



Republic of the Philippines
Department of Environment and Natural Resources

FOREST MANAGEMENT BUREAU

Visayas, Avenue, Diliman, 1100 Quezon City

Tel. No.: (632) 8925-2141 / (632) 8927-4788

E-mail Address: fmb@denr.gov.ph

Website: <https://www.forestry.denr.gov.ph>

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 L&S Bldg., Roxas Blvd.
Ermita, Manila

FROM : The Assistant Secretary for Policy, Planning, and Foreign Assisted
and Special Projects, and FMB Director, in concurrent capacity

SUBJECT : **AGREEMENTS DURING THE INTER-AGENCY TASK FORCE
(IATF)-YOLANDA SPECIAL MEETING REGARDING THE
YOLANDA HOUSING PROJECTS IN PALAWAN**

DATE :

NOV 11 2021

This pertains to the IATF-Yolanda Special Meeting regarding the Yolanda Housing Projects in Palawan held on 22 October 2021.

It can be recalled that one of the agreements during the meeting is to conduct an in-depth investigation on the issuance of title within an unclassified public forest land relative to the Permanent Yolanda Housing Projects in Coron specifically within the Busuanga Pasture Reserve.

In line with this, may we kindly request your good Office to conduct an in-depth investigation on the issuance of Original Certificate Title (OCT) No. G-6688 (now Transfer Certificate of Title (TCT) No. T-8335) to Mariano Celedonio in 1949. This is to verify the authenticity and legality of the said Title. Should assistance be needed in the conduct of an in-depth investigation, the local CENRO may access the assistance of the BPR Management Office in Coron.

Kindly submit a copy of the report to the Office of the Undersecretary for Field Operations and Environment (OUFOE), copy furnished the Office of the Undersecretary for Legal, Administration, Human Resources and Legislative Affairs and this Office for reference on decision concerning the Yolanda Permanent Housing Project within the Busuanga Pasture Reserve (BPR).

FOR CONSIDERATION AND APPROPRIATE ACTION, PLEASE.


MARCIAL C. AMARO, JR., CESO III

cc : DENR Undersecretary for Field Operations and Environment
DENR Undersecretary for Legal, Administration, Human Resources and Legislative Affairs
DENR Undersecretary for Enforcement, Mining & Muslims Affairs and Supervising Undersecretary for Forest Management
Director, DENR Legal Affairs Service

HIGHLIGHTS OF THE IATF-YOLANDA SPECIAL MEETING REGARDING YOLANDA PROJECTS IN PALAWAN

22 October 2021

TOPICS	DISCUSSIONS	AGREEMENTS
<p>Status of Yolanda Permanent Housing Projects in Palawan</p>	<p>The Executive Director of IATF-Yolanda, Atty. Rod. H. Pino provided the objectives of the scheduled meeting. He mentioned that the said meeting aimed to resolve the pending issues on the land classification status of the Yolanda Housing Projects in Palawan. President Rodrigo Duterte is also fast-tracking the establishment of the housing project- hoping that the project is done by the end of his term.</p> <p>The IATF Yolanda identified three (4) project sites in Brgys. Baldat, Binudac, Galoc and Malaking Patag, Culion, two (2) project sites in Coron (Coron Heights and Coron Residences), one (1) project site in Busuanga, one (1) project site in Agutaya and one (1) project site in Linapacan.</p> <p><i>Municipality of Culion, Palawan</i></p> <p>The construction of three (3) housing project sites in Brgys. Baldat, Binudac, Galoc, municipality of Culion were handled by the Provincial Government of Palawan. According to the Engineer of the Provincial Government of Culion, the construction of the housing units is almost done aside from the areas of Binudac and Galoc since they are still waiting for the construction materials from Metro Manila. On the other hand, the housing project of NHA in Brgy. Malaking Patag, Culion, was accordingly on the final bidding process (NOA and post qualifications).</p> <p><i>Municipality of Coron, Palawan</i></p> <p>The construction of housing projects in the municipality of Coron, handled by the National Housing Authority (NHA), was found to be within the unclassified public forest (UPF). Two (2) project sites in Coron are already on-going with 26% accomplishment.</p> <p><i>Municipalities of Agutaya, Linapacan and Busuanga, Palawan</i></p> <p>The NHA has also identified project sites in the municipalities of Agutaya, Busuanga and Linapacan which are already in the process of post qualifications.</p>	
<p>Land classification status of the IATF Yolanda Housing Projects in Palawan</p>	<p>During the discussion on the housing projects in Culion, it was mentioned that there are no issues identified in the project sites handled by the Provincial Government of Palawan, specifically the ones located in Brgys. Baldat, Binudac, Galoc, Municipality of Culion, Palawan. These housing units were located in the alienable and disposable (A&D) lands, hence, no issues pertaining to the land classification status were identified. However, the housing project in</p>	<p>NHA to provide the IATF Yolanda the copy of technical descriptions of the project sites located in the UPF such as Culion, Busuanga,</p>

	<p>Brgy. Malaking Patag, Culion, Palawan was identified to be within the unclassified public forest. It was further mentioned that the housing project of NHA in Brgy. Malaking Patag, Culion, was accordingly on the final bidding process (NOA and post qualifications) and that the lot wherein the housing project will be established was already paid by the developer. The NHA had accordingly given the developer the go signal to establish the housing site in Brgy. Malaking Patag, Culion, Palawan despite its land classification status since it was already assessed by the aforesaid agency. When asked about the possibility of relocating the specific project to A&D lands within Culion, Ms. Sandra Nocum (developer) mentioned that NHA indicated that the housing projects can be pushed through as long as there is a tax declaration and that proper requests were made.</p> <p>In the case of the housing project in Coron (located within the boundaries of BPR), it was discussed that the developer already requested the DENR for a certificate to construct. Atty. Pino further mentioned that the project site is titled land within the Busuanga Pasture Reserve which was proclaimed as such pursuant to PP 1387. Under the said proclamation, prior rights are duly recognized. It was further mentioned that the area falls within the unclassified public forest.</p> <p>ARD Technical Services Vincent Tuddao clarified that the land classification of the area has been classified as early as 1928. Under the said land classification, the area is an unclassified public forest, which is considered forestland. The title was issued in 1949, hence, regardless of the recognition for prior rights of PP 1387, the area is still an unclassified public forest based on the land classification made as early as 1928.</p> <p>ARD Tuddao further mentioned that the best possible solution for the project sites in Coron is the classification of the area into alienable and disposable lands subject to Section 16 of PD 705. The said area has to undergo assessment based on the biophysical properties of the area. ARD Tuddao mentioned that the approval of the land classification process is within the authority of the DENR Secretary, however, he opined there is still a need to amend Presidential Proclamation No. 1387. Lastly, ARD Tuddao mentioned that other areas classified as UPF will have to undergo a technical and legal assessment before the possible classification of the areas into A&D.</p> <p>A representative from LGU Coron mentioned that there are identified A&D areas within BPR which may be considered as project sites for the Yolanda housing project. ARD Tuddao argued that the whole BPR is a public forest. ARD Tuddao emphasized that PP 1387 was issued during the effectivity of the 1973 Constitution, when the legal classification of lands still includes "grazing lands". The said land classification was removed in the 1987 Constitution</p>	<p>Linapacan, and Agutaya.</p> <p>All the technical reports should be coursed through proper channels from the CENRO Coron-Calamianes Islands to facilitate the implementation of the Yolanda housing project.</p> <p>An investigation pertaining to the issuance of land title despite of land classification of the project site in Coron should be conducted by the DENR.</p>
--	---	--

and was consolidated into forest or timberland. Hence, there are no A&D lands within the BPR.

During the said meeting, Atty. Pino questioned the NHA on the entity responsible for the processing of clearance and permit for the housing project. **Mr. Maximo Cabasal** from NHA mentioned that it is the developer who should be securing all the permits and clearance and that they are assisting them with those activities.

It was mentioned also that there is a cadastral survey for the housing site in Busuanga. However, it was clarified that the cadastral survey does not signify that the area is within the A&D since the said cadastral survey also includes the forestland. When asked on the location of the area in Busuanga, Mr. Cabasal mentioned that the area is at Brgy. New Busuanga, Busuanga, Palawan. **Mr. Johnny Lilang** from PENRO Palawan mentioned, however, that the Lot Number of the CAD survey should be coordinated with the CENRO Calamianes Islands to check whether or not the area falls within the forestland.

The project sites in Linapacan and Agutaya were also under the Unclassified Public Forest. Although these areas can be classified by the Secretary, the whole Palawan is bounded by Proclamation No. 219 "Declaring the Entire Province of Palawan as Game Refuge and Bird Sanctuary, and the Small Island of Palawan as National Reserves" and Proclamation No. 2152 "Declaring the Entire Province of Palawan and Certain Parcels of the Public Domain and/or Parts of the Country as Mangrove Swamp Forest Reserves". It was suggested by Mr. Lilang that the issues covering these areas be documented and elevated in the Office of the DENR Secretary. Furthermore, the disestablishment of the BPR as pasture reserve should also be elevated to the Office of the DENR Secretary.

Mr. Lilang further emphasized that the UPF areas will undergo the classification process which is to be approved/disapproved by the DENR Secretary. For the cases of forestlands, these areas will have to undergo Congressional action for it to be reclassified as A&D. He reiterated that for the case of classification of UPF, the DENR is still bounded by the Presidential Proclamation No. 219 and Proclamation No. 2152.

Atty. Mercado from DENR LAS supported Mr. Lilang in the case of classification of UPF. She mentioned the recent jurisprudence on the Dumo case wherein the Supreme Court empowered the DENR Secretary to classify UPF. However, given that decision on the Dumo case is just recent, the DENR is still setting guidelines on the classification of UPF.

Furthermore, Atty. Mercado clarified that the land classification status of BPR (regardless of its previous land classification) is forestland by virtue of PP 1387. Hence, the project site within BPR requires Congressional Action for the process of reclassification. If

	<p>ever the subject area within BPR was found to be classified as A&D before the issuance of the title, therefore, the DENR will recognize the title as prior rights. However, if the investigation reveals that there is no classification that took place for the subject site, then the area remains as forestland. Hence, it is imperative for the conduct of the investigation of the area within BPR.</p> <p>In the end, Atty. Pino requested NHA for the technical description of the project sites located in the UPF such as Culion, Busuanga, Linapacan and Agutaya. All the technical reports should be coursed through proper channels from the CENRO Calamianes Islands to facilitate the implementation of the Yolanda housing project.</p> <p>The IATF-Yolanda will also wait for the result of an immediate investigation of the DENR on the case of project site within BPR before proper courses of action will be taken.</p> <p>Lastly, Ms. Christina Rodriguez from PCSD requested for a copy of contract between the developer and the NHA to know the responsible entity in securing ECAN Zoning Certification, SEP Clearance, etc. The responsible entity will pay the penalty for not securing the aforesaid clearance/certification before starting the establishment of the project.</p>	
--	---	--

There being no other matters to discuss, the meeting was adjourned at 11:30AM.

Prepared by:


FOR. DANELYN T. DELOS REYES
 PDO, BPRMO/FoRev

Reviewed by:


FOR. KATHLEEN O. MARASIGAN
 OIC, Forest Revenue Development Section

Noted by:


FOR. JESUS A. JAVIER
 Chief, Forest Investment Development Division