



Republic of the Philippines

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City

<http://www.dilg.gov.ph>



**GUIDELINES ON THE IMPLEMENTATION OF
DOST-DA-DENR-DOH-DILG JOINT DEPARTMENT CIRCULAR NO. 1,
SERIES OF 2016, SPECIFICALLY THE SELECTION OF COMMUNITY
REPRESENTATIVES FOR INSTITUTIONAL BIOSAFETY COMMITTEES
AND PUBLIC PARTICIPATION FOR FIELD TRIAL**

Memorandum Circular No. 2018-121
August 7, 2018

1.0 Background

- 1.1. The Local Government Code (see Sections 2(c), 26 and 27) requires prior consultation with local government units (LGUs), nongovernmental organizations, and other sectors concerned, to explain the goals and objectives of a project or program, its impact upon the people and the community in terms of health, environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof.
- 1.2. In the DA-DOST-DENR-DOH-DILG Joint Department Circular (JDC) No. 1, series of 2016, titled, "*Rules and Regulations for the Research and Development, Handling and Use, Transboundary Movement, Release into the Environment, and Management of Genetically-Modified Plant and Plant Products Derived from the Use of Modern Biotechnology*", the role of the LGUs in public participation is highlighted in relation to biosafety decisions that have impacts on local autonomy.

2.0 Purpose

- 2.1. The purpose of the policy is to provide operational guidelines for the DA-DOST-DENR-DOH-DILG JDC No. 1, s. 2016, particularly the procedures in selecting community representatives in the Institutional Biosafety Committee and public participation for field trial.
- 2.2. For the purpose of this Memorandum Circular, the process by which public participation will be carried out shall be called "public consultation".

3.0 Scope/Coverage

- 3.1. All Provincial Governors, City and Municipal Mayors, *Punong Barangays*, DILG Regional Directors, ARMM Regional Governor, and all others concerned

4.0 Policy Content and Guidelines¹

- 4.1. Preparatory Procedures
 - 4.1.1. The biotechnology project applicant that intends to conduct a field trial on a certain LGU shall cause for an initial meeting with the respective local chief

¹ Please use as reference the DA-DOST-DENR-DOH-DILG Joint Department Circular No. 1, s. 2016, which is available at the DILG website.

- executive (LCE) to orient and thoroughly discuss the proposed field trial in the LGU and seek for the agreement of the LCE.
- 4.1.2. The DILG City/Municipal Local Government Operations Officer or City Director (C/MLGOO or CD) shall accompany the applicant in said meeting.
 - 4.1.3. The role of the DILG C/MLGOOs or CDs is purely assistive; all technical responsibilities shall be carried out by the applicant.
 - 4.1.4. The applicant shall cause for the creation of an Institutional Biosafety Committee (IBC) with community representatives coming from the LGU concerned².
 - 4.1.5. In the event that the field trial will be conducted within a Special Economic Zone, the applicant shall communicate such with the Philippine Economic Zone Authority, which shall coordinate accordingly with the LGU concerned for the appropriate arrangements for public participation, for which, the guidelines provided herein may also be adopted.
- 4.2. Procedures in Selecting the Community Representatives in the Institutional Biosafety Committee (IBC) (*Art. III, Sec. 6 of the JDC*)
- 4.2.1. The two (2) community representatives in the IBC must not be affiliated with the applicant, and must be in a position to represent the interests of the communities where the activities are to be conducted.
 - 4.2.2. The first community representative shall be the City/Municipal Mayor or the Sanggunian Member who chairs the Committee on Agriculture or equivalent; *provided*, that in the case that the term of said representative ended or if such representative becomes incapacitated to perform his/her duty as local official, a replacement shall be made that must still satisfy the conditions provided herein.
 - 4.2.3. The second community representative shall be an LGU-accredited civil society organization (CSO) to be selected by the applicant; *provided*, that should there be multiple CSOs expressing their intent to be represented in the IBC, the LGU shall provide a list of interested CSOs to the applicant for the applicant to choose from as long as the interested CSOs satisfy the preceding conditions; *provided furthermore*, that if the activity may affect ancestral domain or ancestral land, or protected area, the second community representative should be a representative from a local indigenous people's organization or protected area management board; *provided finally*, that for multi-location trials, community representatives of the IBC shall be designated per site.
- 4.3. Public Participation for Field Trial (*Art. V, Sec. 12 of the JDC*)
- 4.3.1. Once the field trial on an LGU is agreed between the applicant and said LGU, the applicant shall inform the respective local chief executive through written communication with the following:
 - 4.3.1.1. Information on the proposed field trial;
 - 4.3.1.2. Request for the conduct of a public consultation;
 - 4.3.1.3. Site inspection report and site approval of the representatives from DA-Bureau of Plant Industry (BPI), Department of Environment and Natural Resources and Department of Health;
 - 4.3.1.4. Consolidated risk assessment reports of the evaluation of the Scientific and Technical Review Panel (STRP), DA-BC, DENR-BC and DOH-BC; and

² Please be advised that according to JDC No. 1, an IBC should be constituted prior to the approval of field trial by the DA-BC. The IBC is responsible for the conduct of risk assessment and identification of management strategies. All the members should be knowledgeable on the specifics of the field trial, both scientist members and community representatives. An IBC endorsement of the field trial proposal is also required to be submitted to the BPI.

- 4.3.1.5. Copy of the Public Information Sheet (PIS) for field trial approved by the BPI.
- 4.3.2. The applicant has two (2) weeks to post notices with the following considerations:
 - 4.3.2.1. Must be in a language understood by the local community (including indigenous peoples, as applicable);
 - 4.3.2.2. Must contain copies of the PIS for field trial approved by the BPI and the consolidated risk assessment report, in at least three (3) conspicuous places within the vicinity of the city/municipality and barangay where the proposed field trials will be conducted³; and
 - 4.3.2.3. Must invite interested parties to send their comments on the proposed field trial to the BPI within the 2-week posting period and attend the public consultation thereafter⁴.
- 4.3.3. The public consultation shall be convened the next working day immediately succeeding the 2-week posting period.
 - 4.3.3.1. It is suggested that the public consultation be conducted to coincide with a regular session or as a special session of the *sanggunian*.
 - 4.3.3.2. Any cost that may be incurred for the conduct of the public consultation, apart from that which may be covered by the LGU in their regular or special *sanggunian* session, shall be charged against the applicant.
 - 4.3.3.3. The public consultation shall be a venue to present the proposed field trial and to gather all the necessary comments, suggestions and recommendations directly from the community and the local officials and functionaries.
 - 4.3.3.4. A prospective LGU shall utilize the consultation to raise any related concern relevant to the proposed field trial therein.
 - 4.3.3.5. The public consultation shall be joined in by the IBC, the LCE, and other relevant local officials and functionaries⁵, individuals from the affected barangay/s⁶ where the field trial will be carried out, a locally-based NGO representative, C/MLGOO or CD, the Protected Area Management Board, where applicable, representatives from the Biosafety Committees of the DOST, DA, DENR and DOH, and such other sectors that may be determined by both the applicant and the LGU.
 - 4.3.3.6. The community representatives in the IBC (*refer to item 4.2 of this Memorandum Circular*) shall take the lead in facilitating the public consultation.
 - 4.3.3.7. The consultation shall be divided into two (2) parts—the first part is the presentation by the applicant, through its IBC, of the proposal to conduct a field trial at the LGU concerned⁷, while the second part is an open forum to cater to the queries and concerns of those present.

³ Conspicuous places shall refer to any of the following: the provincial capitol, city hall, municipal hall, barangay hall, and government-owned facilities to include, but not limited to, social center, gymnasium, auditorium, manpower development center, training center, transport terminal, public market, public school, health station or center and hospital. Please note that in addition to posting notices in conspicuous places, other modes may also be used such as, but not limited to, print media of local circulation and social media posting.

⁴ During the posting period, any interested person may submit to the BPI written comments regarding the application.

⁵ This may include *sanggunian* chair on agriculture, or equivalent, local agriculturist, local environment and natural resources officer, local health officer, Punong Barangay where field trials will be conducted, representatives from the Local Agricultural and Fisheries Council

⁶ Which may include farmers and indigenous peoples, where applicable.

⁷ There must also be a presentation of the content of the PIS and consolidated risk assessment.

- 4.3.3.8. The open forum must be able to gather as much issues, concerns or recommendations from the participants, to be properly documented by the applicant.
- 4.3.3.9. The public consultation shall be held only for a day; *provided*, that if there are any unresolved issues, both the LGU and the applicant must agree whether to conduct a second public consultation, resolve the issue through exchange of relevant documents for review, or forward said issues to the BPI for appropriate action; *provided further*, that should the parties agree to conduct of a second public consultation, it shall be held within an interval of a maximum of 10 working days, and in such case, the applicant shall also cause for the conduct of said second public consultation.
- 4.3.4. The applicant, through its IBC, shall submit to the BPI a written report on the public consultation that transpired. The written report shall contain the following:
 - 4.3.4.1. Summary of issues and comments raised during the 2-week posting period and public consultation(s), addressing them point-by-point; and
 - 4.3.4.2. Approval of the *Sanggunian* concerned pursuant to Sec. 27 of the Local Government Code.
- 4.3.5. From the time the public consultation was conducted, the applicant, through its IBC, has five (5) working days to summarize all issues and concerns with corresponding responses, and another five (5) working days to secure *Sanggunian* approval, through a resolution. Thereafter, within three (3) working days, the written report shall be submitted to the BPI. If the applicant fails to secure the LGU endorsement within the required period of submitting the report, the applicant may request for extension of time to secure the LGU endorsement.
- 4.3.6. The concerned LGU is given 10 working days after public consultation to issue a resolution either approving or disapproving the application; *provided*, that should the LGU opt to disapprove the application, the resolution containing such disapproval, shall indicate the reason for such and the applicant shall submit a report to the BPI relative to the disapproval of said application; *provided further*, that should the *Sanggunian* fail to issue a resolution either approving or disapproving the application, the applicant may inform the respective DILG Regional Office for the latter to remind the concerned LGU to issue said resolution.
- 4.4. Dissemination
 - 4.4.1. All DILG Regional Directors, ARMM Regional Governor and DILG field officers are directed to disseminate this Memorandum Circular in their respective areas of jurisdiction.

5.0 References

- 5.1. R.A. No. 7160, or the Local Government Code of 1991
- 5.2. DA-DOST-DENR-DOH-DILG Joint Department Circular No. 1, s. 2016

6.0 Annexes

- 6.1. Annex A – Sample timeline for public consultation for field trial
- 6.2. Annex B – Sample resolution approving/disapproving the proposed field trial

7.0 Effectivity

7.1. This Memorandum Circular shall take effect immediately.

8.0 Approving Authority


UNDERSECRETARY EDUARDO M. AÑO
Officer-in-Charge, DILG



9.0 Feedback

- 9.1. For related queries, kindly contact the following:
- 9.1.1. Policy Compliance Monitoring Division of the Bureau of Local Government Supervision, DILG Central Office, at Tel. Nos. (632) 876-3454 loc. 4210 to 11 or at email address at blgspcmd@gmail.com.
 - 9.1.2. National Committee on Biosafety of the Philippines Secretariat, DOST, at Tel. Nos. (632) 837-2071 loc. 2012 or at email address at ncbpsecretariat@dost.gov.ph.
 - 9.1.3. Bureau of Plant Industry-Biotech Secretariat, at Tel. Nos. (02) 404-0409 loc 202 or at email address at bpibiotechsecretariat@yahoo.com.

BLGS:PCMD
MRF:CAV

ANNEX "A" Sample timeline for public consultation for field trial

ACTIVITIES FOR PUBLIC PARTICIPATION	OPR	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5
1. Conduct of preparatory meeting between applicant and LCE	Applicant	■				
2. Posting of notices for field trial and comments gathering	Applicant	■	■	■	■	■
3. Conduct of public consultation proper	Applicant/LGU			■		
4. Summarization of all issues and concerns	Applicant			■	■	■
5. Deliberation of LGU Sanggunian	LGU			■	■	■
6. Securing Sanggunian approval through a resolution	Applicant				■	■
7. Issuance of resolution dis/approving the proposed field trial	LGU				■	■
8. Submission of public participation report to the BPI	Applicant					■

ANNEX “B” Sample resolution approving/disapproving the proposed field trial



Republic of the Philippines
(Name of Local Government Unit)

Resolution No. ____
Series of ____

RESOLUTION [APPROVING/DISAPPROVING] THE CONDUCT OF FIELD TRIAL OF [NAME OF FIELD TRIAL EVENT] BY [NAME OF APPLICANT] IN [NAME OF LGU]

WHEREAS, pursuant to sections 2(c), 26 and 27 of the Local Government Code, prior consultation with local government units (LGUs), nongovernmental organizations, and other sectors concerned is necessary to explain the goals and objectives of a project or program, its impact upon the people and the community in terms of health, environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof;

WHEREAS, a public consultation was held in [name of LGU] in [date of public consultation] where [name of applicant] presented the proposed field trial and gathered all the necessary comments, suggestions and recommendations directly from the community and the local officials and functionaries;

WHEREAS, upon deliberation and consistent with the overwhelming [support/opposition] garnered during the public consultation [indicate further reasons for approval/disapproval];

NOW, THEREFORE, upon motion of [preferably the sanggunian chair on agriculture or equivalent], duly seconded by [name of sanggunian member], it was resolved as it is hereby;

RESOLVED, to [approve/disapprove] the conduct of field trial of [name of field trial event] by [name of applicant] in [name of LGU];

RESOLVED, FINALLY, to furnish copies of the resolution to the Department of the Interior and Local Government Provincial and/or Regional Office, the Provincial Government [as applicable], and the [name of applicant] for their information.

“APPROVED UNANIMOUSLY.”

[Indicate certification, attestation, and approval]