



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
PUERTO PRINCESA CITY
South National Highway, Bgy. Sta. Monica, Puerto Princesa City
Tel. Fax No.: (048) 433-0660
Email Address: cenropuertoprincesa@denr.gov.ph

September 21, 2021

**SUBJECT: COMPLAINT LODGED AT PRESIDENTIAL COMPLAINT CENTER
BEARING CODE NO. PCC-CYR-10-18-2021-085, WHICH WAS
ENDORSED TO THE DENR ACTION CENTER REGARDING PARCELS
OF LAND LOCATED IN BRGY. APURAWAN, ABORLAN, PALAWAN**

Mrs. Susan Cunanan-Bertschy
susanb@bluewin.ch

Dear Madam:

This pertains to your letter dated December 10, 2021 regarding the above-cited subject which was previously acknowledged and replied by this office.

In line with this, you are asking the following questions in which this office has also enumerated its answers.

1. Has the DENR lifted this suspension?
 - ***Yes. However, in selected municipality only per Memorandum dated March 2, 2020 which is hereto attached.***
2. What happened to your application filed under the name of Susan Cunanan-Bertschy?
3. If your application has vanished? You will file for another application.
 - ***Please be informed that based on the carpeta/file folder turned-over by the CENRO Narra which was filed in the Records of this office, there is no recorded and/or filed application for land titling particularly on accretion or even in the foreshore area immediately adjacent to that accretion in your name. In addition, the suspension of acceptance and processing of public land applications on lands formed by action of the sea in all waterways and accretion islets in river channels and adjacent shores, dried creeks and river beds and other lots of similar character has been implemented since year 2012 per Memorandum dated January 16, 2012 which is hereto attached.***
4. If it is possible to file for another application however you are not around to do that?
5. Can you be assisted in filing for another application and issued Survey Authority or could a geodetic engineer of this office can do the survey?
 - ***Be informed further that there is a previous request to the Administrator of the National Mapping and Resource Information Authority pertaining to the Land Classification of lots located in Bgy. Apurawan, Aborlan, Palawan which copy of the letter request and letter-response of that office are hereto attached. Hence, while waiting for the said request, this office cannot act accordingly per your above question and request.***

6. If there's any other application filed by some individual/s who are not your relatives covering the accretion area?
- ***Considering that the suspension on accretion has been implemented since year 2012 and the suspension including the foreshore area per Suspension Order dated May 28, 2015, it is not possible to file for an application covering the said areas, even you or your family, wherein you mentioned in paragraph three (3) that in 2015 you lodge an application in behalf of your family for the titling of the excess land and application for Foreshore Lease however, there are no evidence or file copy that it was receive and accepted by the office of then CENRO Narra.***

Finally, that under Section 5. Management and Disposition Scheme, Item 5.2.2 of DENR Administrative Order No. 2020-16 states that ***"if the adjacent lot is already titled, the land owner shall proceed to the court for the acquisition of the lands formed by accretion adjacent to Agricultural lands (A & D).*** However after plotting Lot No. 4920-A, Csd-045301-012128-D which is patented to Igalda A. Cunanan dated November 10, 1997 on the Land Classification Map No. 2267 Project No. 10-F, certified on February 20, 1959 the said lot is verified to be within the Timberland. Moreover, per above-mentioned answer on item 4 & 5 this office is still waiting for the latest and/or updated LC map and Cadastral map covering the whole area of Bgy. Apurawan, Aborlan Palawan to officially ascertain its land classification status.

In this regards, this office cannot make any actions for now in your favor as we are waiting for the findings of the NAMRIA regarding the updated/corrected LC map covering portion of Bgy. Apurawan, Aborlan Palawan and likewise due to the aforementioned suspension in land titling.

We trust that you are properly informed.

Very truly yours,


FELIZARDO B. CAYATOC
OIC-CENRO

cc: The PENRO Palawan
The RED, MIMAROPA Manila
DENR Action Center
Presidential Complaint Center
CENRO file
RPS/vgajii F.12.15.21



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel. Nos. (632) 929-66-26 to 29 • (632) 929-62-52
Website: <http://www.denr.gov.ph> / E-mail: web@denr.gov.ph

MEMORANDUM

TO : The Regional Director
DENR Region IV-B

The PENR Officer, Palawan

FROM : The Undersecretary for Field Operations

SUBJECT : **SUSPENSION OF ISSUANCE OF SURVEY AUTHORITY,
CONDUCT AND APPROVAL OF SURVEY OF UNTITLED
LANDS AND ACCEPTANCE AND PROCESSING OF PUBLIC
LAND APPLICATIONS WITHIN PALAWAN**

DATE MAY 28 2015

In view of the numerous land issues and land cases brought before the attention of the DENR and the on-going investigation of illegal titling and reported involvement of DENR personnel, you are hereby directed to suspend the issuance of survey authorities (SA), the conduct and approval of survey plans for unutilized lands and the acceptance and processing of all public land applications within the province of Palawan.

During the period of suspension, you are instructed to implement the following measures to address the issue:

1. Conduct inventory of all the approved and existing PLAs and survey plans within Palawan.
2. Formulate an internal mechanism and safeguards to ensure that only valid SAs, survey plans and patents are approved/issued by your Office.
3. Fast-track investigation on land cases, especially those involving DENR personnel.

The Regional Office shall submit a monthly report on compliance to this Order.

This Order takes effect immediately.

FOR STRICT COMPLIANCE

By Authority of the Secretary

DEMETRIO M. GIGNACIO, JR., CESO I

Secretary
Undersecretary for Field Operations
Head Executive Assistant
Officer-in-Charge, Land Management Bureau



Republic of the Philippines
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MEMORANDUM

TO : THE REGIONAL EXECUTIVE DIRECTOR
DENR –MIMAROPA
1515, L & S Building, Roxas Boulevard, Ermita, Manila

FROM : THE UNDERSECRETARY FOR FIELD OPERATIONS,
ENFORCEMENT AND MUSLIM AFFAIRS

SUBJECT : LIFTING OF SUSPENSION IN THE ISSUANCE, PROCESSING
AND APPROVAL OF SURVEY AUTHORITY, SURVEY PLANS,
AND PUBLIC LAND APPLICATIONS (PLAs) COVERING LOTS IN
IN THE SELECTED MUNICIPALITIES IN PALAWAN

DATE : March 2, 2020

In support of the sustainable development of the Province of Palawan, and having addressed operational issues on the ground, the following activities shall be lifted from the suspension in the issuance, processing and approval of survey authority, survey plans, and Public Land Applications (PLAs).

- (i) Titling of Alienable & Disposable (A&D) lands in Culion, Rizal, Busuanga, Roxas, Taytay, Balabac, Narra, and Brookes Point in the Province of Palawan.
- (ii) All urgent government projects within A&D lands in the entire province of Palawan.

Given this, you are hereby directed to proceed with the processing of all subsisting and new requests for issuance of survey authority, approval of survey plans and PLAs covering agricultural land (alienable and disposable) within the said municipalities subject to DENR Memorandum Circular No. 2019-10 dated December 11, 2019.

Other government projects such as school sites, government offices, military camps in Araceli, Cagayancillo, Culion, Rizal, Busuanga, Roxas and Taytay that fall within timberland shall be subjected to reclassification into A&D Lands.

The Memorandum dated May 28, 2015 by the then Undersecretary Demetrio Ignacio, Jr. is hereby revoked.

For your information and strict compliance

For and by authority of the Secretary:

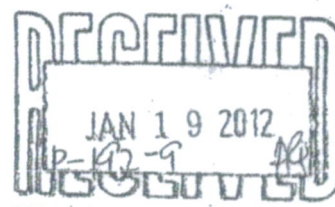
JIM C. SAMPULNA

Cc:

The Acting Director
Land Management Bureau
880 F.R Estuar Building, Quezon Avenue
Barangay Paligsahan, Quezon City



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MEMORANDUM FROM THE SECRETARY

TO : All Regional Executive Directors

ATTENTION : All Regional Technical Directors for Lands

SUBJECT : **SUSPENSION OF ACCEPTANCE AND PROCESSING OF PUBLIC LAND APPLICATIONS ON LANDS FORMED BY ACTION OF THE SEA IN ALL WATERWAYS AND ACCRETION ISLETS IN RIVER CHANNELS AND ADJACENT SHORES, DRIED CREEKS AND RIVER BEDS AND OTHER LOTS OF SIMILAR CHARACTER**

DATE : **16 JAN 2012**

In light of recent events, policies and procedures pertaining to the survey and disposition of public lands on unstable land forms and those considered impermanent in nature will be revisited and improved on by the Land Management Bureau.

Pending this policy review, you are hereby directed to immediately suspend the acceptance and processing of all public land applications over lands formed by the action of the sea in all natural waterways including accretion islets in all river channels and adjacent shores, dried creeks and rivers beds and other lots of similar nature.

For your immediate compliance.


RAMON J. PAJE
act

DENR - 224 -

ADDV

JAN 20 2012



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P4-12-12

MEMORANDUM



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region



DATE: APR 16 2019
TIME: 7:19
NAME: [Signature]
MAR 15 2019

PETER N. TIANGCO, CESO I

Administrator
National Mapping and Resource Information Authority
NAMRIA Building, Lawton Avenue,
Fort Bonifacio, Taguig City

Dear Sir:

This pertains to the several requests for Certification as to Land Classification (LC) status of lots located in Apurawan, Aborlan, Palawan.

Please be informed that as per verification and findings of our CENR Office, Land Classification Map No. 2267 dated February 20, 1959 does not conform to the cadastral map. Moreover, per projection and verification on the ground, some lots along the shoreline falls within the West Philippine Sea.

In this regard, may we respectfully request your good Office an updated LC and Cad Map which will be used as reference on issuing certification of land classification status covering parcels of land in Apurawan, Aborlan, Palawan.

Your positive response in this matter is highly appreciated.

Very truly yours,

HENRY A. ADORNADO, Ph.D.
Regional Executive Director

Cc:

The OIC, PENR Officer
Sta. Monica Puerto Princesa City

The OIC, CENR Officer
Sta. Monica, Puerto Princesa City



Doc ID: 9714



DEC 10 2020

DENR ADMINISTRATIVE ORDER
NO. 2020 - 16

SUBJECT: GUIDELINES ON THE DISPOSITION OF LANDS FORMED BY ACCRETION ADJACENT TO AGRICULTURAL LANDS (A&D) AND MANAGEMENT OF ISLETS IN RIVER CHANNELS, DRIED CREEKS AND DRIED RIVER BEDS

Pursuant to Executive Order No. 192 or the Reorganization Act of DENR of 1987, Republic Act No. 9729 otherwise known as the Climate Change Act of 2009, Republic Act No. 10121 known as the Philippine Disaster Risk Reduction and Management Act of 2010, the Public Land Act and Civil Code of the Philippines, there is an urgent need to revisit and improve policies and procedures pertaining to the survey, disposition, and management of public lands on unstable land forms and those considered impermanent in nature. The following guidelines on the disposition of lands formed by accretion adjacent to agricultural lands (A&D) and management of islets in river channels, dried creeks and dried river beds are hereby issued for the guidance and compliance of all concerned:

SECTION 1. Basic Policy. It is the policy of the State to ensure the efficient conservation, management, development, safety, security, equitable distribution and use of the country's environment and natural resources.

SECTION 2. Objective. This Order aims to provide guidelines on the disposition of lands formed by accretion adjacent to agricultural lands (A&D) and proper management of islets in river channels, dried creeks and dried river beds.

SECTION 3. Scope and Coverage. This Order shall apply to lands formed by accretion adjacent to agricultural lands (A&D) and management of islets in river channels, dried creeks and dried river beds.

SECTION 4. Definition of Terms. As used in this Order, the following terms shall be defined as:

- 4.1. **Accretion** – the gradual and imperceptible process of accumulation of soil or sediment on a land adjacent to the waterways (bank of a river) as a result of the action of the waters therein.
- 4.2. **Delta** – an area of low, flat land shaped like a triangle, where a river splits and spreads out into several branches before entering the sea.
- 4.3. **Island** – a naturally formed area of land, surrounded by water, provided that where the island is surrounded by the sea, the same should always be above the water at high tide.
- 4.4. **Islets** – small islands that were formed by actions of the sea, river, or other bodies of water which are unstable and impermanent in nature such as, but not limited to, sandbars and delta.

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JANE G. BAUTISTA
Chief, Records Management Division

- 4.5. **Sandbar** – a shallow portion of the coast, largely made of loose sand that is near the surface of the water.

SECTION 5. Management and Disposition Scheme. The following guidelines on the management of islets, dried creeks and dried river beds and disposition of lands formed by accretion adjacent to agricultural land (A&D) are hereby prescribed:

- 5.1. For the management of islets such as sandbars and delta, and dried creeks and dried river beds.

- 5.1.1. All islets such as sandbars and delta **shall not be subjected to any mode of titling.**

Islands formed by accretion within navigable or floatable lakes or rivers belong to the State pursuant to Article 464 of the Civil Code of the Philippines. The same shall not be alienated, unless declared as open for disposition through a law enacted by the Congress or a Presidential Proclamation.

On the other hand, dried creeks and dried river beds shall not be alienated since these belong to the State as property of public dominion pursuant to *Article 502 of the Civil Code of the Philippines*, and outside the commerce of man. Hence, these lands are not susceptible to private appropriation and acquisitive prescription unless declared as open for disposition through a law enacted by the Congress or a Presidential Proclamation.

- 5.1.2. The Regional Office, through the Community Environment and Natural Resources Office (CENRO), the Mines and Geosciences Bureau (MGB) of the Region, the Conservation and Development Division (CDD) of the Region, and the Licenses, Patents and Deeds Division (LPDD) of the Region, shall jointly identify and assess the physical and biological conditions including ecology, geology, topography, hydrology, soil quality, and exposure to environmental and climate risks of these lands. In extreme cases, these areas may be designated as no-build zone areas.

- 5.1.3. The Regional Office, through the CENRO, MGB, CDD, and LPDD shall determine the potential and most suitable use of these lands, subject to existing laws, rules and regulations. The DENR shall then conduct a survey of the areas.

- 5.1.4. The DENR may recommend the issuance of a Presidential Proclamation or enter into a Memorandum of Agreement (MOA) with the Local Government Unit (LGU) for the proper management and development of the area.

- 5.2. For the disposition of lands formed by accretion adjacent to agricultural lands (A&D).

- 5.2.1. Lands formed by accretion within a block classified as agricultural land (A&D) shall be disposed of in accordance with the provisions of Commonwealth Act (CA) 141, as amended, or the Public Land Act, and Section 2, Chapter 2 of Book II, Title II of the Civil Code of the Philippines.

- 5.2.2. If the adjacent lot is already titled, the land owner shall proceed to the Court for the acquisition of the lands formed by accretion adjacent to agricultural lands (A&D). The same shall be surveyed using the survey symbol ACR, except those accretions formed in Friar Lands where the survey symbol shall remain as FLS.

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JANE G. BAUTISTA
Chief, Records Management Division

- 5.2.3. If the adjacent lot is still untitled, the lands formed by accretion within a block classified as agricultural land (A&D), shall be surveyed and assigned with the highest lot number. The adjacent claimant may opt to consolidate the same with the adjacent lot for purposes of filing the appropriate Public Land Application (PLA).
- 5.2.4. Lands formed within non-navigable or non-floatable lakes or rivers shall be governed by the provisions of Article 465 of the Civil Code. The disposition of these lands shall be subject to additional comment/clearance/certification from the Regional Office of the MGB. The CENRO concerned shall secure this comment/clearance/certification from the MGB to determine the physical and geological condition of the area subject of the application and whether it is fit for habitation or human settlement.
- 5.2.5. Furthermore, the geohazard map from the MGB shall also be secured and overlaid on the particular cadastral map covering the area subject of the application.
- 5.2.6. The law on easements under Article 51 of Presidential Decree (PD) 1067 or the Water Code of the Philippines and DAO Nos. 99-21 and 92-13 shall also be strictly observed.

SECTION 6. Transitory Provision. All subsisting PLAs shall be reviewed for appropriate action consistent with this Order.

SECTION 7. Separability Clause. If any part or provision of this Order is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

SECTION 8. Repealing Clause. All orders, circulars, memoranda and other issuances inconsistent herewith are hereby repealed, amended and/or modified accordingly.

SECTION 9. Effectivity. This Order shall take effect upon acknowledgment of receipt of a copy hereof by the Office of the National Administrative Register (ONAR) and fifteen (15) days after its publication in a newspaper of general circulation.


ROY A. CIMATU
Secretary



PUBLICATION: The Manila Times
December 16, 2020

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JANE G. BAUTISTA
Chief, Records Management Division