



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
MIMAROPA Region (IV-B)
EDSA, Quezon City



December 14, 2023

FELIX S. MIRASOL JR. CESO IV

OIC, Regional Executive Director
3rd flr., 1515 DENR by the Bay Bldg.,
Roxas Blvd., Brgy. 668,
Ermita, Manila

DENR MIMAROPA RECORDS SECTION	
RECEIVED	
BY:	DEC 19 2023
DATE:	TIME:

Dear Director Mirasol:

This is in connection with our project included in the **“Build! Build! Build!”** program of the previous administration and **“Build Better More!”** program of the current administration entitled **“Construction of Missing Links/New Roads Sofronio Espa  ola – Quezon (Pulot Interior – Tagusao) Cross Country Road”** located in the municipality of Sofronio Espa  ola and Quezon in the province of Palawan. As the said project will traverse the Mt. Mantalingahan Protected Landscape (MMPL), our office submitted application for a Protected Area Management Board (PAMB) Clearance as a requirement for the existing rules and regulation of the Department of Environment and Natural Resources (DENR).

As our application undergo environmental compliances, the Protected Area Management Board (PAMB) of the Mt. Mantalingahan Protected Landscape (MMPL) issued a resolution entitled **“A RESOLUTION DISALLOWING THE PROPOSED PROJECT OF THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) ENTITLED CONSTRUCTION OF MISSINGLINKS/NEW ROADS SOFRONIO ESPA  OLA-QUEZON CROSS COUNTRY ROAD WITH PROJECT ID NO. 23EO0035, 23EO0036 And 23EO0037 TRAVERSING THE CORE PROTECTION ZONE OF THE MT. MANTALINGAHAN PROTECTED LANDSCAPE AND RECOMMENDING TO RE-ALLOCATE THE FUND TO PROJECT ID NO. 23EO0067 AND 23EO0070”** with **“Resolution No. 2023-17”**.

In this regard, we are respectfully requesting your good office for reconsideration on the said resolution, as our office has concluded with substantial justification on this matter as stated below:

1. Re-allocation of public fund is prohibited as stated in Article 217 of the Revised Penal Code of the Philippines.
2. This Office is conducting Environmental Impact Assessment (EIA) under Consultancy with Contract ID No. 23CSE0008 - Consultancy Services for the Conduct of Full-Blown Environmental Impact Assessment (EIA), Preparation of Environmental Impact Statement (EIS) and Application of Environmental Compliance Certificate (ECC) for the Construction of Sofronio Espa  ola - Quezon Cross Country Road Length = 47.33 km, Palawan.



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Anent to this, may we respectfully request for an "En banc Session" together with the Protected Area Management Board (PAMB) pertaining with our request for reconsideration.

Attached herewith is the said Resolution issued by Protected Area Management Board (PAMB) of Mt. Mantalingahan Protected Landscape (MMPL) and the timeline in the Environmental Impact Assessment (EIA) for the project.

We extend our heartfelt appreciation for your kind support of this request.

Very truly yours,

Digitally signed
by Pacanan
Gerald Alday

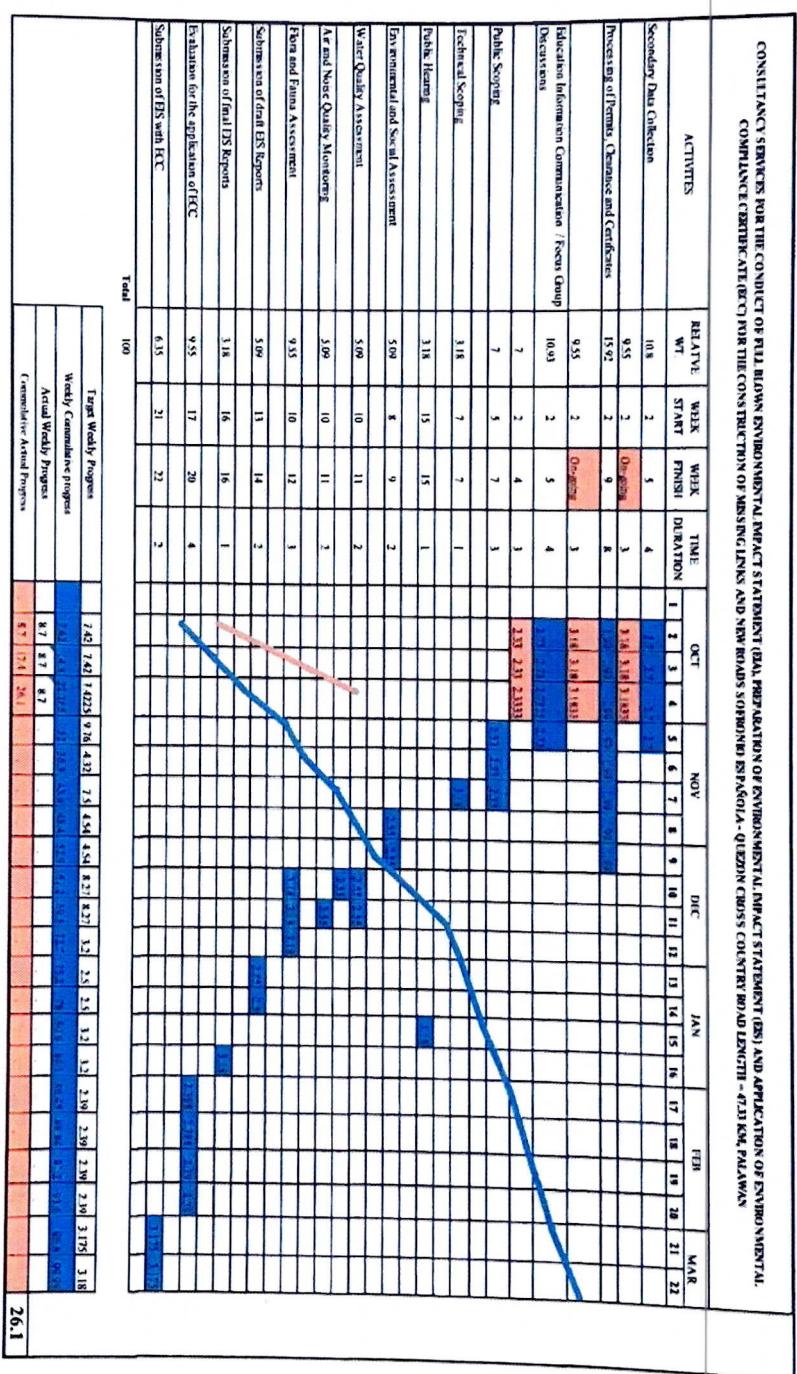
GERALD A. PACANAN, CESO III
Regional Director

R4B.1/rjsm/MROP/KJUC/MTT/GRAA/GAP



Road Length = 47.33 km, Palawan

5.3 Project Progress Chart



Resolution 2023-17

"A RESOLUTION DISALLOWING THE PROPOSED PROJECT OF THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) ENTITLED CONSTRUCTION OF MISSINGLINKS/NEW ROADS SOFRONIO ESPAÑOLA-QUEZON CROSS COUNTRY ROAD WITH PROJECT ID NO. 23EO0035, 23EO0036 and 23EO0037 TRAVERSING THE CORE PROTECTION ZONE OF THE MT. MANTALINGAHAN PROTECTED LANDSCAPE AND RECOMMENDING TO RE-ALLOCATE THE FUND TO PROJECT ID NO. 23EO0067 AND 23EO0070"

WHEREAS, the MMPL Protected Area Management Board (PAMB) was created as the sole-policy making body and permit granting body of the Mt. Mantalingahan Protected Landscape, as mandated in Presidential Proclamation 1815, pursuant to the provisions of the National Integrated Protected Areas System Act of 1992 as amended by R.A 11038 or the ENIPAS Act of 2018;

WHEREAS, MMPL-PAMB approves policies, guidelines, plans and programs, proposals, agreements and other related projects to be conducted of established within MMPL;

WHEREAS, based on the conducted PAMB EnBanc meeting dated April 7, 2022, MMPL Technical Working Group (MMPL-TWG) was tasked by the PAMB to review and assess the proposal of Department of Public Works and Highways;

WHEREAS, the Department of Public Works and Highways presented their proposed Construction of Missing Links/New Roads Sofronio Española-Quezon Cross Country Road to the MMPL PAMB Technical Working Group last March 24, 2023;

WHEREAS, cognizant of relevant factors, the MMPL-TWG recommended to deny the proposal last March 24, 2022 indicating the following reasons of denial and requested the proponent to reroute the area to avoid destruction in the MMPL core zone and watershed area of Sofronio Espanola;

1. There was no flora and fauna study and inventory;
2. There are no households/communities in the core zone with estimated elevation of 1,500 masl;
3. Opening of road in the area of MMPL will invite more forest destruction since in the recent study, the forest of MMPL decreased from 106, 266 to 85, 416 hectares with annual loss rate of 1.03%;(Flora and Fauna Assessment of MMPL and Forest Cover Trend study of Conservation International 2020-2021);
4. No Environmental Impact Assessment was conducted in the area;
5. Proposed road construction will pass through the core zone of MMPL wherein pursuant to the provision under Sec.20 of R.A11038 of ENIPAS Act of 2018 and Sec. 9 of R.A. 7611 or Strategic Environmental Plan (SEP) Law for Palawan, said activity is strictly prohibited.

WHEREAS, on September 25, 2023, the DPWH submitted the set of documents for reconsideration of the MMPL TWG and PAMB such as;

1. Endorsement from Indigenous peoples of Tagusao was signed by Josephine Tingdan dated September 21, 2020 endorsing the construction activity of Newington Builders;
2. Endorsement from IPs was signed by the members led by Barangay Leonardo Japil dated July 1, 2023;
3. Certificate of NO OBJECTION issued by Hon. Edwin Talagtag dated July 28, 2022 for the cutting of trees that will be affected by the implementation of road construction from Tagusao Quezon to Pulot Interior Sofronio Española;

4. Resolution from LGU Sofronio Espanola dated August 24, 2020 and from LGU Quezon dated August 25, 2020;
5. Cert. of No Objection issued by BLGU Pulot Interior allowing the construction of roads with Contract ID 23E00067 and 23E00070 but not project ID No. 23EO0035, 23EO0036 and 23EO0037;

WHEREAS, based on the submitted documents, the findings were the following;

1. The contract ID numbers with endorsement and being requested for approval do not match. The contract ID numbers endorsed by the BLGU of Pulot Interior, Sofronio Espanola were 23E00067 and 23E00070, while contract ID numbers indicated in the Project Development plan submitted to PAMO Office dated Sept. 25, 2023 were 22EO0035, 22EO0036 and 22EO0037;
2. Based on the results of the Rapid Biodiversity Assessment submitted by the DPWH, the following were observed;
 1. Fauna Observation
51 avian species were recorded with the following percentage
 - Twenty-five (50.98%) were island endemic
 - Five (09.80%) were Philippine endemic
 - Twenty seven(52.94%) listed under threatened category of PCSD Res. No. 15-521
 - Two species (3.92%) with Critically endangered
 - Eight species (16.68%) Endangered species
 - 17 species (33.3%) under vulnerable category
 - 4 species belong to the threatened category
 - 9 species are near threatened
 - Two amphibians and one reptile were recorded under threatened species
 - Phil. pangolin classified as Critically endangered according to IUCN and PCSD species lists; and
 - Large flying fox (*Pteropus vampyrus*) Common Palm civet (*Paradoxurus philippinensis*) - recorded as most abundant in the area;

But despite the abundance of important fauna and biodiversity in the area to be impacted by the proposed project, the DPWH did not present measures to mitigate the negative impacts of the road construction to the aforesaid fauna observed in the area.

WHEREAS, the MMPL-PAMB also referred to the policies that govern the implementation of activities in a protected area that is applicable in Mt. Mantalingahan Protected Landscape that supports the denial of the said project;

1. **DPWH DAO 159 Series of 2022, under Government Instrumentalities letter (g)states that**
 - That the proponent shall coordinate with the DENR –BMB to secure PAMB clearance/ SAPA for all projects of the Department that will traverse within the declared protected area as mandated by the Republic Act No. 11038 and DENR Administrative Order 2019-05. All infrastructure projects to be implemented within the National Integrated Protected Areas System Act **must avoid the strict protection zone and must be done in a way that eliminates or minimizes the risk of biodiversity loss.**

2. Sec. 9 of RA 7611. Terrestrial Component: Management Scheme and Zonation. – The terrestrial component may be further subdivided into smaller management components for a more efficient supervision. These management components, in turn, shall each be further subdivided into the following zones:

(1) Area of maximum protection or core zone – This zone shall be fully and strictly protected and maintained free of human disruption. Included here are all types of natural forest which include first growth forest, residual forest and edges of intact forest, areas above one thousand (1,000) meters elevation, peaks of mountains or other areas with very steep gradients, and endangered habitats and habitats of endangered and rare species. Exceptions, however, may be granted to traditional uses of tribal communities of these areas for minimal and soft impact gathering of forest species for ceremonial and medicinal purposes;

3. RA 111038 and DAO 2019-05 Section 21.

"(o) Constructing, erecting, or maintaining any kind of structure, fence or enclosure, conducting any business enterprise within the protected area without prior clearance from the PAMB and permit from the DENR, or conducting these activities in a manner that is inconsistent with the management plan duly approved by the PAMB;

➤ Based on approved Management Plan 2021-2030 of the MMPL, these are the allowed and disallowed uses and activities in the core zone **Allowed Uses and Activities**

For indigenous peoples and tenured occupants only:

- conduct of rituals
- gathering of herbal medicines
- gathering of NTFPs (almaciga resin, rattan, honey, bird's nest)
- traditional subsistence hunting of non-threatened species

Other allowed uses and activities:

- rehabilitation, assisted natural regeneration and reforestation
- eco-tourism
- approved scientific research
- delineation of tribal zones and establishment of ancestral domain boundaries and monuments
- pre- and elementary schools, health centers and tribal halls (kelang benwa) in ancestral domain areas
- spring development
- school of living traditions
-

➤ **Disallowed Uses and Activities**

- Mining
- quarrying
- logging, cutting of trees
- kaingin
- farming

- human settlements
- **new road construction**
- industrial plantations (e.g. oil palm)
- conversion of and tan barking in mangrove areas
- non-traditional hunting
- wildlife hunting, gathering and poaching
- bioprospecting and biopiracy
- use of non-selective herbicides (e.g. glyphosates)
- sale or lease of ancestral lands
- all other human activities except those explicitly specified in the allowed uses and activities

WHEREAS, the following shows the zoning related activities for each Municipality;
In the Municipality of Sofronio Espanola:

- Agricultural land in Barangay Labog currently included in the core zone will be redesignated for multiple use
- 100% of occupants within the core zone should be relocated by 2029
- 100% of occupants in Barangay Pulot Interior (El Salvador) within the controlled use zone should be relocated and the area designated and managed as a sub-watershed
- Occupants within hazard-prone areas should be relocated
- Indigenous peoples should be involved in the delineation of their ancestral domains to support the issuance of their Certificate of Ancestral Domain Title (CADT)

In the Municipality of Quezon:

- 100% of occupants within the core zone should be relocated by 2030
- Areas for agricultural use within the core zone should be reduced by 75%
- Areas for agricultural use within the restricted use zone should be reduced by 50%
- Indigenous peoples should be involved in the delineation of their ancestral domains and sacred places and all their activities should align with their ADSDPPs

WHEREAS, DPWH did not present results of Environmental Impact Assessment to the PAMB-TWG to indicate how the proposed project will ensure that negative environmental impacts are avoided and mitigated;

WHEREAS, based on the data presented, the MMPL-Executive Committee unanimously agreed to disallow the project due to aforementioned reasons;

WHEREAS, the PAMB Executive Committee recommends to the DPWH that the budget allotted in project ID No. 23EO0035, 23EO0036 and 23EO0070 (proposed cross country road from Pulot Interior, Sofronio Española to Tagusao, Quezon, all in Palawan) be re-allocated to cover project ID No. 23EO0067 and 23EO0070 that will be implemented from Sitio Maribong, Pulot Interior; Sitio Pasi and Sitio Pangatban, Barangay Punang; all in Sofronio Española where there is an existing road that will be more beneficial to the communities;



Republic of the Philippines
PROTECTED AREA MANAGEMENT BOARD
Bataraza · Brooke's Point · Jose Rizal · Quezon · Sofronio Española

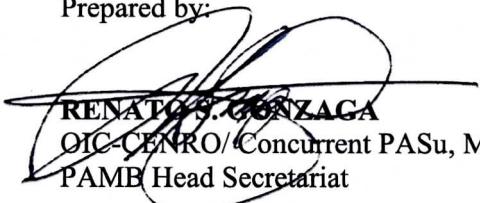
NOW THEREFORE, the PAMB Executive Committee has unanimously decided to disallow the DPWH project ID No. 23EO0035, 23EO0036 and 23EO0037 (proposed cross country road from Pulot Interior, Sofronio Española to Tagusao, Quezon, all in Palawan) and recommends that the fund be re-allocated to project ID No. 23EO0067 and project ID No. 70 that will be implemented from Sitio Maribong, Pulot Interior; Sitio Pasi and Sitio Pangatban, Barangay Punang; all in Sofronio Española where there is an existing road that will be beneficial to the community;

RESOLVED FINALLY THAT, copies of this resolution be furnished to the Local Government Units of Bataraza, Brooke's Point, Sofronio Espanola, Quezon, and Jose Rizal, Provincial Government of Palawan, CENRO-Quezon and Brooke's Point, DENR-PENRO Puerto Princesa City, DENR MIMAROPA Region, Biodiversity Management Bureau (BMB) and Palawan Council for Sustainable Development and all concerned for their information.

APPROVED AND ADOPTED on November 16, 2023 at Rasa Island Wildlife Sanctuary-Protected Area Management Office, Narra, Palawan.

I hereby certify to the correctness and accuracy of the above-noted resolution.

Prepared by:


RENATO S. GONZAGA
OIC-CENRO/ Concurrent PASu, MMPL
PAMB Head Secretariat

Approved by:


WILSON JOHN BARBON
Country Executive Director-Conservation International Philippines Foundation Inc.
PAMB member/ Presiding Officer

Affirmed by:

FELIX S. MIRASOL JR., CESO IV
Regional Executive Director
MIMAROPA Region
PAMB Chairperson



Republic of the Philippines
Department of Environment and Natural Resources

MIMAROPA Region

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan

Contact No.: 0917-160-4920

Email: cenroquezonpal@gmail.com

December 13, 2023

GERALD A. PACANAN, CESO III
Regional Director
Department of Public Works and Highways

THRU: GENE RYAN A. ALTEA
OIC-Assistant Regional Director
Department of Public Works and Highways

Sir,

Greetings from Mount Mantalingahan Protected Landscape-Protected Area Management Office (MMPL-PAMO).

The Mount Mantalingahan Protected Landscape-Committee on Biodiversity Conservation and Monitoring and Committee on Project Development, will be having a Back to Back Technical Working Group committee meeting scheduled last November 15, 2023 and November 16, 2023, respectively.

During the thorough review, evaluation based on the submitted documents and findings, the Technical Working Group recommends that said project proposal be discussed to MMPL-PAMB ExeCom. Based on presented findings of the TWG, the MMPL PAMB ExeCom, disallowed the project with contract ID/project ID No. 23EO0035, 23EO0036, 23EO0037 and recommends that the fund may re-allocate to project ID 23EO0067 and 23EO0070.

Further, the MMPL-PAMB ExeCom endorsed the project ID No. 23EO0067 and 23EO0070 that will start from Sitio Maribong, Barangay Pulot Interior; Sitio Pasi, Sitio Pangatban, Barangay Punang, all in Sofronio Espa ola and will traverse to Sitio Tabud, Barangay Panitian, Quezon, Palawan. The said road where project 23EO0067 and 23EO0070 is already an existing road prior to the proclamation of Mt. Mantalingahan Protected Landscape and is beneficial to the community.

Furthermore, this Resolution will be submitted to the DENR Regional Office for the affirmation of the PAMB Chairperson. An initial copy of Resolution is hereto attached for reference.

Very truly yours,


RENATO S. GONZAGA
PAMB Head Secretariat
OIC-CENRO/Concurrent PASu, MMPL

