



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

26 October 2021

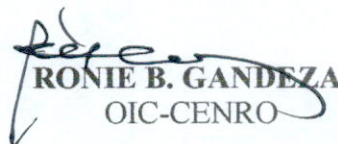
MEMORANDUM


FOR : The Regional Executive Director
THRU : The PENR Officer
FROM : The CENR Officer
SUBJECT : **MEMORANDUM OF 05 JULY 2021 DIRECTING
REJECTION OF PATENT APPLICATIONS COVERING
LOTS AFFECTING SALVAGE ZONES**

Implementing paragraph (i) of Section 90 of CA No. 141 (The Public Land Act as amended by RA 1273) in harmony with Section 16 of PD 705 (The Revised Forestry Code specifically paragraphs 7 and 8 thereof) and Article 51 of PD 1067 (The Water Code), DAO 97-05 issued out requiring reduction into separate lots of easements along bodies of water. Two years after, the said DAO was superseded by DAO 99-21 where easements are again made part of lots bordering upon bodies of water demarcated for certain purposes the intent not being to cause deprivation of ownership (as clearly suggested by the phrase, “xxx *even after patent shall have been issued* xxx”) but simply to impose restrictions on the owner’s right to use the land. Attached is slide 26 of a power point presentation disseminated by then LPDD Chief Bayani V. Mantubig.

Notwithstanding the instruction, may we request for legal basis upon which to base the rejection order desired.

Thank you.


RONIE B. GANDEZA
OIC-CENRO

DENR-CENRO ROXAS
RELEASED
DATE: OCT 28 2021
BY: 
DOC. NO. 21-10-1332

Copy: file

Salvage Zone does not cause deprivation of ownership over the land it covers; it simply imposes restrictions on the land owner's right to use the land. *(Burdened with the obligation to respect the general public's right of passage, right to use in the case of inclement weather, shipwreck or distress)*

NOTE: The purpose of the State in providing for the salvage zone is to allow free access to the sea.

- [United States of America](#)

 [View printer friendly version](#)

(NAR) VOL. 10 NO. 3 / JULY - SEPTEMBER 1999

[DENR ADMINISTRATIVE ORDER NO. 99-21, June 11, 1999]

SUPERSEDING DAO NO. 97-05 AND PRESCRIBING THE REVISED GUIDELINES IN THE IMPLEMENTATION OF THE PERTINENT PROVISIONS OF R.A. 1273, P.D. 705 AND P.D. 1067

A. In response to the clamor of the geodetic engineering profession and in the furtherance of the government's program of biodiversity preservation, the following revised guidelines are hereby promulgated for the strict implementation of the provisions of R.A. No. 1273; Section 16 paragraphs 7 and 8 of P.D. No. 705 and Article 51 of P.D. No. 1067.

xxx

SECTION 1. To insure the preservation of ecological balance and protection of the environment, all concerned shall observe in the processing, verification and approval of isolated and cadastral surveys, the requirements of Section 1 of R.A. No. 1273 which amended Section 90 of C.A. 141 otherwise known as the "Public Land Act", Section 16 of P.D. No. 705 otherwise known as the "Forestry Code" and Article 51 of P.D. No. 1067 otherwise known as "Water Code of the Philippines", are quoted as follows:

a) "Section 1 (I) That the applicant agrees that a strip of forty meters wide starting from the bank on each side of any river or stream that may be found on the land applied for shall be demarcated and preserved as permanent timberland to be planted exclusively to trees of known economic value, and that he shall not make any clearing thereon or utilize the same for ordinary farming purposes even after patent shall have been issued to him or a contract lease shall have been executed in his favor." (R.A. No. 1273)

b) "Section 16. Areas needed for forest purposes x x x

(7) Twenty-meter strips of land along the edge of the normal high waterline of rivers and streams with channels of at least five (5) meters wide;

(8) Strips of mangrove or swamplands at least twenty (20) meters wide, along shorelines facing oceans, lakes and other bodies of water and strips of land at least twenty (20) meters facing lakes; x x x ." (P.D. No. 705)

c) "Article 51. The banks of rivers and streams and the shores of the seas, and throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage . . ." (P.D. No. 1067)

Section 2. Implementation

2.1 Original Surveys:

2.1.a Public Lands:

All alienable and disposable (A and D) lands of the public domain shall be surveyed pursuant to Section 1 Par. (1) of R.A. 1273 whereby a strip of forty (40) meters wide starting from the banks on each side of any river or stream that may be found on the land shall be demarcated and preserved as permanent timberland.

Likewise, to be demarcated are public lands; along the banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest area, along their margins which are subject to the easement for public use in the interest of recreation, navigation, floatage, fishing and salvage.

2.1.b Private Lands:

Untitled private lands for registration purposes under P.D. 1529 shall be surveyed in accordance with the Revised Manual of Land Surveying Regulations in the Philippines provided that the easement for bank protection of three (3) meters in urban areas and twenty (20) meters in agricultural areas shall be marked by dotted lines in the survey plan.

The survey of these lands shall proceed only after an investigation shall have been conducted by the CENRO and after it has been ascertained that the survey claimant or his predecessor-in-interest has been in continuous, open, exclusive, notorious possession of the land since time immemorial.

The findings of the CENRO shall form part of the supporting documents of the survey returns to be submitted to the Regional Office for approval.

2.1.c Survey Returns Submitted to the Regional Office Pending Approval:

Survey returns submitted for verification and approval without observing the provisions of Items 2.1.a and 2.1.b shall be returned to the Geodetic Engineer concerned for compliance.

2.2 Untitled surveyed Areas:

2.2.a Covered by Public Land Applications:

Lands covered by public land applications which are found to have been surveyed not in accordance with the aforecited laws shall be amended to conform to the requirements of said laws.

2.2.b Subject to Judicial Land Titling: Requests for certified copies of survey plans and technical descriptions to be used in original registration proceedings under P.D. 1529 shall be issued only after a comment and recommendation of the CENRO concerned that such lands have been in continuous, notorious and exclusive occupation of the survey claimant or his/her predecessors-in-interest which would entitle him the confirmation of title through judicial proceedings.

In the event that the survey claimant is found to be not qualified to apply for confirmation of title through judicial proceedings on account of the findings of the CENRO, the survey of the land shall be made to conform with the requirements of 2.2.a.

2.3 Survey of Titled Lands:

2.3.1 Administratively Titled Lands:

The provisions of item 2.1.a and 2.1.b shall be observed as to the above. However, when these

- lands are to be subdivided, consolidated or consolidated — subdivided, the strip of three (3) meters which falls within urban areas shall be demarcated and marked on the plan for easement and bank protection.

The purpose of these strips of land shall be noted in the technical description and annotated in the title.

2.3.2 Judicially Titled Lands:

When lands judicially titled are subdivided, consolidated or consolidated — subdivided the strip of three (3) meters in urban areas and twenty (20) meters in agricultural areas shall be demarcated and indicated on the plans using dotted lines.

2.3.3 Complex Subdivision or Consolidation Subdivision Surveys for Housing/Residential, Commercial or Industrial Purposes:

When titled lands are subdivided or; consolidated — subdivided into lots for residential, commercial or industrial purposes the segregation of the three (3) meter wide strip along the banks of rivers or streams shall be observed and be made part of the open space requirement pursuant to P.D. 1216.

The strip shall be preserved and shall not be subject to subsequent subdivision.

B. All orders, circulars, official instruction or parts thereof inconsistent herewith are hereby modified accordingly.

C. The Order shall take effect fifteen (15) days after publication in the newspaper of general circulation.

Adopted: 11 June 1999

(SGD.) ANTONIO H. CERILLES

Secretary

© Supreme Court E-Library 2019

This website was designed and developed, and is maintained, by the E-Library Technical Staff in collaboration with the Management Information Systems Office.

- Contact Us
- About Us
- Site Map
- News and Announcements
- Chief Justices
- REGISTER HERE
- 2018 Bar Passers
- Home

Information At Your Fingertips
Supreme Court E-Library



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. III, Poblacion, Roxas, Palawan
Contact No. 09171606578
Email Address: cenroroxaspalawan@denr.gov.ph

DOCUMENT ACTION INFORMATION FORM

Doc. Ref. No.: 2021-4761

Date and Time received:

10/20/2021 02:06:47 PM

From: MARIA LOURDES G. FERRER, CESO III

Document Type: Memorandums

REGIONAL EXECUTIVE DIRECTOR-MIMAROPA REGION

Subject: COMPLAINT LETTER DATED FEBRUARY 26, 2019 ON ILLEGAL OCCUPATION BY DIAMOND EXPLORE SECURITY AND INTELLIGENCE AGENCY LED BY LIBERATO A. BARCELO OVER A PARCEL OF LAND CALIMED BY BINGA BECH BROTHERS (BBB) INC. LOCATED AT SQ LUMAMBONG, BGY. BINGA, SAN VICE

Attachment(s): No attachment(s)

Earmarked As:

| | | | |
|--|-------------------|---|--|
| Date: 10-15-21 | From: Dm - 4 (OK) | To: chif RPS | |
| Action Recommended/Required: <input checked="" 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 checked="" 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): Fyl & on compliance Rls. (coordinate w/ chif RPS w/ issue of NTV) TY |
| Date: 10-20-21 | From: MR | To: [Signature] | |
| 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): [Signature] |
| 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): |
| 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): |

Printed on 10/20/2021 2:07:45PM Received at: REGULATION AND PER Received by: GANDEZA, LUCIEN



MEMORANDUM

TO : The PENRO-Palawan
Sta. Monica, Puerto Princesa, Palawan

ATTENTION : The CENRO- Roxas

FROM : The Regional Executive Director

SUBJECT : COMPLAINT LETTER DATED FEBRUARY 26, 2019 ON
ILLEGAL OCCUPATION BY DIAMOND EXPLORE
SECURITY AND INTELLIGENCE AGENCY LED BY
LIBERATO A. BARCELO OVER A PARCEL OF LAND
CLAIMED BY BINGA BEACH BROTHERS (BBB) INC.
LOCATED AT SITIO LUMAMBONG, BARANGAY BINGA,
SAN VICENTE, PALAWAN

JUL 05 2021
Signature



This refers to the Memorandum dated 15 June 2021 from the OIC, Chief, Survey and Mapping Division indorsing the survey report of Engr. Donna Belle Luengo dated 22 March 2021 regarding the result of verification survey on actual occupation of the above subject

Upon exhaustive review and evaluation on the submitted report by Engr. Luengo and verification made on Cadastral Map (Cad. 860-D) San Vicente Cadastre, it was ascertained that Lots No. 3969 & 3970 are found to be within salvage zone with 20 meters from the highest tide.

Further, this office projected the subject lots with the Land Classification (LC) Map No. 1614, Project 9-A, Block VIII dated September 29 1952, wherein the subject lots are adjoining the mangrove area wherein Lot No. 3947-E occupied by Binga Beach Brothers (BBB) Inc. falls inside mangrove area.

In view of the findings and recommendations of the Chief, Survey and Mapping Division in his memorandum dated June 15 2021 (attached) for cancellation of the approved plan Csd. 04-032170-D, you are hereby instructed to reject patent application/s for lot/s within the salvage zone and deploy a team from your office to conduct delineation of 20 and 40 meters easement under PD 1067 on the stretch of the beach and issue Notice to Vacate (NTV) to owners of structures found within the easement zone. //

For compliance

Maria Lourdes G. Ferrer
MARIA LOURDES G. FERRER, CESO III

Cc:
Binga Beach Brothers Inc.
Sitio Lumambong, Binga, San Vicente, Palawan
2. **Kim Giron**
LMA law
Unit 22, 2/F Zeta II Bldg.
191 Salcedo St., Legaspi Village, Makati City



Doc ID: 44938

DAVID LEE
- 0917-194-0917

CONFIDENTIAL