which the leased shoreland area shall be used and the lease rate, among others.

Section 2. Separability Clause. Any provision or portion of these implementing guidelines declared unconstitutional or invalid, the other sections or provisions thereof shall remain to be in force.

Section 3. Amendments. These guidelines may be amended and/or modified from time to time by the Authority as the need arises and with prior consultation with stakeholders.

Article IX. Effectivity- These Rules and Regulations shall take effect fifteen (15) days after publication in a newspaper of general circulation.
APPROVED on September 30, 1999:

(signed)
JOSE D. LINA, JR.
Chairman

(signed)
ROSELLER S. DELA PEÑA
Vice-Chairman

(signed)
FRISCO F. SAN JUAN
Director

(signed)
(Sgd.) ARTURO L. TIU
Director

(signed)
JEJOMAR C. BINAY
Director

(signed)
BERNARDO F. SAN JUAN
Director

(signed)
GODOFREDO C. VALERA
Director

(signed)
JOAQUIN G. MENDOZA
Director

ATTESTED BY:

LORETA D. VILLARUZ
Board Secretary V