



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Province of Palawan
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

March 27, 2020

MEMORANDUM

FOR : The Regional Executive Director
DENR IV-MIMAROPA Region
1515 L&S Building, Roxas Blvd.
Ermita, Manila

THRU : The Provincial Environment and
Natural Resources Office
Sta. Monica, Puerto Princesa City

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : **REQUEST FOR CLARIFICATION AND/OR LEGAL OPINION
REGARDING FORESHORE & MISCELLANEOUS LEASE
APPLICATIONS COVERED WITH APPROVED PLANS
WHICH ARE FOUND TO BE WITHIN MANGROVES
LOCATED IN PUERTO PRINCESA CITY, PALAWAN**

**DENR PENRO
PALAWAN RECORDS
RECEIVED**
BY
DATE 05-06-2020 CN
2:21 PM

This pertains to the above-cited subject and anent to the Memorandum dated August 14, 2019 from the Undersecretary for Field Operations, Atty. Juan Miguel T. Cuna clarifying that the issuance of survey authority, *processing of Foreshore Lease Applications, Miscellaneous Lease Applications and Revocable Permit Applications (FLAs, MLAs, and RPAs) in Palawan are excluded from the suspension order.*

Please be informed that records verifications and inspections conducted by representatives from this office over some foreshore areas with pending FLAs/MLAs disclosed that there are applications with approved Plan FLI/FLC and MLI/MLC which are found to be within mangrove areas. Attached is the list/inventory of the aforementioned applications and those that were inspected with geotagged photos and likewise plotted in the Google Satellite Map.

However, it appears that the following policies prohibit the continuance of the processing of the subject applications as follows:

1. Proclamation 2152, Series of 1981 dated December 28, 1981, which declares the entire Province of Palawan and certain parcels of the public domain and/or parts of the country as Mangrove Swamp Forest Reserves, hence withdrawn from entry, sale, settlement or other forms of disposition, subject to valid private rights, if any there be;

2. Administrative Order No. 8 dated February 24, 1987 re: Implementation of the Provisions of Proclamation 2152 Declaring the Entire Province of Palawan and Certain Parcels of the Public Domain and/or Parts of the Country as Mangrove Swamp Forest Reserves, henceforth:

3a. applications for licenses, leases or permits of any kind involving mangrove swamps and other parcels of the public domain designated as Mangrove Swamp Forest Reserves, whether such applications are new, renewal or extension, shall not be entertained and/or processed.

3b. All pending applications that fall under the aforecited category shall be immediately denied and the applicants informed accordingly;

3. PCSD Administrative Order No. 11, Series of 2006 re: Rules and Regulations Governing the Conservation and Protection of Mangrove Areas, hence, pursuant to Section 9 of the said policy, no person, natural or juridical, shall be allowed to convert mangrove areas.
4. City Ordinance 960 approved on August 21, 2018, entitled "An Ordinance Prohibiting the Occupation of and the Construction and/or Development in No-Build Zones within the Territorial Jurisdiction of Puerto Princesa City, providing for Summary Eviction/Demolition, and for Other Purposes.";

No-Build Zones refer to land or areas classified as riverbanks, shorelines, mangrove area, creeks, waterways, esteros, landfills, public cemeteries and other public places such as sidewalks, roads, provisions for road-right-of-way, bridges, parks, and playgrounds and other easement areas defined under existing laws and policies, and other areas that are not recommended for human habitation by virtue of danger that it poses to human life and/or property. "No-Build" likewise include timberlands not covered by any tenurial instrument and the necessary clearances from appropriate government agencies.

5. Puerto Princesa City Ordinance No. 560, also known as the "Revised Zoning Ordinance of the City of Puerto Princesa, Foreshore Lease Application is prohibited in mangrove forest which is declared as core zone.
6. Section 94 of Republic Act No. 8550 dated February 25, 1998, which states that it shall be unlawful for any person to convert mangroves into fishponds or for any other purposes.

Likewise, some of the applicants/lot owners had already transferred/sold their properties to some private individuals and/or company who now intend to apply over the same foreshore areas covered with applications and approved plans in the name of the previous owners.

Further, we are respectfully requesting for copies of all issued approved plans covering foreshore areas within our area of jurisdiction considering that there are instances when the geodetic engineer and/or the applicants were not able to furnish the office of the blue print copy of the said plan once approved leaving this office empty handed.

Be informed that immediate provision/delivery of the requested approved plans could be a source of potential in accomplishing the target on the appraisal and re-appraisal of foreshore land and would be of great help to the GIS Unit of this office in its preparation and updating of One Control Map which shall be used as a tool in its planning and decision-making process.

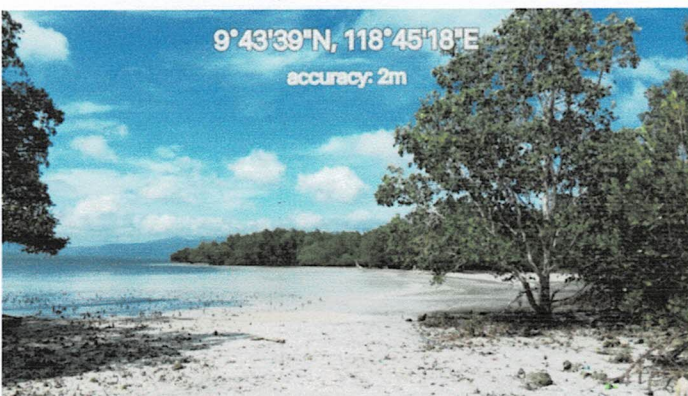
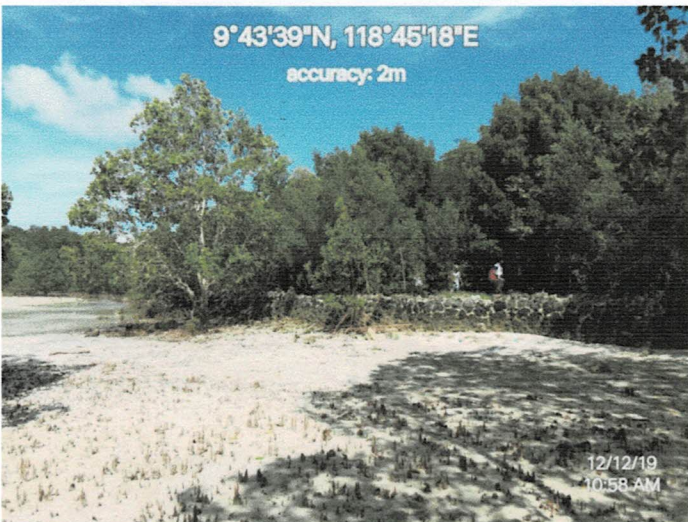
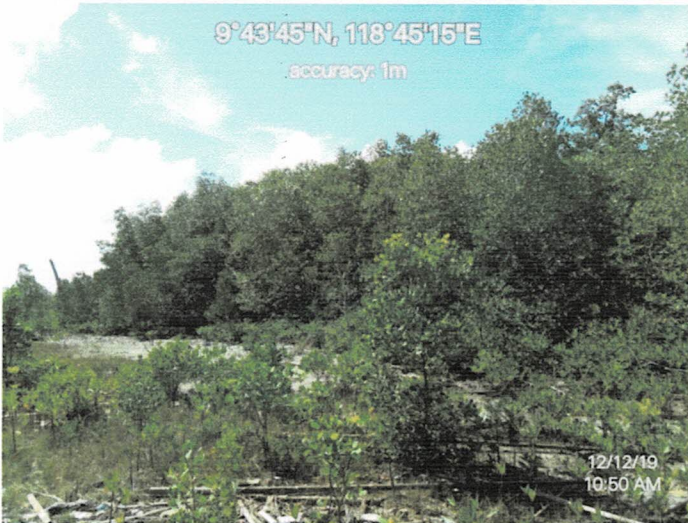
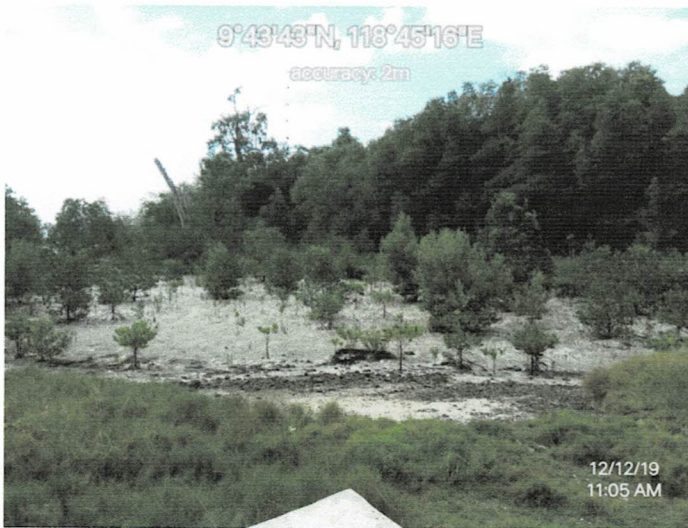
IN VIEW HEREOF, this office would like to seek clarification and/or legal opinion whether we should still continue the processing of the pending FLAs/MLAs covered with approved plans considering the abovementioned reasons and circumstances.

For your information, record and advice of action.


FELIZARDO B. CAYATOC



1. SYLVIA POLLYANA PENDON BARIOU
(Property has been transferred to Filinvest Hospitality Corporation)
FLI-(IV-26)170-D and FLI-045316-67-D located in Bgy. Bancao-bancao



FLI-(IV-26)170-D of
Bariou, Sylvia Pollyana
Pendon (Now: Filinvest
Hospitality Corporation)

FLI-045316-67-D of
Bariou, Sylvia Pollyana
Pendon (Now: Filinvest
Hospitality Corporation)

9 43 40 118 45 17

Bancoo Bancoo

209 m

© 20
Image © 2020