



LAGUNA LAKE DEVELOPMENT AUTHORITY

**RESOLUTION NO. 231
Series of 2004**

**Amending Board Resolution No. 113, Series of 1999
By Modifying the Procedural Guidelines for
The Lease of Certain Portions of the Laguna De Bay Shoreland Areas**

WHEREAS, Section 41 (11) of Republic Act No. 4850, as amended, stated 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); land 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 monuments 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 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 organization, associations or cooperatives in accordance with the terms and conditions and subject to the approval of the Authority; and

WHEREAS, the existing procedural guidelines on the implementation of the lease of untitled shoreland areas should reflect rational and objective decision-making in order to be more responsive in the regulation on the use/occupancy of the Laguna de Bay shoreland areas;

WHEREAS, Section 3 of aforementioned Resolution states that the guidelines may be amended and/or modified from time to time by the Authority as the need arises and with prior consultation with the stakeholders.

NOW, THEREFORE, in consideration of the foregoing premises, **BE IT RESOLVED**, as it is hereby **RESOLVED** to amend Board Resolution No. 113, Series of 1999 revising the procedural guidelines in the receipt, processing and approval of Shoreland Occupancy Permit (SOP) and Shoreland Lease Agreement (SLA);

Section 1. Amendment of the Lease Procedures. Article VII of Board Resolution No. 113, Series of 1999 is hereby amended as follows:

Step	Activities
1(a,b,c,d,e,f,g, h)	Applicant secures application form and pays 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. <i>Applicant submits all the requirements as follows:</i> <ol style="list-style-type: none"> a) Application Form b) Approved Location Plan c) Title (if area applied for is between their titled lot and Laguna Lake) d) Technical Description and Cadastral Map

	<p>e) Tax Declaration of area applied for lease or certification from the municipal assessors office that the area has no other claimant.</p> <p>f) Other legal documents - affidavits, waivers, etc.</p> <p>g) Certification that the land applied for is not needed for public use from other government agencies.</p> <p>h) Project Proposal</p>
2	LLDA's Special Concern Division (SCD) accepts and checks the documents / application form.
3	SCD checks and conducts field and ocular inspection of the subject area.
4	SCD evaluates whether the project area is below or above elevation 12.50 meter
A, B	<p>A) If project falls within/below the 12.50 m elevation, SCD evaluates application, project proposal/feasibility study and recommends appropriate action</p> <p>B) If project falls outside the 12.5 m elevation, SCD endorses project to ECD for application for LLDA Clearance.</p>
5	If project proposal is acceptable, SCD will make a report to the General Manager recommending for the approval of the result of evaluation and the processing of lease application and payment of survey fee.
6	The General Manager approves or disapproves the lease application.
7	<p>If approved by the GM, SCD advises proponent to pay the survey fee and thereafter SCD schedules the conduct of technical survey.</p> <p>However, if disapproved by the GM, SCD advises proponent on the GM's decision and keeps the records on file</p>
8	After the conduct of the technical survey, together with the complete engineer's report, SCD will advise proponent to pay the lease fee and presents proof of payment to SCD
9	SCD prepares Shoreland Occupancy Permit (SOP) and the Shoreland Lease Agreement (SLA) for the GM's signature
10	GM approves SOP/SLA
11	SCD presents/releases SOP/SLA to the proponent
12	Proponent accepts SOP/SLA

Section 2. Effectivity Clause. This resolution shall take effect fifteen (15) days after publication in a newspaper of general circulation.

APPROVED on September 2, 2004:

MA. FATIMA A.S. VALDES
Chairman

ROSELLER Z. VALERA
Vice-Chairman

MAGNO C. GAZA
Director

ZENAIDA C. MAGLAYA
Director

AUGUSTO B. SANTOS
Director

GUILLERMO D. ACERO
Director

TERESITA S. LAZARO
Director

NICANDRO D. NATIVIDAD
Director

CASIMIRO A. YNARES III
Director

ATTESTED BY:

ATTY. JOAQUIN G. MENDOZA
Board Secretary V