



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay-El Nido, Palawan
Email Address: cenrotaytay@denr.gov.ph

April 19, 2021

MEMORANDUM

FOR : The Regional Executive Director
DENR- Region IV-MIMAROPA
L&s Building, 1515 by Roxas Boulevard, Ermita, Manila

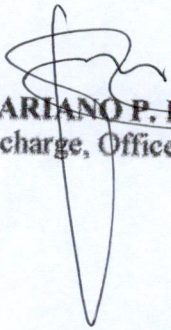
Thru: The Provincial Environment and Natural Resources Officer – Palawan
The Community Environment and Natural Resources Officer
Taytay-El Nido, Palawan

FROM : Development Management Officer IV Mariano P. Lilang, Jr.

SUBJECT : COMPLIANCE TO SHOW CAUSE ORDER ON ALLEGED
RECLAMATION, CUTTING AND DEVELOPMENT OF
MANGROVE AREAS IN BARANGAY BUCANA, EL NIDO,
PALAWAN

Respectfully submitted is my comment on the above subject in compliance to the Show Cause Order dated October 8, 2020. It consists five (5) pages with seven (7) annexes.

Please acknowledge your receipt hereof. Thank you.


MARIANO P. LILANG, JR.
In charge, Office of the CENRO

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY:
DATE: 4/19/2021 CN 1211

by the National Highway, Poblacion, Taytay, Palawan
Contact Nos. 09265059335 (globe) 09121713889 (Talk and Text)
Email address: cenrotaytaypal@yahoo.com.ph



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay-El Nido, Palawan
Email Address: cenrotaytay@denr.gov.ph

April 16, 2021

MEMORANDUM

FOR : The Regional Executive Director
DENR- Region IV-MIMAROPA
L&s Building, 1515 by Roxas Boulevard, Ermita, Manila

Thru: The Provincial Environment and Natural Resources Officer – Palawan
The Community Environment and Natural Resources Officer
Taytay-El Nido, Palawan

FROM : Development Management Officer IV Mariano P. Lilang, Jr.

SUBJECT : **NOTICE OF RECEIPT OF SHOW CAUSE ORDER TO SUBMIT COMMENT ON ALLEGED RECLAMATION, CUTTING AND DEVELOPMENT OF MANGROVE AREAS IN BARANGAY BUCANA, EL NIDO, PALAWAN**

Please be informed that I received the Show Cause Order on April 13, 2021 in the afternoon through postal service. I have already finished my comment due for subjection to verification under oath. I am supposed to submit the same today but our Notary Public in the town is available only on Mondays and Tuesdays, accordingly. It is because the Officer/Lawyer is not a permanent resident of this place.

Please allow me to move the submission of the Comment either on Monday or Tuesday. I am, however, attaching an advance copy consisting five (5) pages with seven annexes.

Thank you.

DENR CENRO
TAYTAY, PALAWAN
RELEASED

BY: lie
DATE: 4/16/2021 1194

MARIANO P. LILANG, JR.
In charge, Office of the CENRO

by the National Highway, Poblacion, Taytay, Palawan
Contact Nos. 09265059335 (globe) 09121713889 (Talk and Text)
Email address: cenrotaytaypal@yahoo.com.ph



SUBJECT:

SHOW CAUSE MEMORANDUM DATED OCTOBER 8, 2020 OF THE HONORABLE REGIONAL EXECUTIVE DIRECTOR TO MARIANO P. LILANG, JR., REQUIRING TO SUBMIT COMMENT ON THE VERIFICATION DATED APRIL 8, 2003 CERTIFYING THAT LOT 2637-C, CSD -04- 020865-D, IDENTICAL TO LOT 10086, CAD 1037-D IN BUCANA, EL NIDO, PALAWAN, CONTAINING FOUR THOUSAND EIGHT HUNDRED FORTY-SIX (4,846) SQUARE METERS DESPITE THE ACTUAL PHYSICAL STATUS OF THE LOT BEING A MANGROVE AREA, HENCE, PATENT WAS ISSUED.

COMMENT

I, **Mariano P. Lilang, Jr.**, fifty-five (55) years old, a resident of Poblacion, Taytay, Palawan since about August, 1992, an employee of the DENR as Development Management Officer IV (Salary Grade 22), assigned in Taytay-El Nido, Palawan, after having sworn to law, do hereby depose and say:

I. Admission

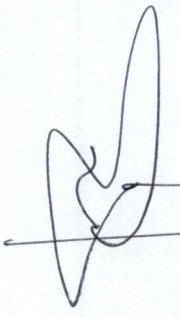
1. I **admit** to have received the Show Cause Memorandum on April 13, 2021 afternoon (Tuesday). I am required of comment in five (5) days or until April 18, 2021 afternoon (Sunday).
2. I **admit** I am the signatory over my name in the Verification-Certification pertaining to Lot 2637-C, Csd 04-020865-D in Bucana, El Nido, Palawan (Annex 1). It is hereinafter referred to as *document*.
3. We were three (3) signatories in the *document*. My role was counterchecking the action of the first, and mine by the third. The first signatory had already retired, and the third likewise, and died. I had regard on their expertise being both registered Foresters and I am not. I **admit** my role was based on the records only.
4. I **admit** to be illiterate of mapping works using Geographic Information System (GIS) commonly used today. I am, though, interested to learn it for and in the interest of the service.
5. I were able to save copy of the letter dated December 10, 2014 of the Administrator of National Mapping and Resource Information Authority (Annex 2) telling the Authority does not have official LC Maps of **Palawan** in shapefiles, but only analog maps. I recall the same NAMRIA Head also issued a letter-advice then that Land Classification Maps are the appropriate reference in the determination of land classification status. I assumed he was referring to hard copies instead of shapefiles. I **admit**, though, and regret I misplaced the copy.

6. Given the item 4 above, I **admit** I used to use then and now the following in determining Land Classification status:
 - a. Triangular scale
 - b. Protractor
 - c. Hard copy on file of Land Classification Maps
 - d. Returns of latest approved survey of particular lot on file
 - e. Approved cadastral survey returns on file.

II. Review of the Land Classification

1. Upon receipt of the Show Cause Memorandum, I personally reviewed the status of the subject lot or the whole of Lot 2637, Cad 1037-D. First, I reproduced a photocopy, true to 1:30,000 scale, of the portion of Land Classification Map 1187, Project 5-A approved on September 7, 1935 where the review verification was to be taken on (Annex 3). Second, I determined the position of CM Sheet 11° 20' N 119° 27'E Sec 4-C of Case 8 of Cad 1037-D (Exhibit 1). Third, I drew Lot 2637, Cad 1037-D (Exhibit 2) which dropped on Block II of **alienable and disposable** (Exhibit 3). Fourth, the nearest block of mangroves is about seventy-five (75) meters southwest of the area (Exhibit 4). Fifth, the unclassified public forest to the north of the area is safely about one hundred (100) meters away (Exhibit 5).
2. For comparison purposes, I requested a registered Forester of the GIS Unit to generate a map depicting Lot 2637, Cad 1037-D on the LC shapefile (Annex 4). It disclosed the lot dropping on **unclassified public forest** moving upward to north and sideward to east (Exhibit 6); thus, creating a mass of land on west which is already a sea in the approved cadastral survey returns (Exhibit 7). The subject lot is Exhibit 8 in Annex 5.
3. Another GIS literate found Lot 2637, Cad 1037-D within the **alienable and disposable** block (Annex 6) similar to my findings. It also moved sideward to east, likewise creating a mass of land on west (Exhibit 9) which is sea in the result of cadastral survey.
4. Hence, I stay with my own findings which is consistent in the *document* that Lot 2637-C, Csd-04-020865-D is alienable and disposable, however, regretting on keying error of the date of classification being 1936 instead of September 7, 1935.

III. Surveys

- 
1. Item A. of Department (DENR) Administrative Order 72, S-1990 dated August 13, 1990 writes that: *Cadastral Survey shall cover the survey of extensive areas of lands for more accurate delineation of timberland and classified delineation, and the individual survey of lots for registration proceedings, agricultural development, or for any other purposes deemed necessary* (emphasis supplied). In Section 5 of Department Administrative Order 2007-29 dated July 31, 2007 it says, likewise: *Cadastral Surveys - shall refer to the survey made to determine the metes and bounds of all parcels within an entire municipality or city for land registration and other purposes* (emphasis supplied). Further, Department Memorandum Circular No. 14 dated September 4, 1992 writes that: *All cadastral lots falling within forestland or unclassified lands shall be voided* (emphasis supplied).
 2. Case 8 of Cad 1037-D (Bucana, El Nido) was surveyed over three months on April 6 to July 19, 1992 and very much within, timely, and under the requirements of


DAO 72, Series of 1990. Given the strictness of the DAO and the survey returns **approved** we do not think anything less about the survey but for its purpose, except the possible boundary disputes not settled then.

3. It is regretful, however, that recent scrutiny, again, disclosed Lot 2637, Cad 1037-D forms a part of old Lot 990, Pls 31 **not reflected in the cadastral map** surveyed sometime in December 31, 1953 to December 14, 1954 (Annex 5). Here, it appears that less than half western portion of Lot 990, Pls 31 was already taken away by the water (Exhibit 10).

IV. Free Patent Application 045312-617-C

1. The applicant, under oath on March 15, 2003 enumerated her improvement in the land consisting *cashew, coconuts, assorted fruit trees*. Her occupation in the land was attested by certain Crispin C. Mahinay and Imelda Tayactac in regulatory support Joint Affidavit of Disinterested Parties (both classified Restricted Document under Memorandum Circular 97-1).
2. The Office of the Punong Barangay of the locality had certified on July 2, 2003 that the subject land is utilized as agricultural land and certain Aracel Bacolod is in actual occupation thereof (Annex 7).
3. The report of ocular inspection dated April 14, 2003 of the Special Investigator (retired) confirmed the existing improvements enumerated in the application. He recommended the approval of application and issuance of patent (classified confidential documents under Memorandum Circular No 97-1).

V. Legal and circumstantial bases

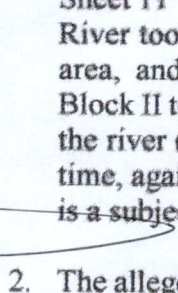
1. Article XII, Section 4 of the Constitution provides in part that: "xxx forest lands and national parks shall be conserved and may not be **increased nor diminished, except by law**."
2. NAMRIA Administrator further wrote that "xxx LC maps in digital/shapefiles shall be the output of the FLBD Project which is still **subject to legislative action**." Other than this, I have no knowledge of any instruction specifying the shapefiles on Land Classification Maps as NAMRIA authorized reference; thus the inconsistencies of generated maps depending on shapefiles used including the Survey and Mapping Division which, by the way, its **role** is also based on records only.
3.  Courts, in reversion cases that I were asked to testify, insist actual showing in hard copy of Land Classification Maps the area petitioned for reversion. They issue subpoena duces tecum and testificandum concerning the cases.
4. G.R. Nos. 175806 and 175810 quotes: "When the sea moves towards the estate and the tide invades it, the **invaded property** becomes foreshore land and passes to the realm of public domain." The survey in the area under Pls 31 was already about sixty-seven (67) years ago. The cadastral survey was about twenty-nine (29) years ago and the tide shall continue to invade the inland through the time. Yet, established forestlands and national parks shall be conserved and may not be increased nor diminished except by law.
5. I personally know of areas invaded by the sea water, among others: a) the cemetery

in Masagana, El Nido, Palawan where old tombs are now in water of Bacuit Bacuit Bay, b) Few rice paddies surveyed under Cad 841-D in Abongan, Taytay, Palawan that at one time by typhoon were invaded by flood and high tide. The waters brought in and left seedlings of nipa and mangroves that thrived to this day.

VI. Learning and manifestation

1. Given this incident, I learned that patent applicants should show proof of physical occupation and their improvements in the land by submitting pictures, necessarily geo-tagged nowadays, and not merely enumeration in the application. It becomes reasonable also to require it in the determination of land classification status in CENRO, PENRO, and in the confirmatory action of the Surveys and Mapping Division.
2. I manifest to start **now** the implementation of Department Memorandum Circular No. 14 dated September 4, 1992 **voiding all cadastral lots falling within forestland or unclassified lands**; progressively informing us of the results for the exact safety of our men in the field.
3. Please give us reference of NAMRIA authorized shapefiles, if any, resultant of FLBD Project subjected to legislation so that we have higher turnout of Land Classification verification confirmed by the Survey and Mapping Division.
4. I manifest also that some map sheets of both Cad 841-D (Taytay, particularly Abongan, among others) and Cad 1037-D (El Nido, particularly Corong-corong, and Pasadeña, among others) have dual versions both approved. Some also have delineation of alienable and disposable zone against the forest zone (New Ibajay, among others) while others have none (Bucana, among others).
5. Notably further, there are lots of old surveys not reflected in the maps. I recall I manifested in a memorandum years ago before the Regional Executive Director through the PENRO that, supposedly, this jurisdiction be not burdened with target on patent processing until these shortcomings are satisfactorily fixed.

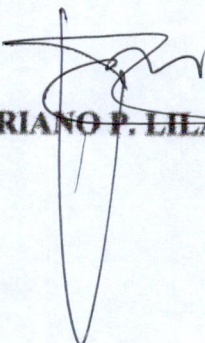
VII. Subjective opinion and Conclusion

- 
1. A careful regard of LC 1187 approved in 1935 (Annex 3) in comparison to CM Sheet 11° 20' N 119° 27'E Sec 4-C approved in 1992 (Annex 5) hints that Barotuan River took a different course through the time, wiping out a strip of the mangrove area, and segregating the strip on the west (Exhibit 11) of alienable and disposable Block II to become the lots (Lots 2765 up to 2775, Cad 1037-D, more or less) across the river (Exhibit 12). No wonder, there was Lot 990, Pls 31 in 1954. Through the time, again, mangrove area is creeping into the alienable and disposable zone. This is a subjective opinion.
 2. The alleged reclamation, cutting, and development of mangrove areas are governed by specific laws, regulations, and restrictions by or under which may be treated. I support the filing of complaint for these undertakings without permit, and consequently a reversion case. *When private properties are invaded by the sea converting them into portions of the shores, said portions become part of the public domain.* (Govt versus Cabangis).
 3. I conclude that my role and act then in the *document* was orderly, appropriate, and my best efforts given all the circumstances.

Summary of annexes and exhibits:

- | | |
|------------------------------------|---|
| Annex 1 | - The document Verification dated April 8, 2003 |
| Annex 2 | - Letter of NAMRIA Administrator |
| Annex 3 (Exhibits 1, 2, 3, 4, & 5) | - Photocopy of LC Map 1187 (portion) |
| Annex 4 (Exhibits 6, & 7) | - GIS generated map 1 |
| Annex 5 (Exhibit 8, and 10) | - Photocopy of CM Sheet 11° 20' N 119° 27' E Sec 4-C |
| Annex 6 (Exhibit 9) | - Another GIS generated map 2 |
| Annex 7 | - Certification of Punong Barangay dated July 2, 2003 |

I respectfully submit this with a lesson learned and prayer for exoneration on the issue of misbehavior. Thank you.


MARIANO P. LILANG, JR.

VERIFICATION

Republic of the Philippines)
 Province of Palawan : S.S.
 Municipality of)

Before me, a Notary Public for and in TAYTAY, PALAWAN this 19 APR 2021 personally appeared Mariano P. Lilang, Jr. of Poblacion, Taytay, Palawan known to me to be the same person who executed the above COMMENT to Show Cause Memorandum, consisting five (5) pages, including this page whereon this VERIFICATION is written. Mr Lilang, Jr. had signed the first four pages on the left margin of the sheets and on the spaces provided for in this fifth sheet. He showed me his Professional Identification Card as registered Agriculturist with Registration No. 0004141 valid until September 8, 2022.

Witness my hand and seal.

SUBSCRIBED AND SWORN TO BEFORE ME
 THIS 19 APR 2021 AT TAYTAY, PALAWAN

C7
 15
 78
 2021



ATTY. PHILIP RAY L. NANGKIL, CPA, CREB, CREA, IA, EnP
 NOTARY PUBLIC UNTIL 31 DECEMBER 2021
 PTR NO. 2572483/12-30-20/PAL
 IBP NO. 153205/01-15-21/PAL.
 ROLL OF ATTORNEYS NO. 54960
 MCLE COMPLIANCE NO. VI-0029180/4.14.2022

Republic of the Philippines
Department of Environment and Natural Resources
Region IV
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Taytay, Palawan

Subject

Application No. 045312-017C

Annex 1

Mr. ROBERT A. BACOLOR
Applicant

08 April, 2003
Date

VERIFICATION

That Lot No. 2637-C, Csd. 04-020865-D, identical to 10000, 022 1037-B situated in
Bay. Dugan, El Nido, Palawan, and consisting an area
of FOUR THOUSAND EIGHT HUNDRED FORTY SIX (4,846)
Square Meters, is Alienable or Disposable, being within Block 11
of Project 5-2, Land Classification Map No. 1187
classified as such dated 07 September, 1936.

Land Classification Status Verified carefully:

LEONARDO R. ENRIQUE
Sr. Forest Management
Specialist

MARTINO D. LILANG, JR.
Land Use Officer III

SPENCER T. MARTI
Community Environment
& Natural Resource
Officer

SUBSCRIBED AND SWORN TO BEFORE ME, TRAVEL OFFICE, OF THE
8th day of April, 2003, 2001

CERTIFIED XEROX COPY

EMER D. GARRAZ
40 11



Republic of the Philippines
Department of Environment and Natural Resources
NATIONAL MAPPING AND RESOURCE INFORMATION AUTHORITY

DEC 10 2014

OSCAR C. DOMINGUEZ
Director, DENR- MIMAROPA Region
DENR by the Bay, 1515 Roxas Boulevard
Ermita, Manila

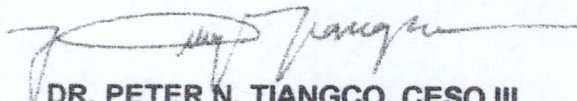
Annex 2

Dear Director Dominguez:

This is in response to your letter requesting for a copy of digital LC maps (shapefile) of the entire Province of Palawan.

Please be informed that NAMRIA does not have official LC maps in shapefiles but only analog maps which can be provided if needed. The most likely source of digital/shapefiles of LC maps in the near future is the map output of the FLBD Project which however, is still subject to legislative action.

Very truly yours,

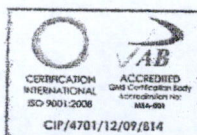
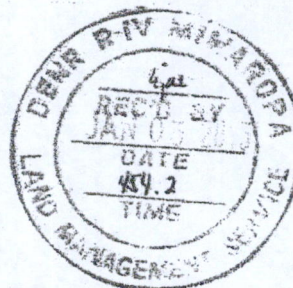
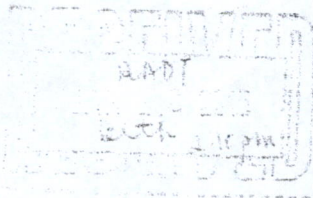

DR. PETER N. TIANGCO, CESO III
Administrator



Office of the Administrator
National Mapping and Resource
Information Authority
10705-01 12/10/2014



DENR - R - IV - B OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR	
DOC. NO.	00021/2015
RECEIVED	RELEASED
BY: <i>[Signature]</i>	BY:
DATE: 11/05/15	DATE:
TIME:	TIME:



NAMRIA OFFICES:
Main : Lawton Avenue, Fort Bonifacio, 1634 Taguig City, Philippines Tel. No.: (632) 810-4831 to 41
Branch : 421 Barraca St. San Nicolas, 1010 Manila, Philippines, Tel. No. (632) 241-3494 to 98
www.namria.gov.ph

ISO 9001: 2008 CERTIFIED FOR MAPPING AND GEOSPATIAL INFORMATION MANAGEMENT

113°26'

119°27'

119°27'30"

119°28'

Annex 3

BLOCK - A
TIMBER LAND
AREA = 77 HAS.

EXHIBIT 1
CM 11° 20'N. 119° 27'E. Sec 4-C
Case 8 (Bucana) Cad 1037-D

EXHIBIT 2
Lot 2637, Cad 1037-D. It is
within Block II of Project 5-A, LC
1187 certified on September 7,
1935

EXHIBIT 5
Unclassified Public Forest

EXHIBIT 11
Strip of Block II, LC 1187 (Alien,
& Disp.) segregated by Barotuan
River that changed its course

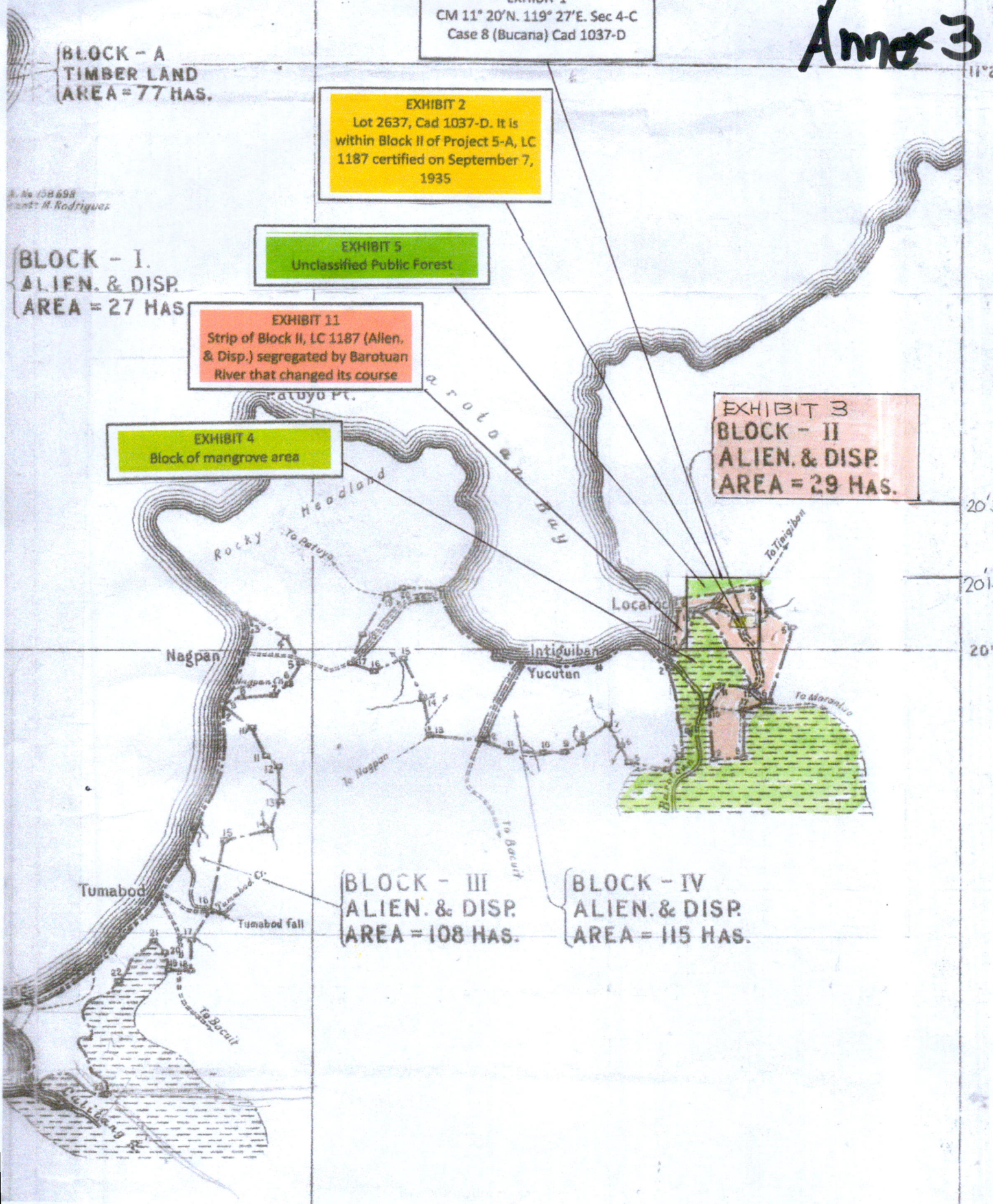
EXHIBIT 4
Block of mangrove area

EXHIBIT 3
BLOCK - II
ALIEN. & DISP.
AREA = 29 HAS.

BLOCK - I.
ALIEN. & DISP.
AREA = 27 HAS

BLOCK - III
ALIEN. & DISP.
AREA = 108 HAS.

BLOCK - IV
ALIEN. & DISP.
AREA = 115 HAS.





SKETCH MAP



SHOWING THE LAND CLASSIFICATION OF LOT NO. 2637, CAD 1037-D, EL NIDO CADASTRE

OF **Amex 4**
NELIA BATON

Located at:

SITIO : BUCANA
BARANGAY : BUCANA
MUNICIPALITY : EL NIDO
PROVINCE : PALAWAN
AREA : 7514.8 SQUARE METERS

Scale : 1:1,500 m



Projection: Universal Transverse Mercator Z50N
Datum: WGS 1984

Legend

- Corner (black circle)
- Area (white rectangle)
- Road (red line)
- Baranagay Boundary (black line)
- River (blue line)
- LandClassification
- Alienable & Disposable (orange rectangle)
- UPF (green rectangle)
- Forestland (dark green rectangle)
- Location Point (black circle with dot)

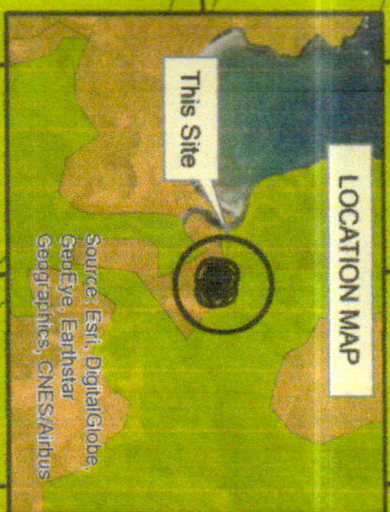


Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
Community Environment and Natural Resources Office
Taytay 5312, Palawan

Prepared/Digitized by:

CENRO TAYTAY GIS Unit

Source: Esri, Maxar, GeoEye, Earthstar, GeoGraphics, GNS/Airbus-DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



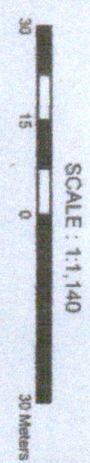
MAP SHOWING

THE LAND CLASSIFICATION OF
LOT NO. 2637, CAD 1037-D, EL NIDO
CADASTRE

OF
Amey C
NELIA BATOV

Located at:

SITIO : BUCANA
BARANGAY : EL NIDO
MUNICIPALITY : PALAWAN
PROVINCE :
AREA : 7514.8 SQUARE METERS



Projection: Traverse_Mercator
Datum: D_WGS_1984 Spheroid: WGS_1984

Legend

- Corner
- Area
- Political Boundary

Land Classification Status

- Alienable & Disposable
- Forestland
- UPF

Republic of the Philippines
Province of Palawan
Municipality of El Nido
Barangay Bucana

Annex 7

OFFICE OF THE PUNONG BARANGAY

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

TO WHOM IT MAY CONCERN:


THIS IS TO CERTIFY, that MR. ARACEL BACOLUD is the actual claimant/occupant of a parcel of land located at Brgy. Bucana, El Nido, Palawan with Lot No. 2637-G containing an area of _____ square meters.

Certifies further that said parcel of land is being utilized as agricultural land.

This certification is being issued to MR. ARACEL BACOLUD for whatever legal purpose it may serve him best.

Issued this 22nd day of July 2003.

Amount paid ; P 35.00
O.R. No. 0212312
Issued on: 07-22-03
Issued at: Bucana, El Nido, Palawan


JONATHAN D. AYOPILA
Punong Barangay

Annex 5

EXHIBIT 8
Lot 2637, Cad 1037-D in
CM 11° 20' N. 119° 27' E. Sec 4-C

EXHIBIT 10
Showing Lot 990, Pls 31
approved in 1954 not reflected
in Cad Map

PROVINCE OF PALAWAN

EL NIDO CADASTRE
Cad. 1037-D, CASE-8
C.M. 11° 20' N. 119° 27' E. SEC. 4-C
SCALE 1:1000

B A R A N G A Y

B O C A

tion of
ow across the
river

912.153

50 m. 1022

266

2664

2662

2663

2672

1500

Director - PANAY
Technical Director
Region IV

CM N°20 N 10°27' E

CM N°20 N 10°27' E	CM N°20 N 10°27' E	CM N°20 N 10°27' E	CM N°20 N 10°27' E
SEC-A	SEC-B	SEC-C	SEC-D

EXHIBIT 12
Lots 2765 to 2775, Cad 1037-D,
strip of Alien & Disp. Portion of
Block II, EC 1187 now across the
river



APPROVED: OCTOBER 20, 1992

16
21

SYDCLON P. PAN
Regional Technical Direc
Region IV