



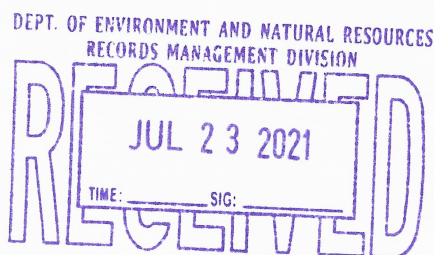
Republic of the Philippines
Province of Palawan
Municipality of Narra

MENRO | Narra

July 14, 2021

ATTY. GRIZELDA MAYO-ANDA
Executive Director

ATTY. REGINA NELLA DIOSO
Legal Officer



Environmental Legal Assistance Center, Inc.
Carlos P. Sayang Compound, Mitra Road
Brgy. Sta. Monica, Puerto Princesa City, Palawan
elacpalawan@gmail.com

Dear **Atty. Anda** and **Atty. Dioso**:

Environmental greetings from the Municipal Government Unit of Narra!

This is in connection to your letter dated 28 June 2021 received by this office last 06 July 2021 seeking *Urgent Enforcement Actions in relation to the (allegedly) Illegal Road and Seawall Construction as well as Mangrove Destruction in Barangay Calategas.*

I was informed that a joint investigation by the MENRO staffs and the PCSDS Focal Person was already conducted in compliance to the PCSDS' instruction last 31 May 2021 to quickly act on a report and verify the allegations. In addition, the PCSDS Focal Person informed the undersigned that PCSDS already submitted their response to your office for the same letter.

Nonetheless, since this letter was recently received by the newly appointed MENRO, this office immediately conducted another investigation last 13 July 2021 upon return to work of its staffs due to compliance with the Local Inter-Agency Task Force home quarantine protocols. The following are the findings of the team during the said activity:

On the issue of acquiring an Environmental Compliance Certificate (ECC), Strategic Environmental Plan (SEP) Public Consultation and other pertinent documents from the concerned agencies:

1. Upon investigation, the contractor informed the team that the **project proponent (Department of Public Works and Highways) was able to acquire a Certificate of Non-Coverage (CNC) for the proposed Construction of Seawall**, hence, the absence of the ECC. The project falls under Category C or an Environmental Enhancement or Direct Mitigation Project;
 - DPWH claimed that **the road in question leading to the project site is not part of their CNC application;**
2. Further, Hon. Julie A. Burlaos presented to the team a **CNC for a proposed 80 meters Access Road from Purok Pinag-isa to Bayside Calategas, Narra, Palawan** dated 08 July 2021. It is classified as Infrastructure Project/Roads and Bridges/Roads, New Construction/Provincial Road or Other type of Roads (declared 0.8 kilometers with no critical slope);



3. Hon. Burlaos also informed us that they, the BLGU, already have a pending application for the issuance of the SEP Clearance as advised by the PCSDS.

On the issue of the access road that allegedly leads to the destruction of a mangrove area:

1. **Hon. Julie Burlaos**, Barangay Chairman of Brgy. Calategas, claimed that it is him and the Barangay Council who requested from and suggested to the contractor to assist the BLGU to facilitate the construction of the access road in question going to the coastal area, which is an easier access going to the seawall project;
2. An all-weather (made of rocks and boulders) access road obviously traversed a mangrove area, but relying only to actual and physical checking, it is not clear if there was indeed a damage to the mangrove tree during the construction. Hon. Burlaos claimed that the curving course of the road was intentional to avoid any damage to the mangrove trees. He said that only branches were trimmed to clear the way;
3. Hon. Burlaos claimed that no mangrove trees were destroyed during the construction of the road which compliments the claim of PENRO, CENRO and the CENRO-Narra;
4. Upon inquiry with some residents near and around the mangrove area and the alleged illegal road, no *bakaw* was damaged during the road construction;
5. As per report of the CENRO/CENRO-Narra, no cut trees were observed but some branches of mangrove trees along the edge of the constructed road were damaged;
6. As per inquiry with the EMB MIMAROPA, a Notice of Violation (NOV) was issued against the Barangay LGU due to its operation at the access road site without the proper permit/clearance.

As for the issue of community consultation:

1. According to Hon. Burlaos, an IEC and public consultation was conducted on 23 April 2021 and on 10 June 2021. He furnished the team a copy of the minutes, photos and attendance form (only for the June 10 activity) for the two separate events.
2. A copy of the Resolution supporting the construction of the seawall project (Resolution no. 23 s'2021) and a *Sulat ng Pagsuporta ng Barangay Council, Lahat ng Barangay Volunteer Workers, Opisyaes ng Purok at Lahat ng Residente ng Barangay Calategas* together with a document signed by individuals were also furnished to the investigating team;

As for the concern of the Municipal LGU:


1. The proponent was able to secure a **Certificate of No Objection (CNO)** and a **Zoning Certification (ZC)** from the Municipal Planning and Development Office (MPDO). The CNO was issued signifying that the LGU have no objection on the proposed project since it is intended to address the ensuing problems in the location (storm surge and flooding). Likewise, it was issued with the assumption that it will be used to secure pertinent permits and clearances from other government agencies prior to its implementation;
2. No coordination with the Municipal Engineering was taken by the DPWH prior to the operation of the project.
3. Upon inquiry to the previous Officer-in-charge of this office, no certification, permit or clearance was requested from the MENRO related to the proposed seawall project.
4. In addition, no ECAN Board Endorsement was requested which is required to secure the SEP Clearance from the PCSDS.

With the foregoing, the undersigned immediately reported to the Local Chief Executive, as the Local ECAN Board Chairman, and recommended the following:

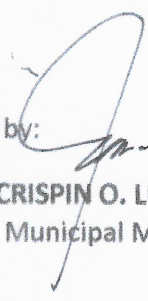
1. That a Letter should be addressed to DENR-EMB and PCSDS to seek for their appropriate actions on the matter at hand if they indeed violated any environmental law or policies;
 - a. Since separate Certificate of Non-Coverage were issued to both Proposed Seawall Project and the Access Road, it is the EMB who have the jurisdiction to revoke it or issue the Stop Order to the projects in question.
 - b. If there is a violation with regards to the acquisition of the Strategic Environmental Plan (SEP), it is the mandate of the PCSDS to issue the NOV and/or stop order.
 - *pertinent documents from the LGU will be secured as requirements for the above document*
2. That a consultative meeting amongst DPWH, LGU-Narra, BLGU Calategas, DENR, PENRO, CENRO, CENRO-Narra, MENRO, PCSDS, PNNI and ELAC be immediately conducted to come-up with a resolution to avoid and mitigate further prejudice arising the project.

We hope that this could help enlighten you with the issue at hand.

Environmentally yours,


EnP NEIL V. VARCAS
MENRO

Noted by:


HON. CRISPIN O. LUMBA, JR.
Acting Municipal Mayor

Copy furnished:
Mayor's Office

Hon. Clarito D. Demaala, IV
Acting Vice Mayor, Municipality of Narra, Palawan

Hon. Arnold Verano
SB Committee Chairman on Environment

Ms. Ma. Lourdes G. Ferrer
Regional Executive Director, DENR MIMAROPA Region

Hon. Roy A. Cimatu
Secretary, DENR

Office of the Ombudsman
Agham Road, Diliman, Quezon City