



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenroroxaspalawan@denr.gov.ph

29 September 2021

MEMORANDUM

FOR : The Regional Executive Director

THRU : The PENR Officer

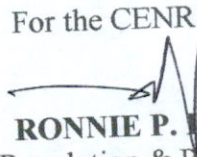
FROM : The CENR Officer

SUBJECT : **OPPOSITION TO IMPLEMENTING REVALUATION FOR
COLLECTION OF GOVERNMENT SHARE FOR FLAGT NO.
07-2010 OF MS. ESPERANZA DELMO-BUTIKOFER IN
BGY. PORT BARTON, SAN VICENTE, PALAWAN**

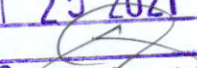
For consideration are grounds upon which the opposition referred to in the subject hereof are premised.

Thank you for affording the matter with the second look desired.

For the CENR Officer:


RONNIE P. LILANG
Chief, Regulation & Permitting Section
Office-In-Charge

Copy: file

CENR-CENRO ROXAS
RELEASED
DATE OCT 25 2021
BY: 
DOC. NO. 21-10-1314



DOCUMENT ACTION INFORMATION FORM

Doc. Ref. No.: **2021-4460**

Date and Time received:

09/29/2021 4:03:55 PM

From: SHERLY PATAWEG

Document Type: Letters

MAGARA, ROXAS, PALAWAN

Subject: LETTER DATED JULY 29, 2021 FROM CENRO ROXAS PALAWAN RELATIVE TO THE REVALUATION OF GOVERNMENT SHARE FOR FOREST LANDUSE AGREEMENT FOR TOURISM PROJECTS(FLAGT)

Attachment(s): No attachment(s)

Earmarked As :

Date: 09/29/21	From: AC	To: felix	
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input checked="" type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter	Other Instruction(s):
Date:	From:	To:	
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter	Other Instruction(s):
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Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter	Other Instruction(s):

Printed on 09/29/2021 4:04:20PM Received at: REGULATION AND PER Received by: GANDEZA, LUCIEN

September 13, 2021
Magara, Roxas, Palawan

MS. MA. LOURDES G. FERRER, CESO III
Regional Executive Director
Department of Environment and Natural Resources
MIMAROPA Region
L & S Bldg, 1515 Roxas Blvd.,
Ermita, Manila
mimaroparegion@denr.gov.ph



Subject : Letter dated July 29, 2021 from the CENRO, Roxas Palawan relative to the Revaluation of Government Share for Forest Landuse Agreement for Tourism (FLAgT) Projects

Dear **Director Ferrer**:

Good day !

This pertains to the letter dated July 29, 2021 of the CENRO, Roxas Palawan informing Ms. Espernaza Delmo-Butikofer on the Revaluation of Government Share (GS) for Forest Landuse Agreement for Tourism (FLAgT) Projects made by your Office, and informing/requiring us to pay the new annual government share for FLAgT No. 07-2010 in the **prohibitive amount of ₱1,000,000.00** on or before 31 March 2022, pursuant to DAO 2021-02. The revaluated amount is almost 7 times the current GS which is **Php150,000.00** per annum, and apparently based on the latest zonal value as prescribed by the Bureau of Internal Revenue (BIR) effective CY 2017.

In this regard, we are registering our strong opposition on the implementation of the revaluated government share **amounting to ₱1,000,000.00** for FLAgT No. 07-2010 effective CY 2022, on the following grounds:

1. Item VIII wof the FLAgT which states that *'the **SECOND PARTY** shall pay annual Government Share of **One Hundred Fifty Thousand Pesos (Php150,000.00)** Philippine currency, within thirty (30) days upon approval of this AGREEMENT, and annually thereafter, within the same month that this AGREEMENT is issued.*

At this juncture, we are pleased to inform the good Director that we have been compliant in the payment of our obligations, even during this difficult time where no tourists are coming in Palawan due to the **Pandemic**, as evidenced by the attached proofs of payment.

2. Item XXVIII which states that *this AGREEMENT may be modified, altered or amended **upon agreement in writing by both parties** ; and*
3. Item XXX which states that *this AGREEMENT is subject to pertinent DENR laws, rules and regulations, provided **the same shall not impair the contractual obligations of both parties herein.***

As such, to impose upon us the new GS of ₱1,000,000.00 without the mutual agreement by both parties is a **complete disregard and/or violation by the FIRST PARTY – the DENR** with the aforesaid conditions of the Agreement.

4. DAO 2021-02 dated March 04, 2021 which is apparently the basis of the revaluation, *aims to ensure the on-time payment of government share by tenure instrument holders to the concerned DENR Field Offices, and to ensure the latter's timely collection of user's fee as well as efficient accounting and remittance of the collected user's fees to the National Treasury.* Thus, the amendment of Sec. 16 of DAO 2004-28 and Sec. 18 of DAO 2004-59 both entitled **Payment of Government Share and Surcharges for Late Payment**, which reads as follows:


The government share or user's fee for SLUP, FLAg and FLAgT shall be paid within thirty (30) days upon issuance of SLUP, FLAg and FLAgT and annually thereafter on or before March 31 of the succeeding years. Failure of the SLUP, FLAg and FLAgT holder to pay the user's fee within the prescribed period shall be subject to surcharges of 8.33% monthly for late payment or 100% for one (1) year.

As gleaned from the aforesaid statement, there was no mention on the conduct of revaluation of Government Share. While the conduct of the said activity every five (5) years thereafter is explicitly provided under 1st paragraph, Section 16 of DAO 2004-28, but the aforesaid provision of the guidelines is **deemed repealed by DAO 2021-02** inasmuch as the amendment did not qualify to amend only the 2nd paragraph thereof.

WHEREFORE, foregoing premises considered, we vehemently interpose our opposition on the implementation of the revaluated government share **amounting to ₱1,000,000.00** for FLAgT No. 07-2010 effective CY 2022.

Thank you very much and hoping for a positive feedback on the matter.

Very truly yours,


SHERLY D. PATAWEG
Attorney-In-fact

copy furnished:

1. Marcial C. Amaro, Jr.
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