



MEMORANDUM

FOR : The Regional Executive Director, DENR MIMAROPA Region

THRU : The PENR Officer, PENRO Palawan

FROM : The OIC-CENR Officer, CENRO Calamianes Islands

SUBJECT : **PROPOSED UTILIZATION OF 299.7342 HECTARES OF LAND
WITHIN THE JURISDICTION OF BUSUANGA PASTURE
RESERVE FOR THE BUSUANGA AIRPORT EXPANSION/
ESTABLISHMENT OF A FULLY-FUNCTIONAL
AERODROME**

DOCUMENT
ATTACHED : Maps

DATE : SEP 28 2021

This pertains to the utilization of 299.7342 hectares of land within the jurisdiction of Busuanga Pasture Reserve for the proposed Busuanga Airport Expansion/ establishment of a Fully-Functional Aerodrome. Based on the records of this Office and from the BPR Management Office the please be apprise of the following events:

1. Pursuant to Executive Order No. 663, Series of 2013 transferring the administration of the Busuanga Pasture Reserve (BPR) to the Forest Management Bureau, the Bureau took over the management and administration of the BPR from the Philippine Forest Corporation (PFC).
2. On August 29-30, 2014 a validation survey and staking was conducted on the corners of the perimeter of the proposed Airport Redevelopment Plan of the Civil Aviation of the Philippines (CAAP). It was determine and marked on the ground a total of 160 hectares (159.9 hectares) for the said Redevelopment project of the Busuanga Airport. (Based from the report of the BPRMO personnel for the FMB director dated August 30, 2014).
3. In his letter dated 06 April 2017, CAAP Deputy Director General Captain Manuel Antonio L. Tamayo requested for 300 hectares of land within BPR for the proposed Airport Reorientation and Expansion Project in order to accommodate larger aircrafts. He further requested for a meeting to discuss the matter.
4. On July 17, 2017, a meeting with Hon. Franz Josef George E. Alvarez, Representative, 1st District of Palawan was held and was attended by representatives from CAAP, DENR-FMB and House of Representatives. In the said meeting, CAAP informed the group that they are now requesting for 300 hectares of airport expansion.

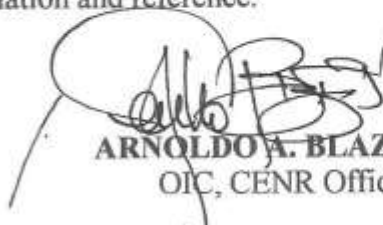
This is for the provision of parallel taxiway for future expansions. It was agreed that CAAP shall provide an updated proposal to FMB with corresponding Technical Descriptions and road alignment as well as the draft Memorandum of Agreement between DENR and DOTr.

5. Captain Jim C. Syndionco on his letter dated August 23, 2017 for the FMB Director, Nonito M. Tamayo, CESO, Submitted a copy draft MOA for the utilization of 299.7432 hectares of the Busuanga Pasture Reserve. The purpose of reorientation and construction of a longer runway at Francisco B. Reyes Airport in Busuanga, Coron, Palawan in order to accommodate larger aircraft. (Attached to the letter are draft MOA and Map).
6. On 19 September 2017, a meeting with Hon. Franz Josef George E. Alvarez was held at the FMB Conference Room regarding the proposed 300 hectares more or less airport expansion. The meeting was attended by representatives from DOTr-CAAP, DA Legal Service, DA-BAI, and DENR-FMB. In the said meeting, it was agreed that CAAP formally request the DENR Secretary through FMB to access and conduct ground survey and fencing of the proposed expansion area.
7. In a letter dated September 27, 2017 addressed to the DENR Secretary Roy A. Cimatu, CAAP formally informed and requested to enter into a Memorandum of Agreement for the utilization of the proposed expansion area; conduct of joint survey between concerned agencies to identify and establish the area's boundaries; and construct perimeter fences along the boundary to prevent unauthorized entry and occupation of informal settlers.
8. On 05 December 2017, CAAP provided the timeline for the conduct of the joint ground boundary demarcation, construction of temporary perimeter fence, and consultancy services with corresponding fund allocation. The CAAP, in coordination with the DENR CENRO Coron - Calamianes Islands and the BPR Management Office of FMB, conducted a ground validation of the adjusted proposed area for the airport reorientation and expansion project.
9. On April 18, 2018, CAAP forwarded the result of the said validation to FMB for the generation of the official map. They have also requested to conduct survey for the identification of informal settlers and document improvements made in the proposed site; and to construct perimeter fences in order to prevent further unauthorized entry and occupation of informal settlers.
10. On 04 September 2018, the CAAP provided the FMB with the brief history of the Francisco B. Reyes (Busuanga) Airport and further requested for permission to conduct survey/identification of informal settlers and construct of perimeter fences together with the Transfer Certificate of title (TCT) and a Deed of Sale executed in favor of Republic of the Philippines (RP) under Civil Aeronautics Administration (CAA). On 11 September 2018, the FMB furnished DENR Region 4B – MIMAROPA the said document and requested to provide documents or records supporting the validity of the said land Titles for information and guidance. (Please see attached Brief History).

11. On 09 October 2018, FMB allowed CAAP to construct temporary perimeter fences in the area covered by the Busuanga Airport Reorientation Project. This is to secure the airport's premises and to avoid possible loss/damage of CAAP's properties and equipment, and further prevent the entry of illegal occupants in the area.
12. Based on the report dated July 25, 2019 by the BPR Management Office Personnel regarding conducted inspection/investigation on activities of Civil Aviation Authority of the Philippines (CAAP), Busuanga Airport for the Busuanga Airport Redevelopment Plan it was disclosed that there are activities like earthmoving and grading/ground leveling within the proposed airport Expansion.
13. On July 29, 2019 Atty. Juan Miguel T. Cuna, Undersecretary for Field Operation - Luzon through his letter address to Capt. Jim C. Sydiongco Director General Civil Aviation Authority of the Philippines (CAAP) advises the CAAP to cease the ongoing earthmoving and grading activities for the reason that the MOA between the Department of Environment and Natural Resources (DENR) and the Department of Transportation (DOTr) has not yet approved.

Regarding with the Memorandum of Agreement (MOA) between the DENR and DOTr for the said project, attached herein a copy of Memorandum dated September 17, 2021 from the Assistant Secretary for Policy, Planning and Foreign-Assisted and Special Project and Director, in concurrent capacity for the Undersecretary for Field Operations and Environment.

For the Regional Executive Director's information and reference.


ARNOLDO A. BLAZA, JR
OIC, CENR Officer





Republic of the Philippines
CIVIL AVIATION AUTHORITY OF THE PHILIPPINES

AUG 23 2017

FOR. NONITO M. TAMAYO, CESO I
Director
Forest Management Bureau
G/F, FMB Main Building, Visayas Avenue
Diliman, 1100 Quezon City

9/7

FOREV

Legal - Comments Pls

FIDD - For info and

9/9 Pls

See
post of.

Thank you

BUREAU
ED

Dear Director Tamayo:

This refers to the proposed Busuanga Airport Development Project wherein the Civil Aviation Authority of the Philippines (CAAP) and Forest Management Bureau (FMB) have agreed in principle to execute a Memorandum of Agreement (MOA) for the former to utilize 299.7432 hectares of the Busuanga Pasture Reserve for the purpose of reorientation and construction of a longer runway at Francisco B. Reyes Airport in Busuanga, Coron, Palawan in order to accommodate larger aircraft.

In view thereof, respectfully transmitted to your good office a copy of the draft MOA for your review and comments.

If you have queries regarding the matter, you may reach the office of Engr. Raul G. Glorioso, Acting Chief, Aerodrome Development and Management Service (ADMS) at telephone no. (02) 944-2066.

Your immediate and prompt response will be greatly appreciated.

Very truly yours,

CAPTAIN JIM C. SYDIONGCO
Director General



21475 06176

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Agreement made and entered into by and between:

CIVIL AVIATION AUTHORITY OF THE PHILIPPINES, a government owned and controlled corporation attached to the Department of Transportation, with principal office at Old MIA Road, Pasay City, represented herein by its Director General, **CAPT. JIM C. SYDIONGCO**, hereinafter referred to as "CAAP";

-and-

FOREST MANAGEMENT BUREAU, a government instrumentality attached to the Department of Environment and Natural Resources with office address at Visayas Avenue, Diliman, Quezon City herein represented by its Director, **FOR. NONITO M. TAMAYO** who is duly authorized to represent it in its agreement, herein referred to as "FMB";

WITNESSETH:

WHEREAS, Republic Act No. 9497 authorized among others, the creation of the Civil Aviation Authority of the Philippines, to regulate the air safety and security aspects of air transportation and exercise general supervision and regulation, including jurisdiction and control over all airports, air carriers, and other entities doing air transport and the like;

WHEREAS, the FMB, by virtue of Presidential Proclamation No. 663 series of 2013 is the administrator of the whole Busuanga Pasture Reserve (BPR) area; portion thereof is being reserved for the reorientation *and expansion* of Busuanga Airport therein;

WHEREAS, the vast increase in the number of passengers traveling to Coron, Palawan via air transport is compelling airline operators to increase flights to Francisco B. Reyes Airport, Busuanga, Coron, Palawan using larger aircraft;

WHEREAS, the present Busuanga aerodrome can neither be expanded nor extended to accommodate larger aircraft given the lack of available lands and presence of natural obstacles in its present location;

WHEREAS, the Civil Aviation Authority of the Philippines is planning for the reorientation and construction of a longer runway at Francisco B. Reyes Airport in order to accommodate larger aircraft;

WHEREAS, based on the feasibility study conducted by Schema Konsult, Inc. of Busuanga Airport in 2008 and the results of the Obstacle Limitation Surface survey conducted by CAAP in 2013, both the feasibility study and survey recommend the reorientation of Busuanga Airport;

WHEREAS, CAAP needs **TWO HUNDRED NINETY NINE AND 7432/1 0000 HECTARES (299.7432 Has)** of the Busuanga Pasture Reserve (*see attached Plan as Annex "A"*) in order to establish a fully-functional aerodrome complete with all the necessary facilities essential for aerodrome operations;

NOW, THEREFORE, for and in consideration of the foregoing premises and the mutual covenants hereinafter set forth, the PARTIES have agreed, as follows;

SECTION 1: ROLES AND RESPONSIBILITIES

The CAAP agrees to:

1. Secure the necessary CAAP Board approval to initiate/pursue the proposed Busuanga Airport Reorientation Project;
2. Shoulder all expenses pertaining to the proposed Busuanga Airport Reorientation Project;
3. Coordinate with the Local Government Unit (LGU) in facilitating the relocation of residents to be affected by the undertaking;
4. Include in the project the rerouting of all infrastructures to be affected;
5. Provide technical description of the land to be utilized based on the requirements of the Manual of Standards for Aerodromes based on Annex 14 of the International Civil Aviation Organization – Standards and Recommended Practices (ICAO SARPs);
6. Gather relevant documents to be submitted to FMB for processing of Presidential Proclamation awarding the portion of the Busuanga Pasture Reserve in favor of CAAP;
7. Secure all necessary permits and/or clearances pertinent to the completion of the Busuanga Airport Reorientation Project.

The FMB agrees to:

1. Consider the request of CAAP permission to utilize **TWO HUNDRED NINETY NINE AND 7432/10000 HECTARES (299.7432 Has)** of the Busuanga Pasture Reserve as the site for the Busuanga Airport Reorientation Project;
2. Facilitate amendment of Presidential Proclamation No. 663 series of 2013 to exclude therein the 300 Has for Busuanga Airport reorientation project;
3. Ensure and warrant the peaceful possession, utilization and implementation of infrastructure projects by CAAP over the above described parcel of land.

SECTION 2: ARBITRATION CLAUSE

Any dispute that may arise regarding the interpretation or performance under this Agreement shall be settled amicably by direct negotiation between the parties. In the event of failure to arrive at amicable settlement, such shall be settled or adjudicated in the manner provided under Chapter XIV of Executive Order No. 292 dated July 27, 1987 as amended.

SECTION 3: GENERAL PROVISIONS

1. **Duration of Agreement** – The duration of this Agreement shall be perpetual until such time that a corresponding Presidential Proclamation is issued.
2. **Supplemental Agreement** – The parties herein may enter into a supplemental agreement that may be necessary in the course of the implementation of this Agreement.
3. **Amendments** – Any amendment/s, addition, modification or supplement to this Agreement must be in writing and with the consent of both parties.
4. **Separability Clause** – In the event that any provision of this Agreement is held invalid or contrary to law, the validity of the other terms and conditions hereof shall not be affected thereby.
5. **Effectivity** – This Agreement shall take effect immediately upon signing by the parties concerned and shall continue to be in full force and effect until terminated upon mutual consent of both parties.

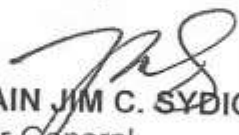
IN WITNESS WHEREOF, the parties have hereunto set hands, this _____
day of _____ 2017, at _____.

CIVIL AVIATION AUTHORITY OF THE
PHILIPPINES

FOREST MANAGEMENT BUREAU

By:

By:

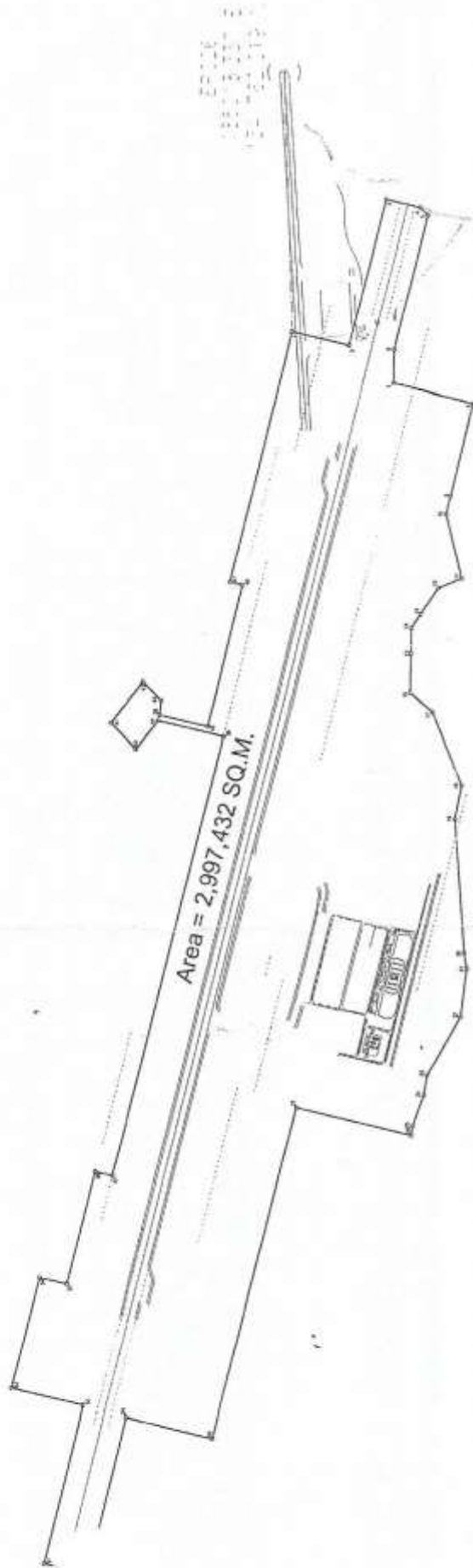

CAPTAIN JIM C. SYDIONGCO
Director General

FOR. NONITO M. TAMAYO
Director

WITNESSES:

TECHNICAL DESCRIPTION		
LINE	BEARING	DISTANCE
Lot 1		
1-7	S 12° 35' W	200.00 M
2-3	S 77° 24' E	916.25 M
3-4	78° W	116.73 M
		38.24 M
		479.30 M
		72.91 M
		279.62 M
		38 M
		05.31 P.
		224.45 M
		86.87 M
		188.16 M
		56.77
		92.81 A.

12-22	20° W	130.73 M
13-14	N 57° 20' E	221.83 M
14-15	Due W	71.13 M
15-16	Due E	114.19 M
16-17	S 40°	32.00 M
17-18	S 87° 7'	401.29 M
18-19	N 87° 10' W	170.68 M
19-20	S 84° 52' W	200.00 M
20-21	S 78° 09' W	851.38 M
21-22	N 61° 43' W	150.00 M
22-23	N 61° 43' W	351.38 M
23-24	N 22° 07' W	250.00 M
24-25	N 61° 43' W	400.00 M
25-26	N 61° 43' W	95.00 M
26-27	N 61° 43' W	400.00 M
27-28	N 61° 43' W	170.68 M
28-29	N 61° 43' W	200.00 M
29-30	N 61° 43' W	851.38 M
30-31	S 77° 24' E	150.00 M
31-32	N 12° 35' E	351.38 M
32-33	N 12° 35' E	250.00 M
33-34	S 77° 24' E	400.00 M
34-35	S 12° 35' W	95.00 M
35-36	S 12° 35' W	400.00 M
36-37	S 12° 35' W	60.00 M
37-38	S 12° 35' W	130.73 M
38-39	N 12° 35' E	221.83 M
39-40	N 57° 20' E	32.00 M
40-41	N 57° 20' E	114.19 M
41-42	S 40° 00' W	71.13 M
42-43	S 40° 00' W	32.00 M
43-44	S 40° 00' W	401.29 M
44-45	S 12° 35' W	200.00 M
45-46	S 12° 35' W	851.38 M
46-47	N 12° 35' E	150.00 M
47-1	S 77° 24' E	351.38 M



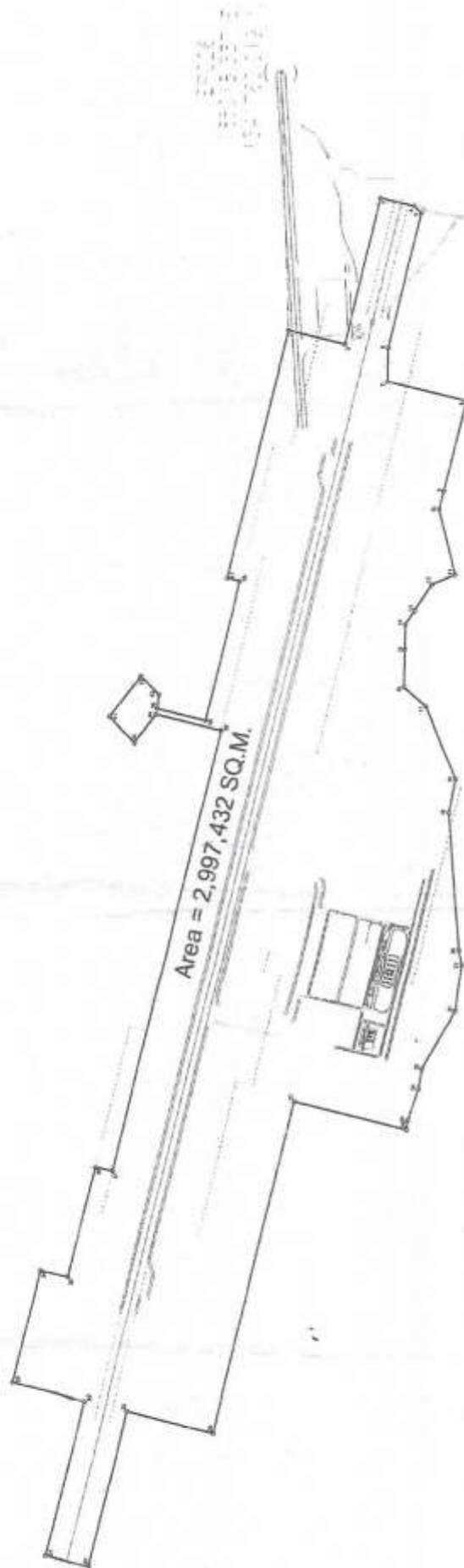

BUSUANGA AIRPORT
SCALE : N. T. S.

THE LINE S. 87° 10' W. 688.31 M.
 From EPC 26, Busuanga Airport to rev. 41

TECHNICAL DESCRIPTION		
LINE	BEARING	DISTANCE
1-2	S 10° 26' W.	200.00 M.
2-3	S 77° 24' E.	518.35 M.
3-4	S 15° 35' W.	118.75 M.
4-5	S 45° 50' W.	30.24 M.
5-6	N 77° 20' W.	498.85 M.
6-7	S 28° 44' W.	113.91 M.
7-8	S 12° 42' W.	278.62 M.
8-9	N 77° 24' W.	332.88 M.
9-10	N 77° 24' W.	85.57 M.
10-11	S 75° 23' W.	254.45 M.
11-12	N 23° 38' W.	86.37 M.
12-13	N 87° 20' W.	108.74 M.
13-14	N 87° 20' W.	58.82 M.
14-15	Due West	81.87 M.
15-16	Due West	136.41 M.
16-17	S 67° 42' W.	102.25 M.
17-18	S 67° 42' W.	273.17 M.
18-19	N 87° 19' W.	122.38 M.
19-20	S 64° 52' W.	472.87 M.
20-21	S 79° 50' W.	53.81 M.
21-22	N 87° 40' W.	170.72 M.
22-23	N 81° 23' W.	231.53 M.
23-24	N 81° 43' W.	71.15 M.
24-25	N 27° 07' W.	114.19 M.
25-26	N 83° 10' W.	22.52 M.
26-27	N 12° 38' E.	461.26 M.
27-28	N 77° 24' W.	1,178.88 M.
28-29	N 12° 38' E.	205.60 M.
29-30	N 77° 24' W.	551.38 M.
30-31	N 12° 38' E.	102.85 M.
31-32	S 77° 24' E.	591.38 M.
32-33	N 12° 38' E.	250.00 M.
33-34	S 17° 24' E.	480.00 M.
34-35	S 12° 30' W.	95.00 M.
35-36	S 12° 30' W.	490.00 M.
36-37	S 12° 30' W.	92.00 M.
37-38	S 77° 24' E.	1,583.74 M.
38-39	N 12° 38' E.	200.00 M.
39-40	N 37° 40' W.	133.12 M.
40-41	N 45° 20' E.	174.24 M.
41-42	S 59° 53' E.	178.33 M.
42-43	S 45° 20' W.	88.21 M.
43-44	N 81° 30' W.	101.01 M.
44-45	S 15° 40' W.	175.21 M.
45-46	S 77° 24' E.	486.34 M.
46-47	N 12° 38' E.	41.43 M.
47-1	S 77° 24' E.	891.89 M.

THE LINE: S 87° 00' W. - 008.24 M.

From EPC 25, Busuanga Airport to cor. #1



BUSUANGA AIRPORT

SCALE : N. T. S.



SEP 04 2018

FOR: NONITO M. TAMAYO, CESO IV

Director

Forest Management Bureau

G/F, FMB Main Building, Visayas Avenue

Diliman, 1100 Quezon City

Dear Director Tamayo:

This has reference to the technical meeting between this Authority and the Forest Management Bureau (FMB) last 24 July 2018 in connection with the draft Memorandum of Agreement (MOA) for the 299.7432-hectare parcel of land under the Busuanga Pasture Reserve (BPR), subject for approval by the respective Department Secretaries of the two agencies.

It was agreed during the meeting that a brief history of how CAAP is utilizing part of BPR as an airport be submitted to facilitate the approval of the MOA. Anent thereto, we are officially transmitting the brief history of Busuanga Airport together with its documentary attachments for your perusal. As early as 1964, CAAP known as Civil Aeronautics Administration at that time has been issued titles for the land it was occupying.

Likewise, the presence of several informal settlers within the proposed area has been noted, and we would like to request for permission to conduct survey for the identification of informal settlers and document the improvements made into the proposed site. Representations have been made with the National Housing Authority (NHA) and the Local Government Unit (LGU) of Coron, Palawan to perform tagging and census validation of informal settlers thereat in order for us to formulate the Resettlement Action Plan (RAP) and proceed with our planned development for the Busuanga Airport Reorientation Project within the soonest possible time. Allocated funds for this government infrastructure project is already available for implementation.

Moreover, we are requesting approval to construct perimeter fences along the boundary of the identified site in order to prevent further unauthorized entry and occupation of informal settlers. FMB has agreed in principle for the construction of perimeter fence during the previous meeting presided by Hon. Franz E. Alvarez, Representative, 1st District of Palawan. The project has already undergone the procurement process and awarded to the winning bidder/contractor. Notice to Proceed (NTP) has also been issued.

Your immediate attention on this matter is highly appreciated and we look forward to continuously work with you for the success of this project for the benefit of the flying public.

Very truly yours,

CAPTAIN JIM C. SYDIONGCO

Director General



BRIEF HISTORY OF FRANCISCO B. REYES (BUSUANGA) AIRPORT

- All facts and attachments to this document were sourced from the archive of this Authority.
- Francisco B. Reyes (Busuanga) Airport is situated in Barangay Decalachao, approximately twenty-four (24) kilometers from the town proper of the Municipality of Coron, in the island of Busuanga, Province of Palawan then known as Yulo Kings Ranch (YKR) airstrip.
- Records of this Authority with regards to Busuanga Airport dates back to 11 February 1976, when it was inspected and its development plan was drawn and approved by Brig. General Jesus Z. Singson, Director of Civil Aviation, *see Annex A*.
- As per records, two (2) Transfer Certificate of Title (TCT) was issued in the name of the Republic of the Philippines (Civil Aeronautics Administration, CAA), both registered in 1964 and a Deed of Sale was executed in favor of RP-CAA representing three (3) other lots for a total area of about 285,449 sq. m. as shown in the tabulation below, *please refer to Annex B for copies of titles, Deed of Sale and parcellary plan*.

LOT NO.		AREA (sq. m.)	
a)	Lot A (TCT 1476)	-	36,619
b)	Lot A (TCT 1480)	-	144,930
c)	Lot 1	-	89,452
d)	Lot 2	-	4,055
e)	Lot 3	-	10,393
TOTAL			285,449


- Sometime in 1977, President Ferdinand Marcos directed CAA to improve the YKR airstrip as a priority horizontal project. Consequently, CAA entered into a Contract of Agreement with Marvilla Construction and Marketing Corporation for the construction of Busuanga Airport, *see Annex C*.
- Moreover, on 17 November 1977, CAA through its Director of Civil Aviation, Brig. Gen. Jesus Z. Singson wrote to Mr. Luis A. Yulo, President of Yulo Kings Ranch Corporation informing them that due to the tremendous amount of money already spent by the government in the construction and the additional funds that will be needed for its future expansion, CAA will take over the administration and operation of the said airport, and the area occupied by the airstrip will be segregated from their leased area, *refer to Annex D*.

- CAA over the years was changed to Air Transportation Office (ATO) and the same has allocated funds to continuously develop the said airport over the years, *see Annex E.*
- During the 2006 State of the Nation Address of President Gloria Macapagal-Arroyo, upgrading of Busuanga Airport was included as a priority project. It was also during this time that the Records of Discussion (ROD) between Korea International Cooperation Agency (KOICA) and the Department of Transportation and Communications (DOTC) to formalize the Grant Assistance was signed, *see Annex F.*
- Included in the grant was the conduct of a Feasibility and Master Plan Study to identify the full development of Busuanga Airport in relation to the Ecotourism Development Plan for Palawan and the Calamian Group of Islands, *refer to Annex G.*
- Initially, the proposed expansion will cover 145.8053 hectares only, designed for aircrafts used in domestic operations. However, it was increased to 299.7432 hectares to accommodate jet-operated aircrafts capable of flying long-haul flights to and from other international airports based on the Standards and Recommended Practices (SARPs) of the International Civil Aviation Organization (ICAO), *refer to Annex H.*
- Last 2016, the Department of Transportation (DOTr) downloaded several infrastructure project funds to this Authority including the Php 1,022,283,000.00 budget for the development works of Busuanga Airport, *see Annex I.*
- CAAP recognizing the authority of the Forest Management Bureau over the Busuanga Pasture Reserve through Presidential Proclamation No. 663, has coordinated with FMB as early as 06 April 2017 for the Memorandum Agreement between the two (2) agencies to be approved in order for CAAP to establish ownership over the property and proceed with its planned development, *refer to attached letter on Annex J.*

Prepared by:


LOLITA S. JUBAY
 Aerodrome Engineer I

Checked by:


FRANCISCO P. ALCONERA
 Div. Chief III, Survey, ADMS

Submitted by:


RAUL G. GLORIOSO
 Acting Chief, ADMS

Approved:


CAPTAIN JIM C. SYDIONGCO
 Director General

No. 576049

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE

Land Registration Commission

REGISTRY OF DEEDS FOR THE PROVINCE OF PALAWAN

Transfer Certificate of Title

No. T-1480

IT IS HEREBY CERTIFIED that certain land situated in the Barrio of Decalacao, Municipality of Coron, Province of Palawan, bounded and described as follows:

LOT A Ped-68397

A parcel of land (Lot A of the subdivision plan Ped-68397, being a portion of the land described on plan HV-39091, L.R.C. Record No. 10) situated in the Barrio of Decalacao, Municipality of Coron, Province of Palawan. Bounded on the N., along lines 1-2-3 by Public Land Claimed by William Roa Meri; along line 3-4 by Lot B of the subdivision plan; and along line 4-5 by Public Land Claimed by William Roa Meri; on the E., along lines 5-6-7-8 by Public Land; on the SW., NW., and SW., along lines 8-9-10-11-12 by Lot C, of the subdivision plan; and on the SW., along line 12, by Public Land Claimed by Santiago Davalos. Beginning at a point marked 1 on plan, being S. 6 deg. 35'E., 4520.22m. from B.L.S.M. 1, Barrio Mint, Municipality of Coron, Palawan,

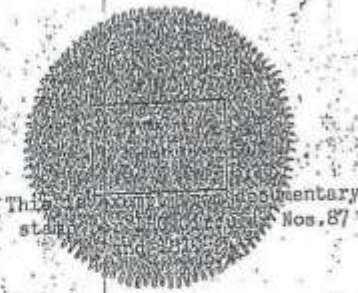
thence N. 88 deg. 34'E., 187.01m. to point 3;
thence N. 88 deg. 46'E., 20.00m. to point 3;
thence S. 79 deg. 11'E., 361.65m. to point 4;
thence S. 86 deg. 02'E., 56.00m. to point 5;
thence S. 11 deg. 28'W., 216.21m. to point 6;
thence S. 7 deg. 47'W., 46.00m. to point 7; (See page A)

is registered in accordance with the provisions of the Land Registration Act in the name of
REPUBLIC OF THE PHILIPPINES (Civil Aeronautics Administration)

as owner thereof in fee simple, subject to such of the incumbrances mentioned in Section 39 of said Act as may be subsisting, and to

IT IS FURTHER CERTIFIED that said land was originally registered on the 1st day of August, in the year nineteen hundred and Fifty-six, in the Registration Book of the Office of the Register of Deeds of Palawan, Volume 9, page 112, as Original Certificate of Title No. C-3442, pursuant to Decree No. 112, issued in L. R. C. Record No. Original

This certificate is a transfer from Original Certificate of Title No. C-3442, which is cancelled by virtue hereof in so far as the above-described land is concerned.



CAA, Manila

Entered at Puerto Princesa, Palawan
Philippines, on the 6th day of February
in the year nineteen hundred and Sixty-four
at 12:41 P.

ATTEST:

EUSTACIO A. GACON, JR.
Register of Deeds

thence S. 7 deg. 47' W., 47.00m. to point 8;
 thence N. 79 deg. 30' W., 200.00m. to point 9;
 thence N. 79 deg. 30' W., 200.00m. to point 10;
 thence N. 10 deg. 30' E., 225.00m. to point 11;
 thence N. 80 deg. 56' W., 182.89m. to point 12;
 thence S. 20 deg. 30' W., 71.00m. to the point of beginning; con-

taining an area of ONE HUNDRED FORTY FOUR THOUSAND NINE HUNDRED AND THIRTY (144,930) Square Meters. All points referred to are indicated on the plan, and are marked on the ground as follows: points 1, 2, and 3 by Old B.I. Cyl. Conc. Mon., point 6 by Old G.I. S. S. cross on tree, and the rest by P.S. Cyl. Conc. Mon., bearings true, date of the original survey, May 22, 1950, and that of the subdivision survey, June 1, 1961, which was approved on September 9, 1963.

(Memorandum of Encumbrances continued on Page _____ -B)

(Technical Description continued on Additional Sheet _____ Page _____)

Register of Deeds

No. 576038

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE

Land Registration Commission
REGISTRY OF DEEDS FOR THE PROVINCE OF PALAWAN

Transfer Certificate of Title

No. 14760

It is HEREBY CERTIFIED that certain land situated in the Barrio of Dacalachao, Municipality of Coron, Province of Palawan, bounded and described as follows:

II A 789-68397

A parcel of land (Lot A) of the subdivision plan Pad-68397, being a portion of the land described on plan R-196782, L.R.C. Record No. _____, situated in the Barrio of Dacalachao, Municipality of Coron, Province of Palawan, bounded on the S., along lines 1-2-3 by the Public Land Claimed by Santiago Tayates; on the SW., W., and NE., along lines 3-4-5-6-7 by Lot B, of the subdivision plan; and on the E., along line 7, by Public Land Claimed by Ballano Agapieri. Beginning at a point marked "1" on plan, being S. 6 deg. 35'E., 130.22m. from B.L.B.M. 1, Bo. Unit, No. 1 of Coron, Palawan.

thence S. 83 deg. 46' W., 222.83m. to point 2;
thence S. 88 deg. 30' W., 87.00m. to point 3;
thence N. 79 deg. 30' W., 157.00m. to point 4;
thence N. 40 deg. 30' E., 100.00m. to point 5;
thence E. 79 deg. 30' E., 300.00m. to point 6;
thence S. 81 deg. 22' E., 148.14m. to point 7;
thence S. 5 deg. 56' E., 43.50m. to the point of beginning;

containing an area of THIRTY SIX THOUSAND SIX HUNDRED AND NINETEEN (36,619) Square Meters. All points referred to are indicated on the plan, and are (See page A)
is registered in accordance with the provisions of the Land Registration Act in the name of:

REPUBLIC OF THE PHILIPPINE (Civil Aeronautics Administration)

as owner thereof in fee simple, subject to such of the incumbrances mentioned in Section 39 of said Act as may be subsisting, and to

It is FURTHER CERTIFIED that said land was originally registered on the _____ 28th _____ day of _____ A.D. 19____, in the year nineteen hundred and _____, in the Registration Book of the Office of the Register of Deeds of _____, Volume _____, page _____, as Original Certificate of Title No. G-741, pursuant to Decree No. _____ issued in L. R. C. _____ Record No. _____.

This certificate is a transfer from original Certificate of Title No. G-741, which is cancelled by virtue hereof in so far as the above-described land is concerned.



Manila

Entered at Puerto Princesa, Palawan,
Philippines, on the _____ day of _____
in the year nineteen hundred and _____
at _____ P. _____ M.

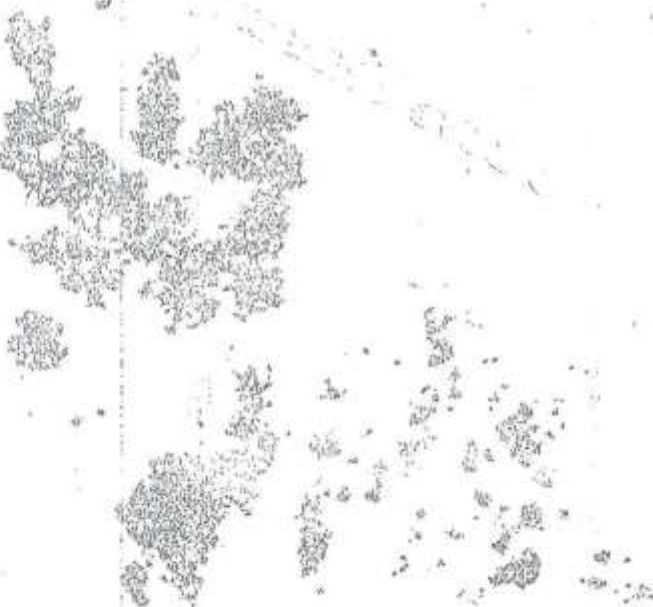
ATTEST:

[Signature]
EUSTACIO A. GACOTE, JR.
Register of Deeds

Sheet No.

CONTINUATION OF THE TECHNICAL DESCRIPTIONS

marked on the ground as follows: points 1 and 2 by Old U.L.Cyl. Conc. Mons. and the rest by P.S. Cyl. Conc. Mons., bearings true, date of the original survey, May 21, 1950, and that of the subdivision survey, June 1, 1961, which was approved on September 9, 1963.



(Memorandum of Encumbrances continued on Page-B) * * * * *

(Technical Description continued on Additional Sheet Page)

Register of Deeds

in connection with the purchase of lots in Coron, Palawan, from the Spouses Emilio and Concepcion Palawan Neri, which lots are embraced by the Coron Airport. These lots were purchased from the Neri Spouses on February 15, 1963, and broken down as follows:

Area	Amount Paid	10%
144,930 sq. m.	P 28,986.00	P 2,898.60
36,619 sq. m.	P 7,323.80	P 732.38
89,452 sq. m.	P 20,780.00	
4,055 sq. m.		P 2,078.00
10,393 sq. m.		
15,951 sq. m.	Donated to CAA	

Of these lots, so far, only the lot with an area of 144,930 has been titled in the name of CAA under T.C.T. No. 1480. However, the rest including the area donated have already been declared in the name of CAA (copies of the Tax Declaration and T.C.T. hereto attached).

Wherefore, it is respectfully recommended that the amount of P2,898.60 representing the 10% retention be released to the Vendors Spouses, and that the Systems, Plans and Design Division be directed to prepare the necessary documents in order that all these lots will be titled in the name of the CAA.

Inasmuch as these untitled lots have long been acquired, duly declared for taxation purposes in the name of the CAA and without any adverse claim having been filed, it is the opinion of the undersigned that the amount representing 10% retention may be released to the Vendors.

Respectfully submitted:

MANUEL G. GILLO, JR.
Legal Officer II

CC

Ms: lvp



C E R T I F I C A T I O N

To whom it may concern:

This is to certify that as per records on file in this office, the original copy of Transfer Certificate of Title No. T-1480 covering Lot A of the subdivision plan Psd-68397 described on plan HV-39091, containing an area of 144,930 square meters and Transfer Certificate of Title No. T-1476 covering Lot A of the subdivision plan Psd -68397 described on plan H-196782, containing an area of 36,619 square meters, respectively, situated in the Barrio of Docalachao Municipality of Coron, Province of Palawan, and registered under the name of the Republic of the Philippines (Civil Aeronautics Administration) are among those titles existing on file in this Office.

This is to further certify that an area consisting of 39,091 square meters was acquired by the Civil Aeronautics Administration from the Spouses Santiago Davatos and Priscilla Davatos by virtue of a Deed of Absolute Sale, notarized before a Notary Public, Atty. Eligio Manalo under Doc. No. 375, Page No. 75, Book 9, Series of 1963. The Sale was annotated at the dorsal portion of the Original Certificate of Title No. G-3442, entry number 3655, on page letter B, situated in the Barrio of Docalachao, Municipality of Coron, Province of Palawan, and registered under the name of Santiago Davatos.

This Certification is issued for whatever legal intent or purpose it may served.

Issued this 11th day of September 2012 at the Civil Aviation Authority of the Philippines,
MIA Road, Pasay City.

Dispositivo
Dispositiva
11/11/12

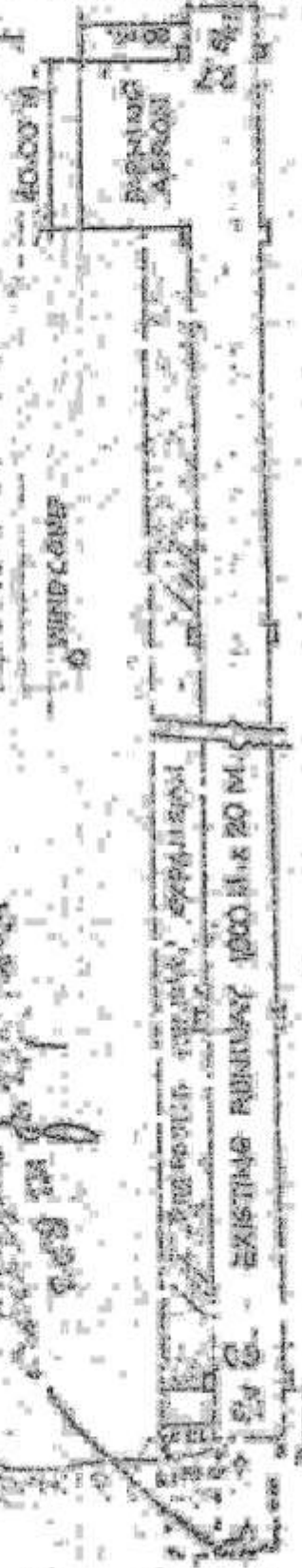
AIDA S. ROMULO

Chief, Central Records and Archives Division

DEVELOPMENT PLAN OF BUGUANGA AIRPORT



Handwritten note:
 1. 200 ft. x 100 ft. area
 2. 100 ft. x 100 ft. area



EXISTING ROAD



TYPICAL CROSS SECTION
 OF RUNWAY AND
 APRON



EXISTING RUNWAY
 1000 ft. x 20 M.

PAVING APRON

TYPICAL CROSS SECTION
 OF RUNWAY AND
 APRON

CAA DISPOSITION FORM

To: DCA Date: May 28, 1976

From: Chief, National Airports Division

Subject: Buzwang Airport

We have contacted yesterday, Capt. A. Paulomine, the operator's pilot of Buzwang Airport and the following are his latest reports:

1. Usable Length of runway is 900 m. x 20 m.
2. Work on 400 m. extension of the runway is now in progress including the installation of an RCRC dikes across the runway to fill up an open canal.
3. When the runway is completed, it would be 1400 m. x 20 m.
4. Widening of the runway to 30 m. will begin after the completion of the 1400 m. x 20 m. runway.

[Signature]
 J. S. S. V. CARRILLO
 Chief, National Airports Division

WV/000

JCA has noted
[Signature]





REPUBLIKA NG PILIPINAS
KAGAWARAN NG KATARUNGAN
PANGASAWAN SA PATALAAN NG LUPAIN
(LAND REGISTRATION AUTHORITY)
East Avenue cor. NEA Road
Quezon City

Register of Deeds for Province of Palawan

ASSESSMENT FORM AND PAYMENT ORDER

Book: CCV

EPEB No.: 2018004632

EPEB Date: 09/01/2018 04:16:22 PM

Presenter Name
EMMANUEL RODRIGUEZPresenter Address
X

Title(s) Requested:

Title Type	Title No.	No of Copies
OCT	G-3442	1
TCT	T-1476	1
TCT	T-1480	1

Transaction Details

EPEB No.: 2018004632

Certified True Copy

■ Titles

EPEB No.: 2018004632

LRA Fees Assessment

Fee Type	Fee Description	Amount (Php)
Insurance Fee (Certified True Copy)	For the first two (2) pages	250.00
Insurance Fee (Certified True Copy)	For each subsequent page(s) (pg 3+)	225.14
Grand Total Fees Phip Eight Hundred Twenty And 05 / 100 only		Total : 820.05
In Words:		

*Insurance of IT Service Fees
*Value Added Tax (VAT) on IT Service Fees - P 72.43

LRA Akayon Agad Center

To get updates on the status of your transaction, please visit www.lra.gov.ph and use the LRA Online Tracking System. You may also contact us for your inquiries, suggestions or complaints at:

LANDLINE : (02)821 1393

SMS ONLY : 0919 354 9809 / 0905 256 8289

EMAIL : customerservice@lra.gov.ph

For Check Payment, please prepare separate MCs as follows:

- For LRA Fees - the Manager's Check shall be in the name of "Register of Deeds for Province of Palawan" in the amount of P144.00, and
- For IT Service Fees - the Manager's Check shall be in the name of "Register of Deeds for Province of Palawan" for the account of PNB Trust Banking Group as Escrow Agent for Trust Account No. 1611441A07 in the amount of P575.05

REMARKS:

1. Please check the details above before paying. You may get a detailed breakdown of the assessed fees from the Registration Information Officer (RIO).

2. All requests for registration and/or information submitted to LRA and its Registries of Deeds, shall undergo processing under the LRA's Computerized Systems, and are thus considered as rendered service, regardless of the result.

Registries of Deeds shall not refund payments for services rendered. Registration Fees and other charges may be refunded by the Central Office upon the request of the client, in accordance with existing pertinent laws.

3. Kindly present this form with the Official Receipt at the Releasing Counter when claiming title(s) and/or registered document(s).

4. Any transaction left unpaid after 10 days shall be automatically voided.

5. To get updates on the status of your transaction, please visit www.lra.gov.ph and use the LRA Online Tracking System.

LRA Akayon Agad Center

To get updates on the status of your transaction, please visit www.lra.gov.ph and use the LRA Online Tracking System. You may also contact us for your inquiries, suggestions or complaints at:

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SMS ONLY : 0919 354 9809 / 0905 256 8289

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Busuanga (Coron)

Airport Development Project



*Hon. Excellency President Gloria
Macapagal-Arroyo announcing the
Busuanga Airport as among the
administration's priority projects
during the 2006 SONA*



Department of Transportation
Republic of the Philippines

KNICA

Messages



CHOI JOONG-KYUNG

Ambassador of the Republic of
Korea to the Philippines

It is my great pleasure to present you the Busuanga Airport Development Project in Coron, Palawan.

This project upgraded the existing Busuanga Airport from a feeder airport to a standard domestic airport of international standards. With the rehabilitation of the airport, tourism as well as business and livelihood activities in the Colombian Group of Islands in Palawan will surely increase. Truly, the upgraded Busuanga Airport will positively affect the long term economic growth of this region.

Allow me to note that this project was borne out of the Philippine government's plan to develop the tourism sector to accelerate the pace of regional development. Guided by Her Excellency President Gloria Macapagal-Arroyo's vision of developing the Busuanga Airport to serve as gateway to tourism destinations and regional centers in Palawan, the Korean Government supported the project through grant assistance of the Korea International Cooperation Agency.

I would like to express my gratitude to Her Excellency, the DOTC and local officials of Palawan for giving us the opportunity to be a part of this noble undertaking. We are committed to strengthening the ties which our nation's forefathers established in 1949. I am confident that our project contributes towards that goal.



LEANDRO R. MENDOZA

Secretary, Department of Transportation
and Communications

We, at the Department of Transportation and Communications, have been continuously supporting the initiatives and programs of the government in providing the public with efficient, effective and secured infrastructures in the transportation sector. It is thus our great pride to announce the completion of the Busuanga Airport Development Project.

Through the generous assistance of the Korea International Cooperation Agency of the Korean Government, we have rehabilitated the Busuanga Airport to better serve the growing number of air travel passengers to and from Coron, Palawan. With this project, the Philippine government will indeed realize its plan of connecting our islands with transport networks that will open up new economic opportunities.

On behalf of the Philippine Government and all of the project beneficiaries, I would like convey my sincere appreciation to the Korean Government for its unwavering support to this noble undertaking.

I am confident that our joint project would contribute to the economic and social development of the Philippines and further strengthen the friendship and cooperation between our two countries.

Background

The Busuanga Airport is one of the feeder airports under the DOTC/ATO National Airport System. Efforts to undertake subsequent improvements of the airport facilities were undertaken by the Department of Transportation and Communications (DOTC) since 1991. Due to limited funds, developments in the airport were not substantial to accommodate current demands.

In November 2005, the DOTC submitted the proposal for the Busuanga Airport Development Project to the Korea International Cooperation Agency (KOICA) for possible grant assistance. Recognizing the project's major potential in spurring economic growth in the region and the priority accorded by the Philippine Government, KOICA responded positively and began project implementation in July 2006.



Project Objectives

- Upgrade the existing facilities of the Busuanga Airport so that it can cope with the expected increase in air travel and enhance the operational safety of aircraft operation in accordance with international civil aviation standards and recommended practices.
- Improve airport-related technology in the Philippines by sharing Korea's experience and knowledge on airport development technology.
- Strengthen the relationship and cooperation between the two countries through the successful implementation of the project.

Project Scope

- Covering of the remaining macadam runway
- Rehabilitation of the existing concrete runway
- Provision of stop way
- Expansion/concreting of apron
- Construction of a new passenger terminal building
- Renovation of the existing passenger terminal building
- Completion of the administration building
- Improvement of the fire fighting building
- Construction of new vehicular parking area
- Improvement of airside and landside drainage system
- Rehabilitation of perimeter fence
- Provision of fire-fighting and rescue vehicles
- Training of Philippine personnel on Airport Planning and Design

Project Cost and Duration

The project was implemented for two and a half years (July 2006 to December 2008) through a US\$ 3 million KOICA grant from the Korean Government.

Project Benefits

With the completion of the newly upgraded Busuanga Airport, tourism as well as business and livelihood activities in the Calamian Group of Islands in Palawan are expected to increase. The improvement of facilities will help the airport cope with the expected increase in air travel demand in Palawan. It will also ensure the safety and convenience of air travel as well as the handling of incoming and outgoing cargo.

The project will directly benefit the constituents of the main Busuanga Island towns of Coron and Busuanga, including the island municipalities of Culion, Linapacan, Magsaysay and Agutaya with a total population of more than 120,000. It will also benefit the business sector, particularly those involved in the tourism industry.

- Bigger aircraft can now be accommodated by the upgraded airport, from those with passenger seating capacity of 21 to 80
- Flight operation increased from 10 times a week to 28 times a week
- Airport passenger volume capacity increased from 300 a week to 4,200 a week
- Increase in airline capacity from 2 companies to 4 companies (Philippine Airlines, Cebu Pacific, SEAIR, Zest Airways)

Implementing Agencies

Republic of Korea:

KOICA

Korea International Cooperation Agency



Republic of the Philippines:



Republic of the Philippines

Department of Transportation and Communications

Before



After



A. Construction of New Passenger Terminal and Renovation of Existing Terminal Building



Before



After



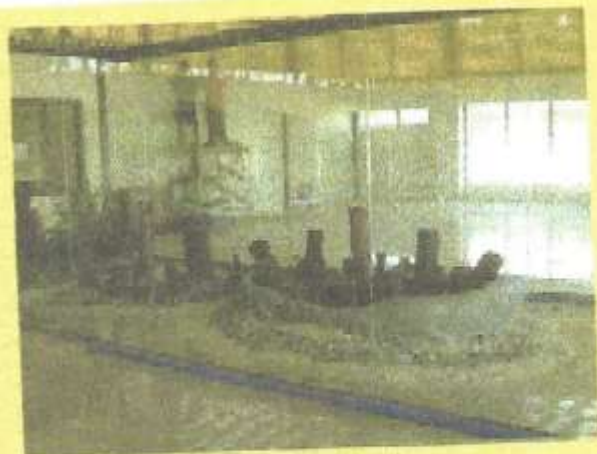
North View Elevation



South View Elevation



Boarding Counter



Interior Garden

B. Completion of Administration Building



Before



After

C. Improvement of Fire Fighting Building



Before



After

D. Concreting & Rehabilitation of Runway



Before



After

H. Provision of Equipment



New fire fighting vehicle, tractor with mower and maintenance service vehicle were provided by KOICA for the Busuanga Airport.

Item	Description	Remarks
Air Side		
Runway Length	1,224m	ICAO Code Number "3"
Runway Width	30m	ICAO Code Letter "C"
Length of Runway Strip	1,440m	ICAO Code Number "3"
Width of Runway Strip	150m	ICAO Code Number "3"
Slope of Runway Strip	Max. 2.5%	ICAO Annex "14"
Taxi Way	18m(W) x 75m(L)	Two (2) taxi ways
Apron	100m(W) x 200m(L)	
Land Side		
New Terminal Building	30m(W) x 45m(L)	Steel pipe structural building with insulated roofing system. Total area of 1,350mf.
Curbside and Parking Lot	50m(W) x 60m(L)	3,000mf with Landscaping
Renovation Building	Existing Terminal Building Administration Building Fire Fighting Building	New Shopping Center and Restaurant With interior and exterior finishing works With interior and exterior finishing works

Project History

Date	Event
Nov 7, 05	DOTC submitted the project proposal to KOICA
Feb 21-26, 06	KOICA dispatched the Preliminary Survey Mission
Jun 12-17, 06	KOICA dispatched the Implementation Survey Team
Jun 19, 06	KOICA and DOTC signed the project's Records of Discussion (ROD)
Jul 26, 06	HE President Gloria Macapagal-Arroyo identified the Busuanga Airport as among the administration's priority projects during her State of the Nation Address
Jan 10 -16, 07	Conference for Airport Basic Drawings
Mar 16, 07	Ground Breaking Ceremony with Korean Ambassador and DOTC Secretary
Apr 15, 07	Start of Construction
May 1-15, 07	Two Philippine officials sent to Korea for training
Jun 22, 07	Turn over Ceremony for equipment and materials
Aug 10, 07	Start of Apron Concreting
Sep 1, 07	Start of Runway Concreting
Dec 5, 07	Erection of first steel pipe column at New Terminal
Jul 20, 08	Completion of New Terminal Building
Aug 1, 08	Preliminary Inspection done by DOTC Secretary and Palawan Governor
Aug 20, 08	Opening of the New Terminal Building
Sep 14, 08	Completion of Construction Work
Nov 17, 08	Inauguration Ceremony

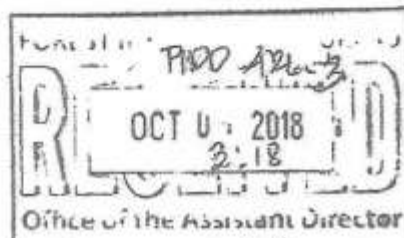
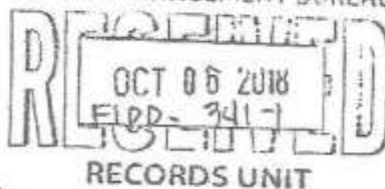
Project Location





OCT 09 2018

FOREST MANAGEMENT BUREAU



CAPTAIN JIM C. SYDIONGCO

Director General

Civil Aviation Authority of the Philippines

MIA Road, corner Ninoy Aquino Avenue

Pasay City

Dear Captain Sydiongco:

This pertains to your letter dated 04 September 2018 forwarding the brief history of Busuanga Airport with documentary attachments, and requesting for the construction of perimeter fences of the area covered by the Busuanga Airport Reorientation Project within the Busuanga Pasture Reserve (BPR).

Please be informed that the Civil Aviation Authority of the Philippines (CAAP) is allowed to construct temporary perimeter fences in the area covered by the said project. This is to secure the airport's premises and to avoid possible loss/damage of CAAP's properties and equipment, and further prevent the entry of illegal occupants in the area.

Please be guided accordingly. Thank you.

Very truly yours,


NONITO M. TAMAYO, CESO IV
Director

Copy furnished:

The Undersecretary for Field Operations
The Assistant Secretary for Field Operations - Luzon
The Assistant Secretary for Staff Bureaus





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: fmboz@denr.gov.ph

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

MEMORANDUM

FOR : The Undersecretary for Field Operations and Environment

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

SUBJECT : **DRAFT MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE DENR AND THE DEPARTMENT OF TRANSPORTATION (DOTr) THROUGH THE CIVIL AVIATION AUTHORITY OF THE PHILIPPINES (CAAP) ON THE UTILIZATION OF 299.7342 HECTARES OF LAND WITHIN THE BUSUANGA PASTURE RESERVE (BPR) FOR THE ESTABLISHMENT OF A FULLY-FUNCTIONAL AERODROME**

DOCUMENTS

ATTACHED : (1) Completed Staff Work/ Case history;
(2) Undated Memorandum from the Director, DENR Legal Affairs Service; and
(3) Draft Letter to DOTr Secretary – Atty. Arthur P. Tugade

DATE : **SEP 17 2021**

This pertains to the draft Memorandum of Agreement (MOA) between the Department of Environment and Natural Resources (DENR) and the Department of Transportation (DOTr) through the Civil Aviation Authority of the Philippines (CAAP) on the utilization of 299.7342 hectares of land within the Busuanga Pasture Reserve (BPR) for the establishment of a fully-functional aerodrome, which initiative dates back as early as 2017.

Please be informed that there is a proposed expansion of the existing 34-hectare Francisco B. Reyes airport managed by DOTr-CAAP to accommodate larger aircraft. This has undergone several meetings/consultations among officials/representatives from the DOTr-CAAP, DA, BAI, House of Representatives, DENR and FMB. Moreover, the draft MOA was endorsed to the Office of the Secretary. Based on the Memorandum dated 02 May 2018 of the Office of the Undersecretary for Administration, Finance, Human Resources, Information System, Legal and Legislative Affairs and Anti-Corruption, the draft MOA is said to be in order. Although, it was suggested that the signatories should be the respective Secretaries of both parties (DENR and DOTr). Subsequently, on 04 June 2019, the CAAP forwarded the MOA duly signed by Secretary Arthur P. Tugade of the DOTr. Thereafter, the MOA was re-endorsed to the Office of the DENR Secretary. However, it was returned to FMB for

incorporation of the comments of the DENR Legal Affairs Service (LAS) in its Memorandum dated 21 October 2020.

It should be mentioned that the DOTr-CAAP has finished the construction of perimeter fences to avoid encroachment of informal settlers and to safeguard airport properties. As per record, the initial phase of the runway construction started on 30 May 2019.

Thereafter, however, in the latest opinion thru an undated Memorandum from the Office of the Director, DENR LAS, which was received by the FMB on 06 August 2021, it was opined that there is a need to provide for a legal basis to support the execution of the MOA, and include the same in the "whereas clause", if any. There is a need to state the legal basis under the "whereas clause" that provides the use of the 299.7342 hectares under the MOA will fall under the secondary uses that complements the primary use of the BPR. Further, it was opined that their Office submits that disposition of the subject land to DOTr-CAAP cannot be legally done by mere execution of the draft MOA and issuance of a Presidential Proclamation as these cannot legally amend a law. It is noteworthy to mention however, that the said Office indicated that granting *arguendo* that there is a basis for the execution of the MOA, the Office submitted additional comments such as effectivity of the Agreement, cite pending case of New San Jose Builders Inc., inclusion of separability clause, and updating of signatories for witnesses.

In view of the foregoing, we have attached herein a copy of the following documents: 1) Completed Staff Work/Case History; 2) latest Memorandum from DENR LAS, and 3) a draft letter to DOTr Secretary -Atty. Arthur P. Tugade.

FOR INFORMATION AND CONSIDERATION.


MARCIAL C. AMARO, JR., CESO III

COMPLETE STAFF WORK/CASE HISTORY

MEMORANDUM OF AGREEMENT (MOA) BY AND BETWEEN DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) AND DEPARTMENT OF TRANSPORTATION (DOTR) ON THE UTILIZATION OF 300 HECTARES OF LAND WITHIN THE BUSUANGA PASTURE RESERVE (BPR)

1. Pursuant to Executive Order No. 663, Series of 2013, transferring the administration of the Busuanga Pasture Reserve (BPR) to the Forest Management Bureau, the Bureau took over the management and administration of the BPR from the Philippine Forest Corporation (PFC).
2. The 34-hectare Francisco B. Reyes Airport in Coron, Palawan managed by DOTr-CAAP, is situated within the BPR. In his letter dated 06 April 2017, CAAP Deputy Director General Captain Manuel Antonio L. Tamayo requested for 300 hectares of land within BPR for the proposed airport reorientation and expansion project in order to accommodate larger aircrafts. He further requested for a meeting to discuss the matter.
3. On July 17, 2017, a meeting with Hon. Franz Josef George E. Alvarez, Representative, 1st District of Palawan was held and attended by representatives from CAAP, DENR-FMB and House of Representatives. In the said meeting, CAAP informed the group that they are now requesting for 300 hectares of airport expansion. This is for the provision of parallel taxiway for future expansions. It was agreed that CAAP shall provide an updated proposal to FMB with corresponding Technical Descriptions and road alignment as well as the draft Memorandum of Agreement between DENR and DOTr.
4. On August 23, 2017, CAAP forwarded a copy of the draft Memorandum of Agreement (MOA) between DENR and DOTr for the utilization of the 299.7432 hectares of the BPR for the purpose of reorientation and construction of a longer runway at Francisco B. Reyes Airport, Coron, Palawan.
5. On 19 September 2017, a meeting with Hon. Franz Josef George E. Alvarez was held at the FMB Conference Room regarding the proposed 300 hectares more or less airport expansion. The meeting was attended by representatives from DOTr-CAAP, DA Legal Service, DA-BAI, and DENR-FMB. In the said meeting, it was agreed for CAAP to formally request FMB through the DENR Secretary to access and conduct ground survey and fencing the proposed expansion area. Likewise, it was requested that the FMB provide official comment on the draft MOA.
6. On 22 September 2017, FMB provided comments on the draft MOA and suggested that the Secretaries of each Department be the principal signatory of the MOA.
7. In a letter dated 27 September 2017 addressed to the DENR Secretary Roy A. Cimatu, CAAP formally informed and requested to enter into a Memorandum of Agreement for the utilization of the proposed expansion area; conduct of joint survey between concerned agencies to identify and establish the area's boundaries; and construct perimeter fences along the boundary to prevent unauthorized entry and occupation of informal settlers.
8. On 05 December 2017, CAAP provided the timeline for the conduct of the joint ground boundary demarcation, construction of temporary perimeter fence, and consultancy services with corresponding fund allocation. The CAAP, in coordination with the DENR

CENRO-Calamianes Islands and the BPR Management Office of FMB, conducted a ground validation of the adjusted proposed area for the airport reorientation and expansion project.

9. On April 18, 2018, CAAP forwarded the result of the said validation to FMB for the generation of the official map. They have also requested to conduct survey for the identification of informal settlers and document improvements made into the proposed site; and to construct perimeter fences in order to prevent further unauthorized entry and occupation of informal settlers.
10. On May 02, 2018, the Office of the Undersecretary for Administration, Finance, Human Resources, Information Systems, Legal, Legislative Affairs and Anti-Corruption found the draft MOA to be in order. However, the signatories should be the respective Secretaries of both parties (DENR and DOTr).
11. On 13 June 2018, FMB forwarded the revised draft MOA and informed CAAP that the request to conduct survey/identification of informal settlers and construction of perimeter fences over the proposed expansion area shall be held in abeyance pending the approval/signing of the draft MOA.
12. On 24 July 2018, a meeting was called pursuant to the instruction of ASEC for Field Operations-Luzon and per advise of the ASEC for Staff Bureaus to meet CAAP and seek updates on the draft Memorandum of Agreement between DENR and DOTr to utilize certain portion of the BPR for aerodrome purposes. It was attended by representatives from CAAP, FMB and DENR Region 4B - MIMAROPA. It was agreed that FMB shall provide the official map of the airport expansion project to CAAP and that CAAP shall facilitate the signing of MOA by the Secretary of DOTr the soonest time possible.
13. On August 03, 2018, FMB forwarded the revised draft Memorandum of Agreement including the map of the proposed Busuanga Airport Reorientation Project for comments, suggestions and/or concurrence. Also, to facilitate the endorsement of the said MOA to the DOTr Secretary for his concurrence and signature.
14. On 04 September 2018, the CAAP provided the FMB with the brief history of the Francisco B. Reyes (Busuanga) Airport and further requested for permission to conduct survey/identification of informal settlers and construct of perimeter fences together with the Transfer Certificate of title (TCT) and a Deed of Sale executed in favor of Republic of the Philippines (RP) under Civil Aeronautics Administration (CAA). On 11 September 2018, the FMB furnished DENR Region 4B – MIMAROPA the said document and requested to provide documents or records supporting the validity of the said land Titles for information and guidance.
15. On 09 October 2018, FMB allowed CAAP to construct temporary perimeter fences in the area covered by the Busuanga Airport Reorientation Project. This is to secure the airport's premises and to avoid possible loss/damage of CAAP's properties and equipment, and further prevent the entry of illegal occupants in the area.
16. On 13 December 2018, DENR Region 4B – MIMAROPA forwarded the Memorandum dated 03 December 2018 from their Records Officer regarding the Complete Staff Work (CSW) of the history of plans and titles of submitted by CAAP.

17. On 05 April 2019, FMB requested CAAP to provide status on the MOA considering that the said document was forwarded to CAAP on 13 June 2018. Considering also that the Office is receiving reports/complaints on the construction of perimeter fences in the area covered by Busuanga Airport Reorientation Project.
18. On 04 June 2019, CAAP forwarded the MOA duly signed by Secretary Arthur P. Tugade of DOTr, for the endorsement of FMB to DENR Secretary Roy A. Cimatu. CAAP also sought assistance in facilitating the amendment of the Proclamation No. 1387 series of 1975 to exclude from BPR the 299.7432 hectares to be utilized for airport purposes, once MOA is approved by the DENR Secretary. They also informed FMB that aside from the construction of perimeter fences, the initial phase of the runway construction has started last 30 May 2019.
19. On 18 July 2019, the FMB endorsed the said MOA to the Office of the Secretary. However, the DENR Legal Affairs Service returned the document to FMB on 08 August 2019 with the following comments and/or suggestions:
 - a. There is an issue on the pendency of the case filed by New San Jose Builders, Inc. against FMB;
 - b. Inform the DOTr of the status of the cases involving the EPILA agreements; and
 - c. The MOA lacks acknowledgement form.
20. On 16 March 2020, the same MOA was endorsed to the DENR Secretary which mentions that the original draft MOA endorsed on 18 July 2019 addressed the above concerns. Section III (Miscellaneous Provisions) Item B - Amendment and Modification states that:

"The parties herein may enter into a supplemental agreement that may be necessary in the course of the implementation of this Agreement. Any amendments, revisions and/or modifications in this Agreement shall require prior written approval of both Parties."

Moreover, the acknowledgement form is part and parcel to the draft MOA.
21. On 21 October 2020, a Memorandum containing the comments on draft Memorandum of Agreement (MOA) between the DENR and the DOTr through Civil Aviation Authority of the Philippines on the utilization of 299.7342 hectares of land within BPR for the establishment of a fully-functional aerodrome was referred back to FMB with the comments, anew, to wit:
 - a) There is a need to provide for a legal basis to support the execution of the MOA, and include the same in the "whereas clauses".
 - b) "Considering that the subject land is a forest land, there is a need to reclassify the area from forest land to agricultural, alienable and disposable land. The reclassification should be through a Congressional Act. xxx xxx xxx The congressional act will effectively amend the use of the particular land and will also effectively amend PP 1387.

- c) xxx highly recommends that the foregoing comments on the pending case between the New San Jose Builders, Inc. and FMB, and the status of cases involving the EPIL agreements be expressly included in the MOA through whereas clauses"

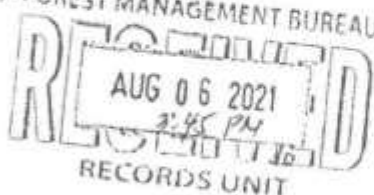
22. On 04 January 2021, the DENR-FMB re-endorsed to the Office of the Secretary the draft MOA between the DENR and the DOTr for the utilization of 299.7342 hectares of land within BPR. The said endorsement includes the map and Completed Staff Work (CSW).

23. On 06 August 2021, the DENR-FMB received a Memorandum from the Director, DENR Legal Affairs Service containing comments on the draft MOA between the DENR and DOTr for the utilization of 299.7342 hectares of land within BPR for the establishment of a fully-functional aerodrome, to wit:

- a) In relation to the first comment of this Office stated on the Memorandum dated 21 October 2020, it was mentioned that "there is a need to provide for a legal basis to support the execution of the MOA, and include the same in the "whereas clause" if any." Upon review of the draft MOA, the same has no yet been provided in the "whereas clause". xxx xxx xxx there is a need to state the legal basis under the "whereas clause" that provides that the use of the 299.7342 hectares under the MOA will fall under the secondary uses that complements the primary use of the BPR. This justify the execution of this MOA vis-à-vis PP 1387.
- b) xxx "PP 1387 cannot be effectively amended by the mere execution of the draft MOA... and issuance of a Presidential Proclamation". Likewise, "(t)he said disposition of the subject land to DOTr-CAAP cannot be legally done by mere execution of the draft MOA and issuance of a Presidential Proclamation as these cannot legally amend a law."



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> / denrweb@denr.gov.ph



MEMORANDUM

FOR : The OIC Director
Forest Management Bureau
In his concurrent capacity as the Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects

FROM : The Director
Legal Affairs Service

SUBJECT : COMMENTS ON DRAFT MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE DENR AND THE DEPARTMENT OF TRANSPORTATION (DOTR) THROUGH THE CIVIL AVIATION AUTHORITY OF THE PHILIPPINES (CAAP) ON THE UTILIZATION OF 299.7342 HECTARES OF LAND WITHIN THE BUSUANGA PASTURE RESERVE (BPR) FOR THE ESTABLISHMENT OF A FULLY-FUNCTIONAL AERODROME

This refers to the Memorandum for the Secretary dated 04 January 2021 issued by the Director of the Forest Management Bureau. It pertains to the draft Memorandum of Agreement (MOA) between the Department of Environment and Natural Resources (DENR) and Department of Transportation (DOTr) on the utilization of 299.7342 hectares of land situated within the Busuanga Pasture Reserve (BPR) for the establishment of a fully-functional aerodrome. This Office has previously issued its comment thru a Memorandum dated 21 October 2020 with the same subject matter.

After a review of the recent version of the draft MOA, this Office still maintains its position and comments as stated in the Memorandum dated 21 October 2020. In addition to those stated therein, the following are the additional comments of this Office:

1. In relation to the first comment of this Office stated on the Memorandum dated 21 October 2020, it was mentioned that "(t)here is a need to provide for a legal basis to support the execution of the MOA, and include the same in the 'whereas clause', if any." Upon review of the draft MOA, the same has not yet been provided in the 'whereas clause'. As previously discussed, Presidential Proclamation No. (PP) 1387, series of 1975¹ withdrew the BPR area from sale, settlement, or any form of disposition, exploration or exploitation and reserve the same as pasture purposes. The utilization of the 299.7342 hectares as intended by the draft MOA is not for pasture purposes.

Based on the *Masterplan for the Busuanga Island Chain*² by the Development Academy of the Philippines, the study reveals that based on the land capability and suitability assessment, the primary use of the BPR remains for pasture purposes and therefore, BPR should remain as a pasture reserve zone.³ However, the said study also recognizes secondary uses of the BPR but it maintains that these secondary uses must complement the said primary purpose, which is for pasture purposes.

...based on the results of the study and specifically on the capability and suitability assessment, the primary use of the BPR is still for pasture purposes and therefore, BPR should remain as a pasture reserve zone. A large area are strict protection and stream buffer zones, while there are portions of the reserve that are suitable for agriculture, agroforestry and other use (multi-use zone) and therefore, are only secondary uses that can complement the primary use...[Emphasis supplied]

Thus, there is a need to state the legal basis under the 'whereas clause' that provides that the use of the 299.7342 hectares under the MOA will fall under the secondary uses that complements the primary use of the BPR. This will justify the execution of this MOA vis-à-vis PP 1387.

2. This Office maintain that "PP 1387 cannot be effectively amended by the mere execution of the draft MOA... and issuance of a Presidential Proclamation". Likewise, "(t)he said disposition of the subject land to DOTr-CAAP cannot be legally done by mere execution of the draft MOA and issuance of a Presidential Proclamation as these cannot legally amend a law." "The reclassification of lands of the public domain is a legislative prerogative which may be exercised only through the enactment of a valid law.

It should be understood that when President Ferdinand Marcos issued PP 1387, he exercises both executive and legislative powers. PP1387 withdrew the BPR area from alienation and disposition and, in effect, classified and reclassified the whole BPR into a forest land.

Thus, if the intention is to award the 299.7342 hectares of land within BPR in favor of CAAP, there is a need to reclassify the same from forest land to agricultural, alienable and disposable land through a congressional act. Another Presidential Proclamation by the current President, President Rodrigo Duterte, will not effectively amend PP 1387.

Thus, assuming *arguendo*, that there is a basis for the execution of the MOA, this Office recommends that Item 2 of Section II (B) [Roles and Responsibilities of

² Relevant portions of the 182-page study entitled "*Masterplan for the Busuanga Island Chain*" by the Development Academy of the Philippines

the DENR through the FMB⁵ and all other statements and provision in relation to the same, should be deleted.

3. Granting *arguendo*, that the execution of the draft MOA will be justified, this Office submits the following additional comments:

- a. On Page I, the following phrase is recommended be revised to clearly indicate when this MOA is entered into by the Parties:

This Agreement is hereby made and entered on (date signed or date of effectivity) by and between:

- b. The comments of this Office in relation to the proposal to enter into a compromised agreement by and between the New San Jose Builders, Inc. and FMB was not considered in the draft MOA. It is reiterated that the implication/s in case the compromise agreement will be executed and finalized should be considered in the MOA to prevent any dispute or conflict that may arise.
- c. On page 4 of the draft MOA, the date of signing of the draft MOA by the parties should be revised as follows, "this day of 2021."
- d. The following provision regarding Separability Clause should be revised as follows:

C. SEPARABILITY CLAUSE

This Agreement must not be in conflict with existing laws, legal orders, procedures or rules and regulations; otherwise, the pertinent provision/s in violation or in conflict with said existing laws, legal orders, procedures or rules and regulations will be void. If any provision of this Agreement is held invalid or declared contrary to law, the validity of the other conditions or provisions shall not be affected.

- e. The MOA lacks the required Acknowledgment, which the previous version of the draft MOA had. Thus, this Office advises that the Acknowledgement should be appended in accordance with the Memorandum dated 21 October 2020 issued by this Office.
- f. In case the above-proposed revisions were adopted, it is recommended that the witness for the DENR be the current Director of the FMB, Assistant Secretary Marcial C. Amaro, Jr., CESO III, pursuant to PP 663, series of 2013.

Other than the above-mentioned comments and suggestions, this Office finds the terms of the Agreement in accordance with and not contrary with existing laws, policies, rules, and regulations.

It is to be understood, however, that this review is limited to the legal examination and evaluation of the proposed MOA, and does not pass upon the

technical arrangements including the propriety of its execution, as these are matters best left to the sound judgment of the DENR management.

For your information and consideration.


NORLITO A. ENERAN, LL.M., CESO III

Copy furnished:

The Undersecretary
Legal, Administration, Human Resources and Legislative Affairs

The Undersecretary
Field Operations and Environment

The Assistant Secretary
Legal Affairs



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, 1100 Quezon City
Tel. Nos. (632) 8929-6626 to 29; (632) 8929-6633; to 35
Email: web@denr.gov.ph Website: www.denr.gov.ph

ATTY. ARTHUR P. TUGADE

Secretary
Department of Transportation
APO Court along Sergio Osmeña Street,
Clark Freeport Zone, Pampanga

Attention : **CAPTAIN JIM C. SYDIONGCO**
Director General
Civil Aviation Authority of the Philippines
MIAA Road, Pasay City

Dear **Sec. Tugade**:

Greetings!

This pertains to the proposed Memorandum of Agreement (MOA) between the Department of Environment and Natural Resources (DENR) and the Department of Transportation (DOTr) through the Civil Aviation Authority of the Philippines (CAAP) on the utilization of 299.7342 hectares of land within the Busuanga Pasture Reserve (BPR). This is for proposed expansion of the existing 34-hectare Francisco B. Reyes airport for the establishment of a fully-functional aerodrome.

Kindly be informed that the draft MOA endorsed by your Office last 04 June 2019 has undergone several reviews and amendments as a result of coordination with the Office of the Undersecretary for Legal, Administration, Human Resources and Legislative Affairs, and Office of the Director, Legal Affairs Service (LAS), DENR. However, it was opined that there is a need to provide for a legal basis to support the execution of the MOA and include the same in the "whereas clause", if any. There is further a need to state the legal basis under the "whereas clause" a provision that the use of the 299.7342 hectares under the MOA will fall under the secondary uses that complements the primary use of the BPR. Moreover, it was averred that PP 1387 cannot be effectively amended by mere execution of a MOA authorizing the utilization of 299.7342 hectares of BPR as a fully-functional aerodrome, and issuance of a Presidential Proclamation delineating a portion in favor of the DOTr.

On the basis thereof, we regret to inform you that the execution of the said MOA is not possible this time considering the strict provisions of Presidential Proclamation No. 1387, S. 1975 otherwise known as "Reserving the and Establishing as a Pasture Reserve a Certain Parcel of Land of the Public Domain situated in the Island of Busuanga, Province of Palawan." It bears stressing that the future projects must always complement the primary purpose of the BPR, which is for pasture reserve.

Please be guided accordingly.

Very truly yours,

ATTY. JUAN MIGUEL T. CUNA, CESO I
Undersecretary for Field Operations and
Environment

cc

*The Undersecretary for Legal, Administration, Human Resources and Legislative Affairs, DENR
The Head Executive Assistant, Office of the Secretary - DENR
The Director, DENR Legal Affairs Service
The Assistant Secretary for Policy, Planning and Foreign-Assisted and Special Projects and FMB Director, in concurrent capacity
The Regional Executive Director, DENR MIMAROPA*

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Agreement made and entered is hereby made and entered on _____ by and between:

The **DEPARTMENT OF TRANSPORTATION (DOTr)**, a government agency with principal office at S. Osmeña Road, Clark Freeport Zone, Pampanga, herein represented by its **Secretary, HON. ARTHUR P. TUGADE**, hereinafter referred to as the **DOTr**;

The **CIVIL AVIATION AUTHORITY OF THE PHILIPPINES**, an attached agency of the Department of Transportation (DOTr), with principal office at Old MIA Road, Pasay City, herein represented herein by its Director General, **CAPT. JIM C. SYDIONGCO**, hereinafter referred to as **CAAP**;

-and-

The **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR)**, a government agency with principal Office at Visayas Avenue, Diliman, Quezon City herein represented by its **Secretary, HON. ROY A. CIMATU**, herein referred to as "**DENR**";

WITNESSETH:

WHEREAS, the DOTr, is the primary policy, planning, programming, coordinating, implementing and administrative entity of the executive branch of the government on the promotion, development and regulation of a dependable and coordinated network of transportation and communication systems, as well as in the fast, safe, efficient and reliable transportation and communication services;

WHEREAS, the CAAP, an attached agency of the DOTr, created under Republic Act No. 9497 authorized among others, to provide safe and efficient air transport and regulatory services in the Philippines, regulate air safety and security aspects of air transportation, and exercise general supervision and regulation, including jurisdiction and control over all airports, air carriers, and other entities doing air transport and the like;

WHEREAS, the DENR, under Executive Order (E.O.) No. 192 dated 10 June 1987 is mandated as the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, as well as licensing and regulation of all natural resources as may be provided by law in order to ensure equitable sharing of the benefits derived therein, including forest and forest lands, watersheds, mangrove and grazing lands;

WHEREAS, the Forest Management Bureau (FMB), an agency under the DENR created by virtue of E.O. No. 192 issued on 10 June 1987, is tasked, among others, to recommend policies and/or programs for the effective protection, development, occupancy, management and conservation of forest lands and watersheds, including grazing and mangrove areas, reforestation and rehabilitation of critically denuded/degraded forest reservations, improvement of water resource use and development, ancestral lands, wilderness areas and other natural reserves, development of forest plantations including rattan, bamboo, and other valuable non-timber forest resources, rationalization of the wood-based industries, regulation of the utilization and exploitation of forest resources including wildlife, to ensure continued supply of forest goods and services;

WHEREAS, Presidential Proclamation No. 1387 issued on 13 February 1975 established the Busuanga Pasture Reserve and withdraw the same from sale, settlement, or any other form of disposition, exploration, exploitation, subject to private rights;

WHEREAS, Presidential Proclamation No. 2057 dated 7 May 2010 mandated the Philippine Forest Corporation (PFC) to be the administrator of the Busuanga Pasture Reserve and issued various Economic Productivity out of Idle Lands Agreements (EPILA) to corporations covering parcels of land found thereat;

WHEREAS, PFC was abolished in 2013 and its function as administrator of BPR - with a total land area of 37,048 hectares, was transferred to the DENR-Forest Management Bureau by virtue of Presidential Proclamation No. 663 issued on 14 October 2013;

WHEREAS, FMB as the new administrator of BPR has a pending case (CA G.R. CV No. 108046) before the Supreme Court filed by EPILA holder -New San Jose Builders whose EPILA was cancelled by PFC prior to its abolition;

WHEREAS, a portion of the Busuanga Pasture Reserve has an existing airport facility, renamed as Francisco B. Reyes Airport, with a total land area of 42.1204 hectares covered by OCT No. G-3442, TCT No. T-1476, and TCT No. T-1480;

WHEREAS, the vast increase in the number of passengers traveling to Coron, Palawan via air transport is compelling airline operators to increase flights to Francisco B. Reyes Airport, Busuanga, Coron, Palawan using larger aircraft;

WHEREAS, the present Busuanga aerodrome can neither be expanded nor extended to accommodate larger aircraft given the lack of available lands and presence of natural obstacles in its present location;

WHEREAS, the Civil Aviation Authority of the Philippines is planning for the reorientation and construction of a longer runway at Francisco B. Reyes Airport in order to accommodate larger aircraft;

WHEREAS, based on the feasibility study conducted by Schema Konsult, Inc. of Busuanga Airport in 2008 and the results of the Obstacle Limitation Surface survey conducted by CAAP in 2013, both the feasibility study and survey recommend the reorientation of Busuanga Airport;

WHEREAS, the proposed site for the reorientation of Busuanga Airport happens to be a part of the Busuanga Pasture Reserve which is under the jurisdiction of the Department of Environment and Natural Resources - Forest Management Bureau;

WHEREAS, CAAP needs **TWO HUNDRED NINETY-NINE AND 7342/1000** (299.7342 has.) of the Busuanga Pasture Reserve in order to establish a fully-functional aerodrome complete with all the necessary facilities essential for aerodrome operations;

NOW, THEREFORE, for and in consideration of the foregoing premises and the mutual covenants hereinafter set forth, the PARTIES have agreed, as follows;

SECTION I: SCOPE AND COVERAGE

This MOA authorizes DOTr, thru the CAAP to use, occupy and utilize two hundred ninety-nine and 7342/1000 (299.7342) hectares of land within the BPR in order to establish a fully-functional aerodrome complete with all the necessary facilities essential for its operations.

The sketch map with technical description is hereto attached as "**Annex A**".

SECTION II: ROLES AND RESPONSIBILITIES

A. The DOTr through the CAAP shall:

1. Shoulder all expenses pertaining to the proposed Busuanga Airport Reorientation Project;
2. Coordinate with the Local Government Unit (LGU) and other concerned agencies in facilitating the relocation of residents to be affected by the undertaking;
3. Include in the project the rerouting of all infrastructures to be affected;
4. Provide technical description of the land to be utilized based on the requirements of the Manual of Standards for Aerodromes based on Annex 14 of the International Civil Aviation Organization – Standards and Recommended Practices (ICAO SARPs);
5. Gather relevant documents to be submitted to FMB for processing of Presidential Proclamation awarding the portion of the Busuanga Pasture Reserve in favor of CAAP;
6. Secure all necessary permits and/or clearances pertinent to the completion of the Busuanga Airport Reorientation Project;

B. The DENR through the FMB shall:

1. Grant the request of CAAP, to utilize two hundred ninety-nine and 7342/1000 (299.7342) hectares of the Busuanga Pasture Reserve as the site for the Busuanga Airport Reorientation Project;
2. Assist in the peaceful possession, utilization, and implementation of infrastructure projects by the DOTr-CAAP over the above-described parcel of land.

SECTION III: MISCELLANEOUS PROVISIONS

A. Settlement of Disputes

Parties agree that any conflicts, controversies, issues or disputes which may arise regarding the interpretation or performance within or during the effectivity of this Agreement shall, in their best efforts, try to settle the same among themselves.

In the event of failure to arrive to an amicable settlement, the parties agree to resort to the abovementioned to any modes of alternative dispute resolution pursuant to Republic Act No. 9285, otherwise known as the "Alternative Dispute Resolution Act of 2004" in relation to Sections 66-67 of Book IV, Chapter XIV of Executive Order No. 292, as amended or the "Administrative Code of 1987".

B. Amendment or Modification

The parties herein may enter into a supplemental agreement that may be necessary in the course of the implementation of this Agreement. Any amendments, revisions and/or modifications in this Agreement shall require the prior written approval of both parties. Any amendment/s, addition, modification or supplement to this Agreement must be in writing and with the consent of both parties.

C. Separability Clause

This Agreement must not be in conflict with existing laws, legal orders, procedures or rules and regulations; otherwise, the pertinent provision/s in violation or in conflict with said existing laws, legal orders, procedures or rules and regulations will be void. If any provision of this Agreement is held invalid or declared contrary to law, the validity of the other conditions or provisions shall not be affected.

SECTION IV: EFFECTIVITY

This Agreement shall take effect immediately upon signing by the parties concerned and shall continue to be in full force and effect until and subject to the decision of the President of the Philippines through Presidential Proclamation covering the subject area.

IN WITNESS WHEREOF, the parties have hereunto entered into this Memorandum of Agreement and hereunder affixed their signatures, this ____ day of _____ 2021.

DEPARTMENT OF TRANSPORTATION

**DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES**

By:

By:

HON. ARTHUR P. TUGADE
Secretary

ROY A. CIMATU
Secretary

**CIVIL AVIATION AUTHORITY OF THE
PHILIPPINES**

By:

CAPTAIN JIM C. SYDIONGCO
Director General

WITNESSES:

CAPTAIN DONALDO A. MENDOZA
Deputy Director for Operations
Civil Aviation Authority of the Philippines

MARCIAL C. AMARO JR., CESO III
Assistant Secretary for Policy, Planning
and Foreign-Assisted and Special Projects
and Director, Forest Management Bureau
in concurrent capacity

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
QUEZON CITY)S.S.

BEFORE ME, a Notary public for and in _____, this _____ day of 2021,
personally appeared the following public officials to wit:

	Government-issued ID	Date/Place Issued
1. DELFIN N. LORENZANA	_____	_____
2. JIM C. SYDIONGCO	_____	_____
3. ROY A. CIMATU	_____	_____

known to me and to me known to be the same persons who executed the foregoing instrument and they acknowledged to me that the same are their own free and voluntary act and deed and that of the entities that they respectfully represent.

This instrument consisting of five (5) pages including this page on which this acknowledgment appeared have been signed by the Parties and their witnesses on each and every page hereof, and refers to a Memorandum of Agreement. Annex "A" is hereto attached as integral part hereof.

WITNESS MY HAND AND NOTARIAL SEAL on the date and place above written.

NOTARY PUBLIC

Doc. No. : _____
Page No. : _____
Book No. : _____
Series of 2021