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BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 251

GRANTING THE NATIONAL IRRIGATION ADMINISTRATION AUTHORITY TO CONSTRUCT, DEVELOP, OPERATE AND MAINTAIN THE CASECNAN MULTI-PURPOSE IRRIGATION AND POWER PROJECT LOCATED WITHIN THE CASECNAN RIVER WATERSHED FOREST RESERVE IN THE PROVINCE OF NUEVA VISCAYA AND THE PANTABANGAN-CARRANGLAN WATERSHED IN THE PROVINCE OF NUEVA ECUIJA IN CONSONANCE WITH THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES OVER THE WATERSHEDS UNDER PROCLAMATION NO. 136 AND PROCLAMATION NO. 561, AS AMENDED

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WHEREAS, Proclamation No. 136 (11 August 1987) placed the administration, control and management of the Casacnan River Watershed Forest Reserve under the Department of Environment and Natural Resources, through the Bureau of Forest Development (now the Forest Management Bureau), in coordination with the other government agencies, with the objective of maintaining its usefulness as a source of water for agricultural and other forestry purposes;

WHEREAS, under Proclamation No. 561 (21 May 1987), the improvement and development of the Pantabangan-Carranglan Watershed Reserve Pilot Area shall be undertaken in specific or cooperative projects by the Bureau of Forestry (now the Forest Management Bureau), with the cooperation of the Reforestation Administration, National Waterworks and Sewerage Authority, National Irrigation Administration, Bureau of Public Works, National Power Corporation and Bureau of Soils;

WHEREAS, Letter of Instruction No. 1002 (20 March 1980) granted the National Irrigation Administration authority to manage, protect, develop and rehabilitate certain portions of the watershed areas of the Pantabangan watershed reservation;

WHEREAS, under Executive Order No. 192 (10 June 1987), the Department of Environment and Natural Resources shall be the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, including those in reservation and watershed areas;

WHEREAS, Republic Act No. 6978 (24 June 1991) mandates the National Irrigation Administration to undertake an accelerated program for the construction of irrigation projects to promote rural development;

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WHEREAS, the National Irrigation Administration has reassessed the diversified uses of the Casecuan River Watershed Forest Reserve and the Pantabangan-Carranglan Watershed in order to optimize the benefits that can be derived therefrom;

WHEREAS, after careful study, the National Irrigation Administration has determined the feasibility of implementing the Casecuan Multi-Purpose Irrigation and Power Project which involves conveying certain waters in the Casecuan River Watershed Forest Reserve into the Pantabangan reservoir for the purpose of (i) satisfying the irrigation requirements of agricultural lands in the Central Luzon Valley, (ii) producing and supplying electrical energy into the Luzon grid through the construction, installation and operation of an approximately 140 megawatt capacity power plant, and (iii) increasing the generating capacities of the existing Pantabangan and Masiway facilities;

WHEREAS, Republic Act No. 3601, as amended by Presidential Decree No. 552 and Presidential Decree No. 1702, empowers the National Irrigation Administration to acquire real and personal properties and all appurtenant rights, easements, concessions and privileges, whether the same are already devoted to private or public use in connection with the development of its projects;

WHEREAS, the Casecuan Multi-Purpose Irrigation and Power Project has been approved as a Build-Operate-Transfer project to be implemented through the National Irrigation Administration and has been certified by the National Economic and Development Authority as a "high priority project";

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order the following:

SECTION 1. The National Irrigation Administration shall have the authority and is hereby granted the right to construct, develop, operate and maintain the necessary infrastructure and other facilities for the Casecuan Multi-Purpose Irrigation and Power Project ("CMIPP") within certain areas of the Casecuan River Watershed Forest Reserve located in the municipalities of Dupax del Sur and Alfonso Castañeda, Province of Nueva Viscaya, and Pantabangan-Carranglan Watershed Reserve Pilot Area located in the municipalities of Pantabangan and Carranglan, Province of Nueva Ecija, the location of said facilities being generally identified, delineated and marked within the boundaries of the area, marked as Project Area, in the map and technical description attached hereto as Annexes "A" and "B" and made integral parts hereof. In furtherance of the foregoing, the National Irrigation Administration is further granted the right of access (including the construction of necessary and appropriate access roads) as well as rights of way to such other areas within the Project Area as may be required for the effective and efficient implementation of the CMIPP. NIA shall have the right to grant to the developer of the CMIPP such of its rights in the Project Area as granted herein and which may be necessary for such developer to fulfill its obligations under the BOT

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arrangement for the CMIPP. In all cases involving clearing, timber cutting and other related activities, the same shall be duly coordinated and approved by the Department of Environment and Natural Resources.

SEC. 2. In the implementation of the CMIPP within the areas of the Casacnan River Watershed Forest Reserve and Pantabangan-Carranglan Watershed designated above, the National Irrigation Administration shall have the authority to enter into contracts in pursuance of the provisions of this Executive Order.

SEC. 3. Subject to the provisions of Section 1 hereof, the Department of Environment and Natural Resources shall retain its jurisdiction over the Casacnan River Watershed Forest Reserve and Pantabangan-Carranglan Watershed granted under Proclamation No. 136 and Proclamation No. 561 as amended by Letter of Instruction No. 1002. The National Irrigation Administration shall also retain its rights to the Pantabangan-Carranglan Watershed granted under Letter of Instruction No. 1002.

SEC. 4. The National Irrigation Administration and the Department of Environment and Natural Resources shall consult and collaborate with each other to ensure the protection of the Casacnan River Watershed Forest Reserve and the Pantabangan-Carranglan Watershed.

SEC. 5. Subject to the provisions of Section 1 hereof, the right of the Department of Environment and Natural Resources to undertake any project within the Project Area pursuant to its mandate and existing laws will not be impaired. No other project or activities which are inconsistent with the CMIPP shall be authorized, undertaken and/or implemented within the Project Area.

SEC. 6. The Department of Environment and Natural Resources, the National Irrigation Administration and all other concerned government agencies and local governmental units are hereby authorized and directed to take such further actions as may be necessary or appropriate to fully and expeditiously implement this Order.

SEC. 7. The Department of Environment and Natural Resources and the National Irrigation Administration shall respect the applicable rights of indigenous cultural communities within the Project Area.

SEC. 8. To ensure an efficient and smooth operation of the CMIPP, a Memorandum of Agreement shall be immediately executed by and between the National Irrigation Administration and the Department of Environment and Natural Resources to provide for their specific responsibilities in respect of the matters herein established and the same may be revised, amended, added to or supplemented by them through mutually satisfactory arrangements.

SEC. 9. In case of any dispute or issue in respect of any matter provided therein, National Irrigation Administration and the Department of Environment and Natural Resources shall immediately consult each other for the purpose of resolving the same.

SEC. 10. Provisions or proclamations, executive orders, instructions, rules and regulations, which are inconsistent herewith are hereby repealed, amended or modified accordingly.

SEC. 11. This Order shall take effect immediately.

DONE in the City of Manila, this 16th day of November in the year of Our Lord, Nineteen Hundred and Ninety-Five.



By the President


RUBEN D. TORRES
Executive Secretary