



ENVIRONMENTAL LEGAL ASSISTANCE CENTER, INC.

Carlos P. Sayang Compound, Mitra Road, Bgy. Sta. Monica,
Puerto Princesa City 5300 Palawan
Telefax (48) 433-5183; Email: elacpalawan@gmail.com

April 19, 2021

ATTY. TEODORO JOSE S. MATTA

Executive Director
Palawan Council for Sustainable Development

FELIZARDO B. CAYATOC

OIC, CENRO
Community Environment and Natural Resources Office

ATTY. CARLO GOMEZ

City ENRO
Puerto Princesa City

MR. MARIO BASAYA

Provincial Fisheries Officer
DA-BFAR
Province of Palawan

Dear Honorable Officials:

We would like to draw your immediate attention to the ongoing destruction of mangroves as part of the illegal reclamation activities undertaken by the William Tan Enterprises, Inc. (WTEI) in Sitio Tawiran, Bgy. Luzviminda, Puerto Princesa City. Attached, for your reference, are recent Google Map images of the area of operation of WTEI in Bgy. Luzviminda showing its continued expansion and operation¹.

We had been monitoring these illegal reclamation activities since 2017 and as such, had written several communications to the DENR and PCSD requesting legal action on WTEI's gross violations². So far, the company has yet to cease its activities in the area.

¹ Attached are recent Google Map images of the area of operation of WTEI in Bgy. Luzviminda in relation to their illegal reclamation in Bgy. Luzviminda, Puerto Princesa City

² Attached are our previous communications related to the illegal reclamation of WTEI in Bgy. Luzviminda, Puerto Princesa City

Destruction of mangroves are clearly prohibited under the Amended Fisheries Code and other environmental laws. The mangroves, coral reefs and seagrass beds are classified as core zones under the Environmentally Critical Areas Network (ECAN) guidelines of the Palawan Council for Sustainable Development.

It is more apparent than ever that legal actions must be taken by your offices against WTEI in order to hold them liable for violations of environmental laws. The company has denied liability in previous investigations and have blamed other people for the mangrove destruction. However, we would like to believe that your goodselves and good offices would have the initiative and resourcefulness to secure the needed evidence and undertake the appropriate legal remedies.

We look forward to your prompt and serious attention to this matter.

Very truly yours,



ATTY. GRIZELDA MAYO-ANDA
Executive Director

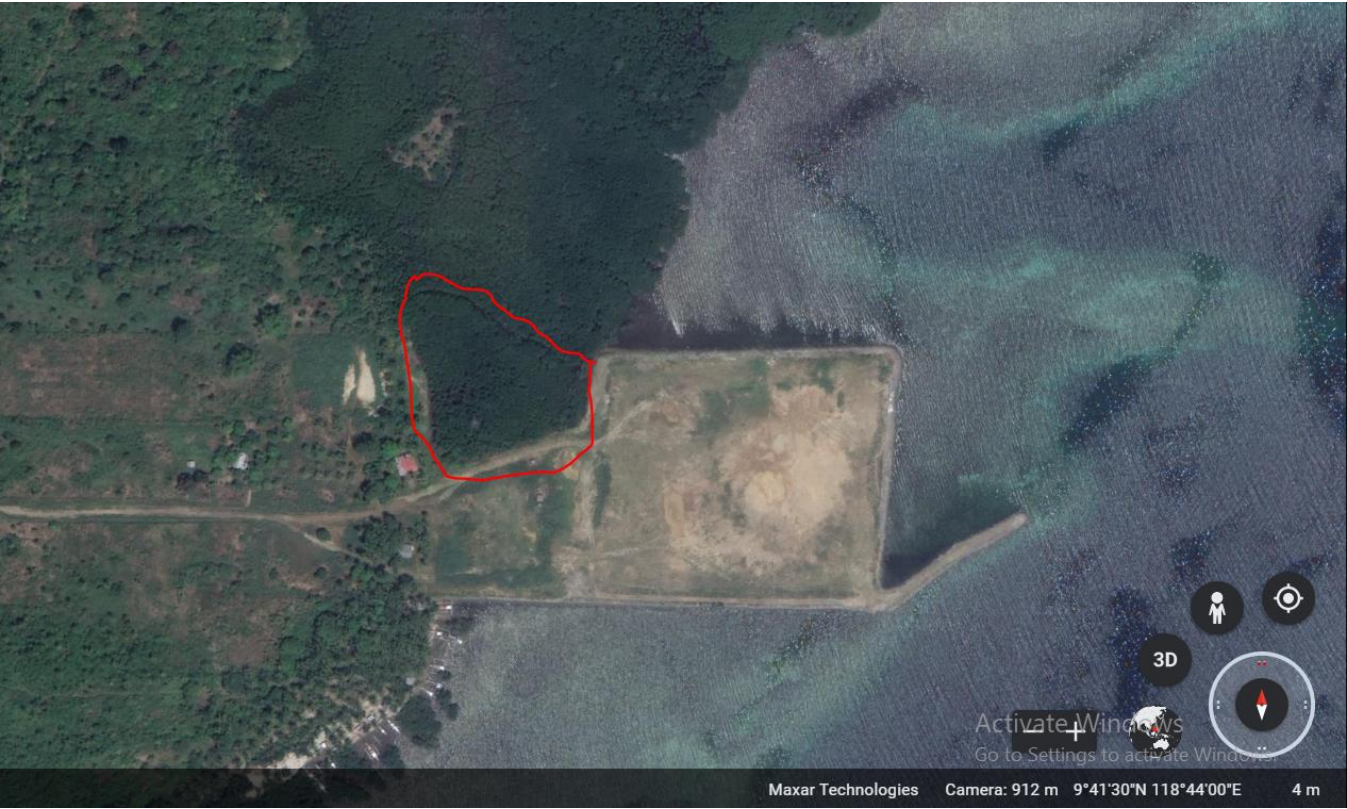


ATTY. REGINA BELLA DIOSO
Legal Officer

Copy furnished:

MA. LOURDES G. FERRER, CESO III
Regional Executive Director
1 515 L & S Building, Roxas Boulevard, Ermita, Manila
mimaroparegion@denr.gov.ph
IP Phone Trunkline No. 8248-33-67/
8249-33-67 LOC 2717

ERIBERTO B. SAÑOS
PENRO Palawan
Brgy. Sta. Monica, Pto. Princesa City, Palawan
penropalawan@denr.gov.ph



Before February 19, 2021



Imagery Date: February 19, 2021



Imagery Date: January 14, 2020



Imagery Date: February 19, 2021



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February 19, 2021

ATTY. TEODORO JOSE S. MATTA

Executive Director

Palawan Council for Sustainable Development (PCSD)

PCSD Building, Sports Complex Road

Sta. Monica Heights, Puerto Princesa City, Palawan

Re: Strategic Environmental Plan (SEP) Clearance Application of William Tan Enterprises, Inc. for its Cement Terminal and Warehouse Complex Project

Dear Atty. Matta:

We are writing to express our serious concern on the above-captioned project of William Tan Enterprises, Inc. (WTEI) located in Sitio Tawiran, Bgy. Luzviminda, Puerto Princesa City. Likewise, we would like to express our interest to participate in any meetings or consultations to be conducted by the Palawan Council for Sustainable Development (PCSD) in relation to the SEP Clearance Application of WTEI.


For your ready reference, we are attaching here our position paper and various communications we have submitted to concerned government agencies.

We are hoping for your prompt and favorable response.

Very truly yours,


Atty. Regina Bella Dioso

Legal Officer


Atty. Grizelda Mayo-Anda

Executive Director



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Telefax (48) 433-5183; Email: elacpalawan@gmail.com

April 10, 2019

Atty. Arnel Pedrosa

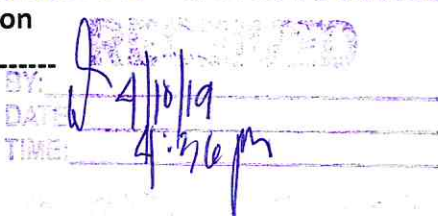
City Administrator

Puerto Princesa City



**Re: Unsolicited Proposal from William Tan
Enterprises, Inc. (WTEI) for Reclamation**

CITY ENVIRONMENT AND
NATURAL RESOURCES OFFICE



Dear Atty. Pedrosa

Thank you for inviting us to participate in a public consultation on the above-captioned matter.

We regret, however, that due to other previous commitments, we could not participate in this consultation today. In lieu of our presence, we are submitting our position on the aforementioned unsolicited project.

As you are well aware, ELAC has submitted several letters to the city government, City ENRO and the DENR officials regarding our concerns on the continued illegal reclamation activities undertaken by WTEI in the area of Luzviminda. On September 5, 2018, the Public-Private Partnership/Joint Venture Selection Committee of the City Government, through its secretariat, received a letter from us furnishing the PPP/JV SC Committee a copy of our Position Paper regarding the ongoing Reclamation Project of WTEI¹. On May 6, 2017, ELAC likewise sent letters to Ms. Emer Garraez, former DENR-CENRO, Atty. Carlo Gomez, City ENRO and Mr. Nelson Devanadera, PCSD Executive Director, requesting all these officials to cause the immediate stoppage of the ongoing reclamation and construction activities in the Luzviminda area². Similarly, on May 10, 2018, ELAC sent a letter to the Honorable Vice-Mayor Nancy M. Socrates and the Honorable Members of the Sangguniang Panlungsod concerning our request to conduct an immediate and multi-partite investigation on illegal reclamation in the waters of Barangay Luzviminda³. In all these communications, we have repeatedly stated that the reclamation activity proceeded without any appropriate permits and authority; namely, an authority from the Philippine Reclamation Authority⁴ and an Environmental Compliance Certificate (ECC) from the Department of Environment and Natural Resources (DENR).

We have found it unfortunate and very disturbing that, despite our numerous submissions and reports, the city government has not taken concrete actions to stop the illegal reclamation. Instead, the city government has even considered this project as a possibility for a joint venture. The fact that the city government is considering this unsolicited proposal sets a dangerous precedent because the city government is essentially condoning the environmental law violations

¹See attached Copy of Position Paper

²See ELAC letter, dated February 6, 2017

³See ELAC letter, dated May 10, 2018, addressed to Hon. Nancy M. Socrates and Hon. Members of the Sangguniang Panlungsod

⁴See attached Philippine Reclamation Authority 2008-3


committed by the proponent WTEI and is even willing to enter into a partnership with a violator. Attached are photos, for your ready reference, which shows the adverse effects of this project to our seagrass beds, mangrove areas and other marine life.

We call your attention to Section 16 of the implementing rules and regulations (IRR, effective in October 2015) of Republic Act No. 10654 or the Amended Philippine Fisheries Code (effective in February 2015) which specifically enjoins the City Government to enforce fishery laws, rules and regulations and fisheries ordinances in municipal waters. We also respectfully invite your attention to Section 3 of Republic Act No. 7160 (or the Local Government Code), which emphasizes the mandate of your local government unit (LGU) for shared ecological responsibility.

We hope that the city government will take cognizance of the issues/concerns we have raised in more than two years now and not allow an illegal reclamation project to further cause adverse effects on our marine ecosystem and ultimately, endanger the livelihood of our fisherfolks.

Very truly yours,


Atty. Grizelda Mayo-Anda
Executive Director


Atty. Jansen Jontila
Legal Officer

cc:

Atty. Carlo Gomez
City ENRO

Engr. Jovenee Sagun
City Planning Officer

Ombudsman Gerard Mosquera
Environmental Ombudsman

LBO Ref. No: 1268 3796 2378
Date: April 11, 2019

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SANTA MONICA, PUERTO PRINCESA, PALAWAN RD FLR. OMBUDSMAN BLDG. AGHAM ROAD, DILIMAN
Contact No.(s): 4335183 /9462864097 , QUEZON CITY, METRO MANILA
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Area Dest. : METRO MANILA 10AM Pickup Fee : 0.00
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ELAC'S POSITION ON THE PROPOSED PALAWAN CEMENT TERMINAL & WAREHOUSE COMPLEX PROJECT IN SITIO TAWIRAN, BGY. LUZVIMINDA, PUERTO PRINCESA CITY

William Tan Enterprises, Inc. (WTEI) professes that their proposed project, a cement terminal and warehouse complex, aims to provide a more affordable alternative to construction companies and consumer markets, and that the undertaking would generate job opportunities.

While ELAC recognizes the necessity of addressing job shortages and the high cost of commodities and construction materials in the province of Palawan, ELAC submits that WTEI's proposed cement terminal and warehouse complex should not be allowed in its proposed site on the following grounds:

1. Review of the Certificate of Non-coverage (CNC) issued to William Tan Enterprises reveals some erroneous details. The proposed cement terminal and warehouse complex was classified under "All office and residential building such as motels, condominiums, schools, etc. including storage facilities with no hazardous or toxic materials" when it is clear that cement poses high risks of soil and water contamination, not to mention the health risks it poses to nearby residents. Likewise, the classification of the proposed jetty port project under "Sea port, causeways, and harbors (including Ro-ro facilities) without reclamation" is inaccurate.

The field investigation conducted by the DENR-CENRO staff (where an ELAC representative was present) revealed that WTEI reclaimed portions of the sea area of Bgy. Luzviminda without any Environmental Compliance Certificate (ECC) and Strategic Environmental Plan (SEP) Clearance as well as other pertinent permits. The attached photographs clearly show such reclamation activities.

Presidential Decree No. 1586 or the Environmental Impact Statement System (EISS) prohibits any person, partnership or corporation from undertaking or operating any declared environmentally critical project or areas without first securing an ECC issued by the President or his duly authorized representative². The company had palpably violated this rule.

2. The issuance of the CNC is inherently problematic because the proposed cement terminal and warehouse complex is covered by the Environmental Impact Statement (EIS) System and classified as category B or projects that are not categorized as Environmentally Critical Projects (ECP), but which may cause negative environmental impacts because they are located in Environmentally Critical Areas (ECA)¹. An ECC is therefore required.
3. Under PCSD Resolution No. 94-44, seagrass beds are part of the coastal core zone and therefore should be free from any human activity. While WTEI mentioned in its Environmental Impact Statement (EIS) that the subject area is ideal because there were no mangroves nearby, the company ignored the fact that the area they reclaimed is an important part of the marine because of the presence of seagrasses. In its EIS, WTEI stated that their project is encroaching upon an environmentally critical area (ECA). The same document stated that the proposed area for the jetty port is highly susceptible to flooding.

4. Although seagrass beds are not often given enough attention, seagrasses perform a variety of functions within ecosystems, and have both economic and ecological value. Seagrass beds provide food, habitat, and nursery areas for a myriad of adult and juvenile vertebrates and invertebrates. Because seagrasses support such high biodiversity, and because of their sensitivity to changes in water quality, they have become recognized as important indicator species that reflect the overall health of coastal ecosystems³. However, seagrass beds are highly susceptible to damage from contact with oil or oil-related products even in small concentrations⁴. This would mean that the project is in a position where it could present the highest potential for damage to the nearby seagrass bed.
5. An [EIA] is a process that involves predicting and evaluating the likely impacts of a project (including cumulative impacts) on the environment during construction, commissioning, operation and abandonment. It also includes designing appropriate preventive, mitigating and enhancement measures addressing these consequences to protect the environment and the community's welfare. Thus, the EIA process must have been able to predict the likely impact of the reclamation project to the environment and to prevent any harm that may otherwise be caused⁵. However, despite WTEI's claim that 11 hectares, including the water area, shall be devoted to a ship loading/unloading area, the company's EIS lacks a detailed assessment of the project's impacts on the marine ecology of the area.

Notes:

1. DENR Administrative Order No. 2003-30, section 4 (4.3) (c)
2. Presidential Decree No. 1586, section 4
3. Smithsonian Marine Station. "Seagrass Habitats".
www.sms.si.edu/IRLspec/Seagrass_Habitat.htm
4. United States Coast Guard (2004). "What are the Effects of Oil on Seagrass?". Retrieved from USCG Sector Mobile Digital Area Contingency Plan:
<http://ocean.floridamarine.org/acp/mobacp/>
5. G.R. No. 196870, Boracay Foundation, Inc. vs. The Province of Aklan (June 26, 2012)

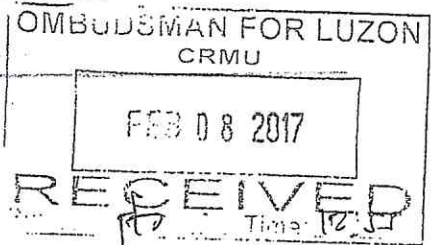


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February 6, 2017

Ms. Emer Garraez
DENR-CENRO

Atty. Carlo Gomez
City ENRO, Puerto Princesa

Mr. Nelson Devanadera
PCSD Executive Director

RECEIVED
FEB 08 2017

FEB 08 2017

JOEY

Dear Honorable Officials:

Greetings!

We write to request your good offices to cause the immediate stoppage of the ongoing reclamation and construction activities in an area bordering Barangays Luzviminda and Mangingisda, and purportedly undertaken by the group of Mr. William Tan. (Attached, for your ready reference, are some photos.)

In December 2016, a concerned citizen sent us a photo of the ongoing construction and inquired on whether such activity was covered by the appropriate permits and clearances from the DENR and PCSD.

Our initial inquiries reveal the following:

- (i) such reclamation and construction activities are not covered by a Strategic Environmental Plan (SEP) Clearance and has no Environmental Compliance Certificate (ECC);
- (ii) such "development" activities are adjacent to mangrove areas and the coastal area;
- (iii) the area initially reclaimed was once covered with mangroves;
- (iv) hundreds of trucks have been seen with loads of soil and quarry materials and depositing such materials on the bay area.

We are disturbed by the fact that your concerned offices were not aware of such reclamation activities and, as of this writing, has yet to undertake the appropriate actions to safeguard the mangroves and the coastal zone. Needless to say, such reclamation and construction activities have serious environmental impacts (eg. pollution of the bay,

2/15/17

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mangrove destruction). An immediate assessment needs to be undertaken in order to determine whether such activities can be allowed in the bay area.

We therefore strongly recommend that your good offices undertake an immediate investigation on this matter, advise the group of Mr. William Tan (including the construction workers) to halt their reclamation activities at this time and impose appropriate sanctions. The DENR, City Government and PCSD have enough legal basis to pursue all possible remedies to protect our environment under these circumstances.

We look forward to your prompt and serious attention on this matter.

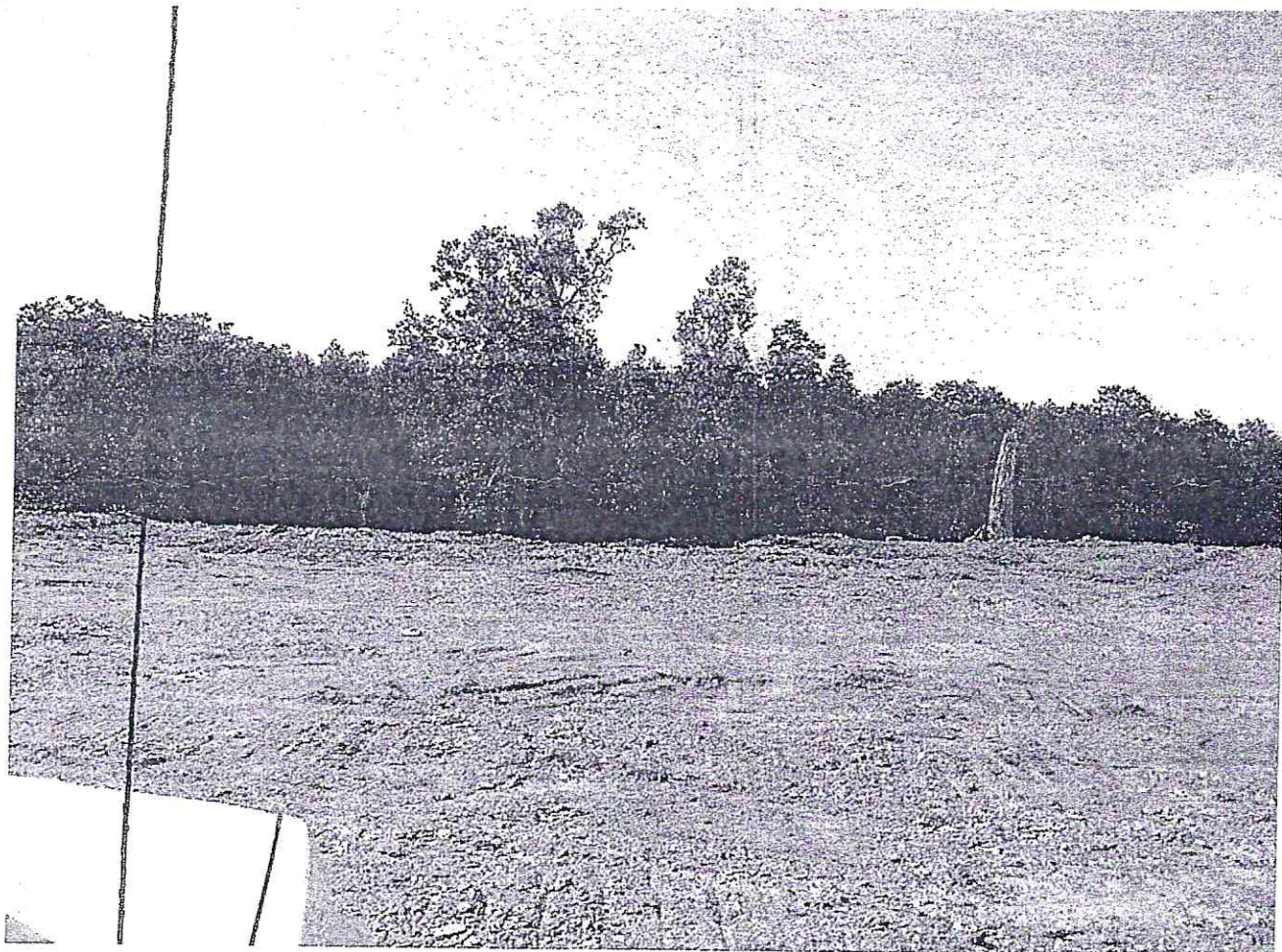
Very truly yours,


Atty. Grizelda Mayo-Anda
Executive Director


Ms. Jan Ricci Villapa
Paralegal

Copy furnished:

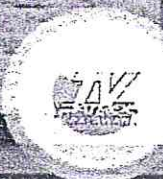
1. DENR Secretary Regina Paz Lopez
2. Deputy Ombudsman Gerard Mosquera
Office of the Environmental Ombudsman



JANUARY 27, 2017

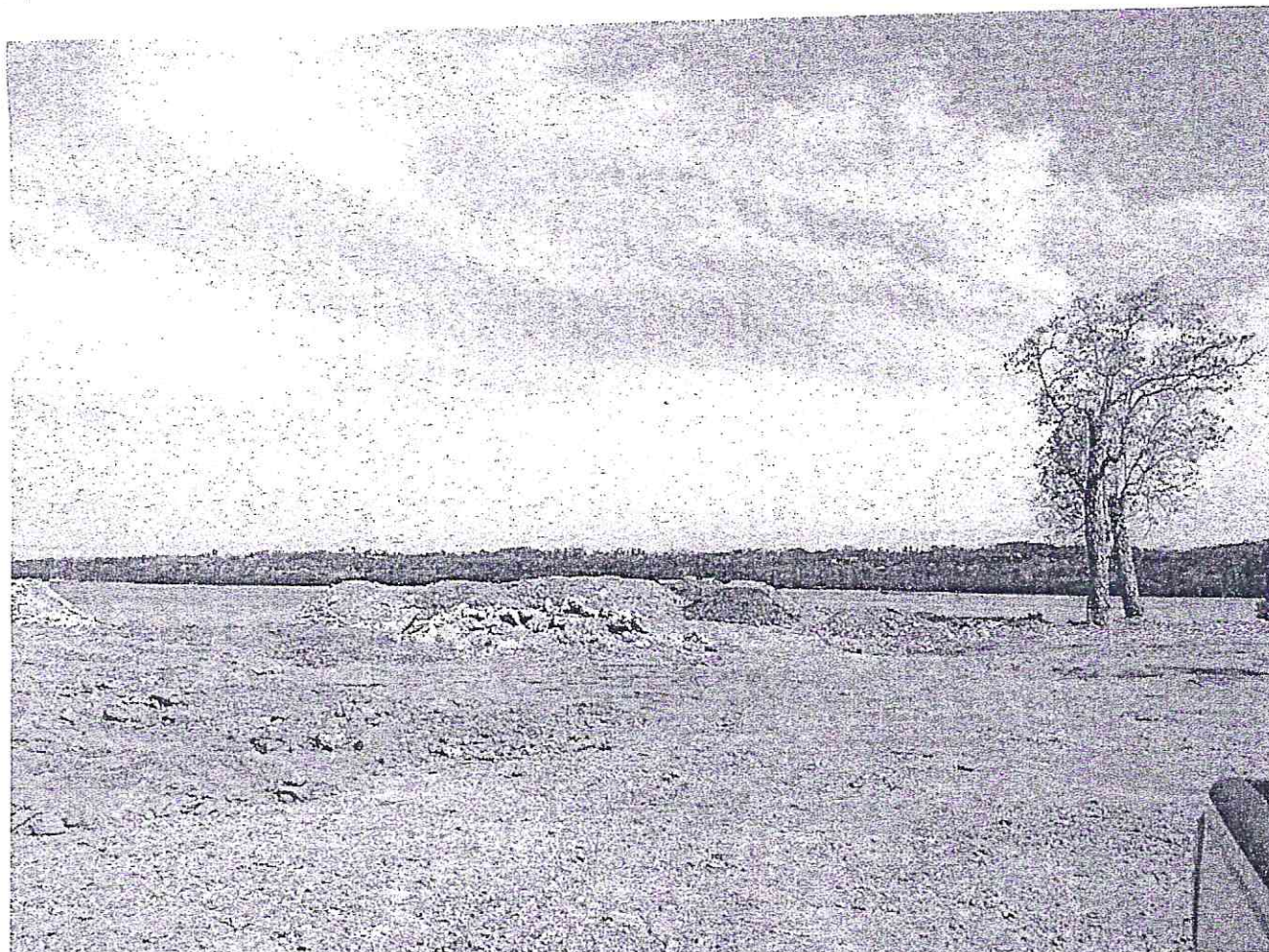


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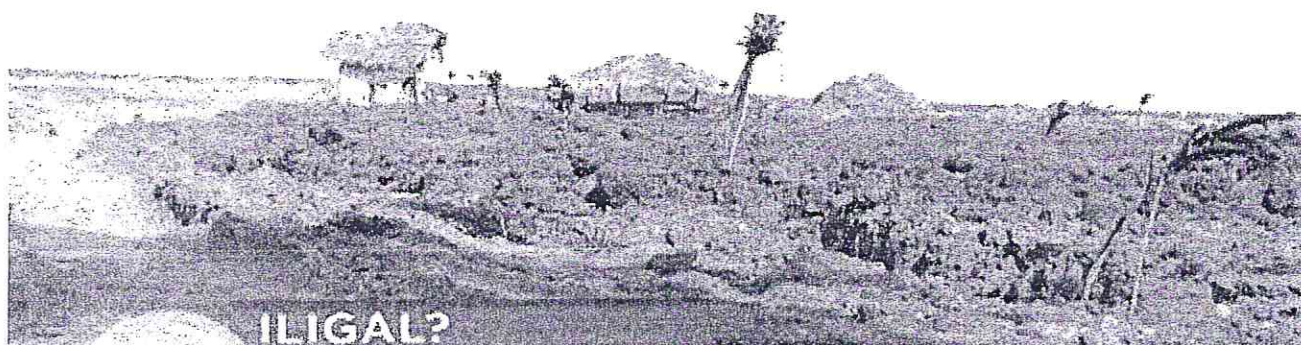


**CITY ENRO AT EMB: HINDI PA DUMADAAN SA
AMIN ANG PROYEKTO SA BRGY. LUZVIMINDA**

AYALOGO SA MGA APEKTADO NG MINAHAN SA BRGY. BERONG, QUEZON, P



JANUARY 27, 2017



ILIGAL?



CITY ENRO AT EMB: HINDI PA DUMADAAN SA
AMIN ANG PROYEKTO SA BRGY. LUZVIMINDA

| 2017 / WEDNESDAY |



| SA ULO NG MGA NAGBABAGANG BALITA |



ENVIRONMENTAL LEGAL ASSISTANCE CENTER, INC.

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Puerto Princesa City 5300 Palawan

Telefax (48) 433-5183; Email: elacpalawan@gmail.com

May 10, 2018

receiving copy

HON. NANCY M. SOCRATES

Vice Mayor, Puerto Princesa City

Honorable Members of the Sangguniang Panlungsod

Puerto Princesa City



Honorable Vice Mayor Socrates and Members of the Sangguniang Panlungsod:

Greetings!

ELAC would like to bring to your urgent attention several projects and activities taking place in the city that we, humbly submit, violate environmental laws, policies and procedures. We respectfully request your good offices to conduct an immediate and multi-partite investigation on the following concerns:

1. Illegal Reclamation in the waters of Barangay Luzviminda by William Tan Enterprises, Inc. (WTEI)

You may recall that in 2016, the Sanggunian endorsed the Palawan Cement Terminal and Warehouse Complex Project with the qualification that it was distinct and separate from the planned reclamation activity. ELAC expressed its opposition to the project because we argued that it was inextricably linked to the planned reclamation of the waters of Barangay Luzviminda. Several of you stated that the warehouse was different from the reclamation project and the decision for such reclamation was not forthcoming. We were therefore hoping that should the cement project proceed, WTEI will be using the main highway in the transport of cement bags and the proponent will no longer reclaim and build a wharf as part of its cement project.

To our dismay, the reclamation activity proceeded without any appropriate permits and authority; namely, an authority from the Philippine Reclamation Authority, a Strategic Environmental Plan (SEP) Clearance from the Palawan Council for Sustainable Development and an Environmental Compliance Certificate (ECC) from the Department of Environment and Natural Resources (DENR). For your reference, we are attaching photos of the area reclaimed as well as ELAC's position paper submitted to the DENR which discusses the environmental and legal issues relating to the proposed reclamation project (Attachments 1 and 2).

Likewise, we would like to bring to your attention a study from the Western Philippines University (WPU)¹ which shows the presence of seagrass beds in the proposed reclamation site. Under PCSD Resolution No. 94-44, seagrass beds are part of the coastal core zone and therefore should be free from any human activity. Although seagrass beds are not often given enough attention, seagrasses perform a variety of functions within ecosystems, and have both economic and ecological value. Seagrass beds provide food, habitat, and nursery areas for a

¹ Gonzales, B. J., Montaño, B. S. & Balisco, R. T., (February 2017) *Coastal Resources in a Development Site, Purok Tawiran, Luzviminda, Puerto Princesa City*. Puerto Princesa City, Palawan: Western Philippines University, College of Fisheries and Aquatic Sciences

myriad of adult and juvenile vertebrates and invertebrates. Because seagrasses support such high biodiversity, and because of their sensitivity to changes in water quality, they have become recognized as important indicator species that reflect the overall health of coastal ecosystems². However, seagrass beds are highly susceptible to damage from contact with oil or oil-related products even in small concentrations³. This would mean that the reclamation project is in a position where it could present the highest potential for damage to the nearby seagrass beds.

2. Illegal occupation of mangrove areas in Barangay Bucana, Puerto Princesa City

Last April 10, 2018, the president of Purok Kawayan, Brgy. Bucana visited ELAC to report the illegal occupation of mangrove areas in their barangay reported to our office that a group purportedly led by Malonzo and Calilong are illegally occupying mangrove areas in their barangay. Such illegal encroachment in mangrove areas has been ongoing for almost a month.

You are well aware that the Philippines has a plethora of laws to protect and conserve mangroves, namely, the Revised Forestry Code (Presidential Decree [PD] 705, as amended by Republic Act [RA] 7161), Philippine Fisheries Code (RA 10654 amending RA 8550), and several administrative orders and proclamations. In Palawan, we have the Strategic Environmental Plan (RA 7611) and the implementing guidelines of the Palawan Council for Sustainable Development (PCSD, governing body to implement the SEP law) which has identified mangroves as areas of maximum protection (or core zones). The whole province of Palawan has been declared as a Mangrove Swamp Reserve under Proclamation No. 2152.

This situation, as described to ELAC, is similar to what happened to the mangrove areas in Sitio Barimbing, Bgy. San Manuel. Absent any solid enforcement from concerned government offices, the mangrove destruction will continue and this bad precedent will be replicated in other areas of the city.

3. Illegal Quarrying activities in Sitio Tacduan, Bgy. Inagawan Sub-colony

Likewise in April 2018, civil society members and barangay officials from the barangays of Inagawan and Inagawan Sub-colony brought to ELAC's attention the ongoing quarrying of the river banks of Tacduan river (in the guise of river dredging). While the Sangguniang Barangay of Inagawan Sub-colony passed a resolution to dredge their river, such request was made for the purpose of repairing their barangay roads.

The undersigned, together with civil society members, visited the Tacduan river last April 26, 2018 to check on the dredging activities. The group saw that there were no physical evidences of river dredging. What the group saw were traces of quarrying of the river banks as well as quarrying in the interior of Sitio Tacduan. The group saw some five (5) trucks of BCT plying to and from the interior of the sitio's river area. We also saw some 203 delivery receipts (signed by the City ENRO) from March 28 until April 26, 2018 indicating some 203 truckloads of quarry materials gathered said area. (For your reference, we are attaching photos of our field visit to the Tacduan river. [attachment 3])

² Smithsonian Marine Station. "Seagrass Habitats".
www.sms.si.edu/IRLspec/Seagrass_Habitat.htm

³ United States Coast Guard (2004). "What are the Effects of Oil on Seagrass?". Retrieved from USCG Sector Mobile Digital Area Contingency Plan:
<http://ocean.floridamarine.org/acp/mobacp/>

ELAC's initial inquiry with the city planning office reveals that the Sitio Tacduan area is classified as a "core zone" under the SEP law which means that they should be afforded maximum protection and should be maintained free of human disruption⁴.

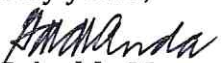
Atty. Jansen Jontila of ELAC (who sits in the City Mining Regulatory Board or CMRB) clarified this issue during the CMRB meeting held last May 7, 2018. However, to date, there are reports from the Inagawan community that a mountain quarry continues to be operated and dredging has not served its purpose as there are still barangay roads which have not been covered with the needed gravel and filling materials.

To date, the city's ordinance imposing a 20-year moratorium on quarrying activities in Inagawan and Inagawan has not been lifted. While we have gathered reports from the barangay that there are plans by the city government to lift the moratorium, the fact remains that such ordinance is still in effect and has not been revoked.

Given the circumstances, the quarrying activities in Sitio Tacduan, Barangay Inagawan are illegal and must be stopped immediately. Such quarrying activities are not covered by any appropriate permits.

We therefore respectfully request that your good offices undertake immediate steps to investigate all the aforementioned environmental law violations, call upon the concerned city officials in charge of the aforementioned concerns and undertake appropriate legal measures against the violators.

Very truly yours,


Atty. Grizelda Mayo-Anda
Executive Director

cc:

Atty. Gerard Mosquera
Office of the Environmental Ombudsman
3rd Floor, Ombudsman Building
Agham Road, Diliman, Quezon City

⁴ Sec. 9, R.A. 7611

PHILIPPINE RECLAMATION AUTHORITY (PRA)
[formerly Public Estates Authority (PEA)]
ADMINISTRATIVE ORDER NO. 2008-3

**SUBJECT: RULES AND PROCEDURES FOR THE PROCESSING OF
APPLICATIONS FOR TITLING OF COMPLETED
UNAUTHORIZED OR ILLEGAL RECLAMATION THROUGH PRA**

Pursuant to Presidential Decree No. 3-A, (Section 1), dated January 11, 1973 and Executive Order No. 525, (Section 1), dated February 14, 1979 in relation to PRA's powers and functions under Presidential Decree No. 1084 [Section 5 (p)] and Executive Order No. 525 [Section 2 (b)] as well as Executive Order No. 380 dated October 26, 2004, which among others, transformed the Public Estates Authority (PEA) into the Philippine Reclamation Authority (PRA), the following Rules and Procedures for the processing of applications for the titling of completed unauthorized or illegal reclamation are hereby promulgated.

Section 1. Rationale

It is the policy of the Government to promote a balanced and harmonious development in the countryside by attracting local and foreign investors in infrastructure development involving reclamation component, e.g. ports, mixed commercial/industrial development, eco-tourism development, schools and/or simple residential expansion. As a country imbued with a long coastline, these developments and investments provide the much needed boost of employment generation and multiple economic activities with far reaching impact in the locality and the country in general. As a government instrumentality, the PRA is mandated to support these activities by providing a window of opportunity for a long lasting security of investment and ownership of the reclaimed land as component of a bigger project by ensuring that titles of these properties will be properly secured to the clear advantage of the government and pursuant to existing laws, rules and regulations.

Section 2. Coverage

These rules and procedures shall cover all completed unauthorized or illegal reclamation throughout the country which were or are being undertaken prior to the effectivity of this Administrative Order (A.O.).

Section 3. Definition of Unauthorized or Illegal Reclamation

Unauthorized or illegal Reclamation shall refer to those reclamation projects which have been undertaken and completed by private parties and / or government agencies / entities which are not authorized to reclaim under existing laws, without the required permit from PRA (or PEA) and approval by the President of the Philippines.

Section 4. Guidelines

- 1) The reclaimed area shall be forfeited in favor of PRA for and in behalf of the National Government by securing the Title thereto in the name of the Republic of the Philippines (RP) or PRA subject to reimbursement by the RP/PRA of the actual cost incurred in undertaking the reclamation.
- 2) At the option of PRA and subject to the legal qualifications of the parties concerned, the reimbursement may be (a) in the form of reclaimed land; (b) from the proceeds of the sale of the reclaimed land; or (c) lease of the reclaimed land over an equivalent time.
- 3) In case of reimbursement in the form of reclaimed land,
 - (a) Only applicants qualified under the Constitution and existing laws may avail of this form of reimbursement.
 - (b) The applicant / reclaimer (i. e., party responsible in undertaking the reclamation) shall submit to PRA, for validation, the actual expenses incurred together with all the supporting documents thereof.
 - (c) The actual cost validated and agreed to by PRA shall be the amount to be reimbursed with equivalent reclaimed land. The value of the reclaimed land, for the purpose of computing the area shall be based on the current appraisal value of the illegally reclaimed land, to be determined by an independent appraiser/s to be hired by PRA for the said purpose.
 - (d) The remaining areas of the reclaimed land shall be retained by RP/PRA as its own, which in no case shall be less than thirty percent (30 %) of the total area of the reclaimed land

- 4) In case of reimbursement by means of the proceeds from the sale of the reclaimed lands,
 - (a) The sale shall be done by PRA through public bidding and subject to constitutional limitations and accounting and auditing rules and regulations.
 - (b) The base selling price of the land shall be its appraisal value at the time of bidding.
 - (c) The appraisal values shall be determined by independent appraisers to be hired by PRA for the purpose.
 - (d) The applicant / reclaimer of the reclaimed lands being sold if qualified under the Constitution and other existing laws may participate in the bidding.
 - (e) The applicant / reclaimer shall be reimbursed of the actual costs incurred from the proceeds of the sale. No such reimbursement shall exceed the sales proceeds and in all cases, the PRA shall retain the sales proceeds equal to not less than thirty percent (30%) of the current appraisal value of the land subject of sale.
- 5) In case of reimbursement through lease of reclaimed land over a period time, the applicant / reclaimer, if qualified under the Constitution and existing laws, shall be given preference to use the reclaimed land subject to payment of lease rentals which shall be applied against the amount of reimbursement.
- 6) In all the foregoing cases, the applicant / reclaimer shall pay a penalty fee of ten percent (10%) of the reclamation cost plus VAT.
- 7) These guidelines shall be without prejudice to those persons whose rights have been violated due to the reclamation and for which those parties responsible for the reclamation shall be held accountable and liable for any claims or damages arising therefrom.

Section 5. Procedures (Flowchart – Annex 1)

- 1) The owner/ reclaimer/ developer shall apply with PRA for the registration of its completed reclamation project.
- 2) Upon filing of the application for registration, the applicant shall pay the following fees:

Filing Fee – P500 per hectare but not less than P20, 000 plus VAT to be paid upon filing of the application.

Processing Fee – P1, 000 per hectare but not less than P100, 000 plus VAT
- 3) The application for registration shall be accompanied by the following:
 - a. historical facts about the reclamation;
 - b. project description or feasibility study, as applicable;
 - c. as-built plans and actual cost of the reclamation;
 - d. site development or master development plan / land use plan;
 - e. Clearance/s or Permits, if any, from any government agency like DENR for Environmental Compliance Certificate (ECC), and others;
 - f. Preliminary Survey Plan and Final Survey Plan and Returns after undertaking joint verification survey with PRA;
 - g. Other documents which may be required in the process of PRA's evaluation.
- 4) Submission of all documents and / or compliance with all requirements must be done by the applicant/s within a maximum period of ninety (90) calendar days from date of receipt of the application for registration by PRA. If justified, the period of submission / compliance may be extended as may be determined by PRA.
- 5) PRA undertakes review / evaluation and conducts joint verification survey with the applicant.

- 6) Applicant submits to PRA the survey returns and final survey plan, which shall be in the name of PRA. and upon PRA approval of the project, pays the Penalty Fee equivalent to 10% of the approved reclamation cost plus VAT.
- 7) After evaluation and upon full compliance with requirements, PRA approves the reclamation and recommends the project for approval of the Board.
- 8) Upon endorsement of PRA, DENR (Land Management Services) approves the final survey plan and technical descriptions and transmits the same to PRA and endorses the issuances of presidential proclamation by the President covering the subject Reclaimed Land based on the approved Final Survey Plan and Site Development Plan or Master Development Plan / Land Use Plan, as the case may be. In the case of Master Development Plan, the lot allocations as therein provided shall be the basis for recommending the issuances of the presidential proclamation which will declare which areas are alienable and open for disposition and which areas are devoted for public use, public service or the development of the national wealth.
- 9) Upon issuance of the presidential proclamation, PRA requests the DENR to issue the corresponding Special Patents, and through the Register of Deeds (RD) and Land Registration Authority (LRA), the Original Certificate of Titles (OCT) as follows:
 - a) Those reclaimed areas allocated for roads, open spaces or for public use or purpose or the development of the national wealth shall be titled in the name of the Republic of the Philippines;
 - b) Those reclaimed areas, which are declared alienable or disposable, shall be titled in the name of PRA.
- 10) The process for the disposition / conveyance of reclaimed lands shall start only after the President of the Philippines shall have issued the required proclamation. Subsequently, the reimbursement of the costs incurred by the applicant / reclaimer shall be done in accordance with Section 5 (2) hereof.

Section 7. Separability Clause

If any part of these rules and procedures shall be held to be unconstitutional or invalid, other parts hereof which are not affected shall continue to be in full force and effect.

Section 8. Effectivity

These Guidelines and Procedures shall take effect fifteen (15) days following its complete publication in two (2) newspapers of general circulation, fifteen (15) days from the date of filing with the University of the Philippines Law Center whichever is later as provided under Book VII, Chapter 2, Section 4 of the Executive Order No. 292 or the Administrative Code of 1987.

PHILIPPINE RECLAMATION AUTHORITY

By: **ANDREA D. DOMINGO**
General Manager and CEO

