



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647; Email address: cenroroxaspalawan@denr.gov.ph

April 7, 2022

MEMORANDUM

FOR : The Head, DENR Action Center/Hotline
Visayas Avenue, Diliman, Quezon City

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

THRU : The Provincial Environment and
Natural Resources Officer
Brgy. Sta. Monica, Palawan

FROM : RONIE B. GANDEZA
Development Management Officer IV
CENRO Roxas, Palawan

RONNIE LILANG
Chief, Regulating and Permitting Section
CENRO Roxas, Palawan

SUBJECT : **ANSWER TO THE COMPLAINT AGAINST DENR-CENRO
ROXAS, PALAWAN EMPLOYEES, RONIE B. GANDEZA
AND RONNIE LILANG, REGARDING THEIR ALLEGED
INCOMPETENCE, IGNORANCE OF THE LAW AND
HARASSMENT WITH TICKET REFERENCE CODE NO. PM-
CAM-03-09-2022-054**

**The Office of the President
8888 Citizen's Complaint Hotline**

This pertains to the complaint lodged by Mr. Gerry Cebuano (Complainant) on March 8, 2022, to the Office of the President, through the 8888 Citizens' Complaint Hotline. The complaint was emailed by the Office of the President on April 5, 2022, which this office received on the same date.

A cursory reading of the complaint shows that the Complainant was complaining as to the Notice to Vacate issued by CENRO Roxas against Mrs. Margie Salaber for violation of Article 51 of Republic Act 1067. Hence, he filed a complaint for incompetence, ignorance of the law and harassment against us, Ronie B. Gandeza, the then OIC-CENRO, and Ronnie Lilang, Chief - Regulation and Permitting Section.

However, Complainant misled and deliberately withheld material facts when he lodged his above-stated complaint as will be shown below. We, the undersigned,

vehemently deny all the allegations of the Complainant that we executed a one-sided decision over an on-going case involving parcels of land in Cabugan Island nor we supported a Notice to Vacate against Mrs. Margie Salaber, which as claimed by the Complainant, constitutes an administrative incompetence as public officials, ignorance of the law and harassment.

To further clarify the issues at hand, we would like to present the following facts duly supported by documentary evidence, to wit:

1. The herein matter started during the time of the late CENRO Emer Garraez which I, Ronie B. Gandeza, succeeded after her untimely demise.
2. A letter-complaint dated November 2, 2020 was sent by Mr. Sergio Pellina to CENRO Garraez, alleging therein that a certain Rey Bernal is encouraging a group of people to construct houses within the timberland area of Cabugan Island;
3. Acting on the letter-complaint of Mr. Pellina, the CENRO Roxas dispatched a team to investigate the matter. The CENRO Roxas team found out that there were several people in Cabugan Island who are occupying the area within the timberland area and easement zone. The team also conducted a dialogue to explain to the occupants that their occupations within the subject area is illegal pursuant to Sec. 78 of Presidential Decree No. 705, as amended, and Article 51 of PD 1067, respectively (*Photos during the first dialogue between the CENRO Team and the occupants of Cabugan Island were hereto attached as ANNEX "A"*).
4. However, the verbal request of the CENRO Roxas team remains unheeded. Thus, the first Notice to Vacate was issued against those unlawful occupants. Among those unlawful occupants is Mrs. Margie Salaber who illegally erected structures within the easement zone and within a timberland area located outside her Stewardship Area in Cabugan Island, Roxas, Palawan (*Sketch Map is attached hereto as ANNEX "B"*). Moreover, in view of her environmental infractions, the first Notice to Vacate dated April 12, 2021, signed by CENRO Garraez, was furnish to her (*Attached hereto as ANNEX "C"*);
5. On July 19, 2021, when I, Ronie Gandeza, already assumed as the OIC-CENRO of Roxas, I received a Memorandum from the Provincial Environment and Natural Resources Office (PENRO) – Palawan, dated June 21, 2021 with attached letter-complaint from Mr. Sergio Pellina. The Memorandum directed us to submit a status report and update the notices to the residents of Cabugan Island (*PENRO's Memorandum and letter-complaint of Mr. Pellina are attached as ANNEX "D-1" and "D-2", respectively*);
6. In the performance of my duties and responsibilities as the OIC-CENRO of Roxas and in compliance also with the Memorandum of the PENRO, I instructed the Monitoring and Enforcement Section to conduct another investigation and to issue a 2nd Notice to Vacate against the unlawful occupants who continuously occupying the easement zone and/or timberland area;



7. Included to those occupants who are still unlawfully occupying the timberland area and the easement zone is again Mrs. Margie Salaber. Therefore, a 2nd Notice to Vacate was issued to her (*Attached hereto as ANNEX "E"*);
8. On September 2, 2021, another PENRO Memorandum with attached letter from Mr. Sergio Pellina was received by CENRO Roxas. The Memorandum instructed us to implement the existing laws, DENR Rules and Regulations (*The Memorandum and the letter-complaint of Mr. Pellina are attached hereto as ANNEX "F-1" and "F-2", respectively*);
9. In view of the said PENRO Memorandum, another CENRO Roxas Team was dispatched to Cabugan Island to verify the continuous unlawful occupation. During the investigation, a dialogue between the CENRO-Roxas and the occupants of Cabugan Island was conducted. The occupants were again informed that their continuous occupation was in violation of Sec. 78 of PD 705, as amended and/or Article 51 of PD 1067. However, despite of this, the occupants ignored our request to vacate the area. This prompted us to issue the 3rd and Final Notice to Vacate. Again, Mrs. Margie Salaber also received the 3rd and Final Notice to Vacate due to her continuous unlawful occupation (*Attached as ANNEX "G"*);

Based on the foregoing, there is no speck of evidence to support the allegations of the herein Complainant.

We respectfully inform the Complainant that the authority of the undersigned in an administrative land dispute is limited only in conducting investigations. Pursuant to Section 19 of DENR Administrative Order No. 2016-31¹, the Regional Executive Director has the authority to decide on land claims/and or conflicts cases over unregistered and/or unpatented lands. Sec. 19 is hereunder quoted, viz:

"Section 19. Decision of the RD. Within thirty (30) days from receipt of the draft Decision, the RD may modify, affirm or overturn it, taking into consideration all pleadings and documents submitted. The RD shall render a Decision therefor."

Accordingly, it cannot be gainsaid that we executed a one-sided decision in this case since first and foremost we do not have any authority to decide on land claims and/or conflicts submitted before this Office.

Moreover, there is no formal protests filed by a certain Mrs. Margie Salaber against Mr. Sergio Pellina appearing in the records of this Office. If the Complainant is referring to an "on-going case" as court case, we respectfully inform him that a pendency of a court case does not bar the DENR from enforcing the environmental laws in Cabugan Island unless a valid Court Order was issued to prevent the same.

¹ Procedure in the Investigation and Resolution of Land Claims and Conflicts Cases

Furthermore, the allegation of the herein complainant that we supported the issuance of Notice to Vacate against Mrs. Salaber despite the on-going case between her and Mr. Sergio Pellina does not hold water. The on-going case between the two parties does not prevent the issuance of Notice to Vacate as it was primarily intended for the purpose of informing the occupant of his/her environmental violations. These Notices are also intended to afford them due process in proving the legality of their occupation within the timberland and/or easement zone.

To address the issue of Notice to Vacate against Mrs. Margie Salaber, we respectfully state that the issuance of three (3) Notices to Vacate were due to her illegal structures and continuous occupation in an area classified as timberland and easement zone, thereby violating Section 78 of Presidential Decree (PD) 705, as amended, and Article 51 of PD 1067, respectively.

To reiterate, the structures of Mrs. Margie Salaber is situated outside the coverage of her Certificate of Stewardship in Cabugan Island. Hence, without a valid tenurial instrument and permit to support the legality of her occupation in the subject, it is considered as unlawful.

In view of the foregoing, we respectfully pray that this instant complaint be dismissed since we only acted within the scope of our authority and that we only enforced the environmental laws, DENR Rules and Regulations in accordance with our respective duties and responsibilities as public officials.

Hoping for your kind consideration and favorable action.


RONIE B. GANDEZA
Development and Management Officer
IV


RONNIE P. LILANG
LMO-III/ Chief, Regulation and Permitting
Section

Copy furnished:

The Presidential Complaint Center (PCC)
Malacañang, Manila

Gerry Cebuano
Sitio Carig-Carig, Cabugan Island
Roxas, Palawan

DENR-CENRO ROXAS
RELEASED
DATE: April 11, 2022
BY: [Signature]
DOC. NO. 2022-03-0511

ANNEX "A"



CERTIFICATION

THIS IS TO CERTIFY, That the geo-tagged pictures showing the actual investigation, verification, IEC suited at Sitio. Cabugan Barangay I Roxas, Palawan.


ALONSO A. TABANGAY



CERTIFICATION

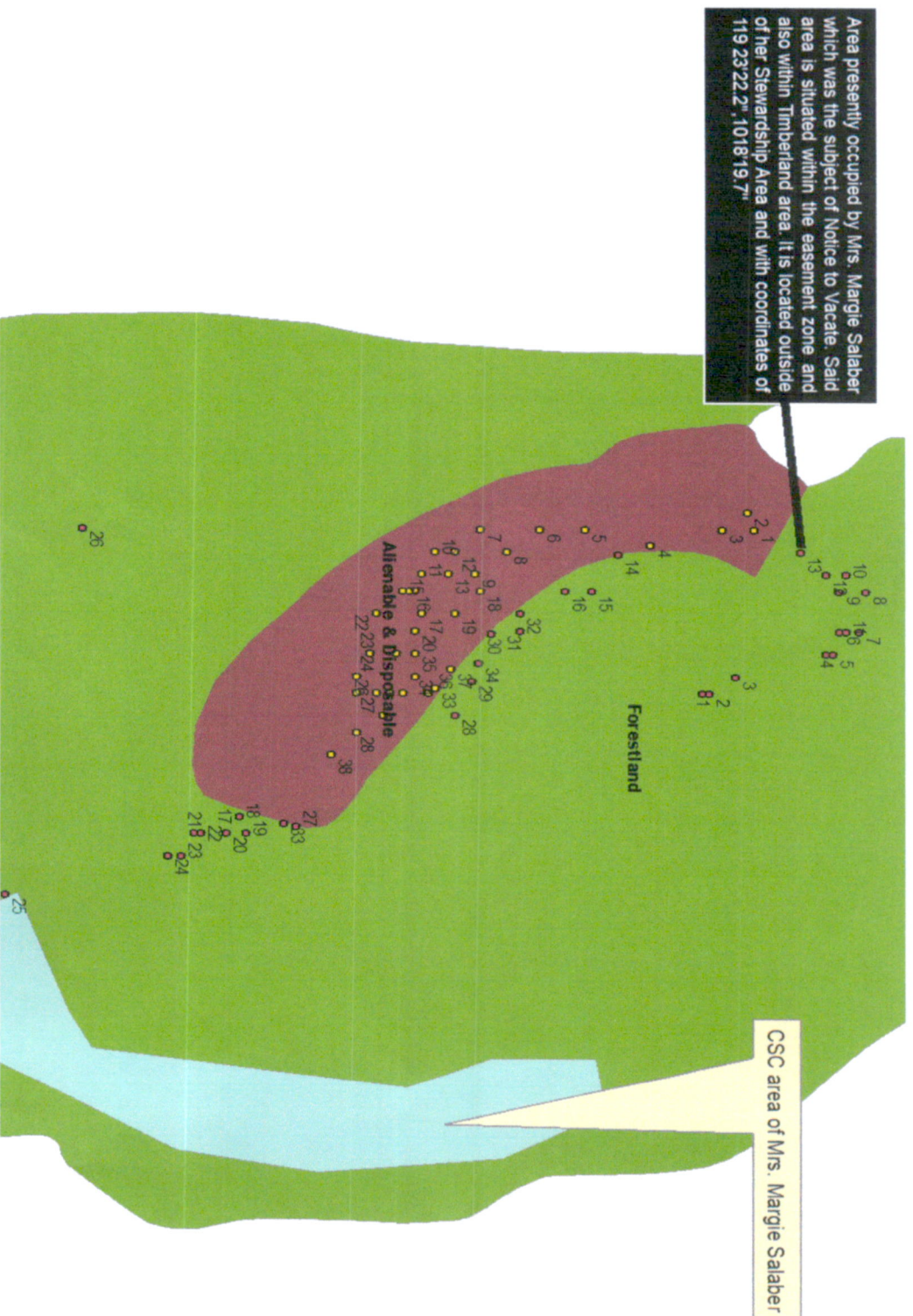
THIS IS TO CERTIFY, That the geo-tagged pictures showing the actual investigation, verification, IEC suited at Sitio. Cabugan Barangay I Roxas, Palawan.


ALONSO A. TABANGAY

ANNEX "B"

Exhibit and response to 8888 complaint.

(Sketch Map plotted thru ARC MAP 10.4)





Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 /
Email address: cenro@roxaspala.gov.ph

REGISTRY RECEIPT
ANNEX "C"
RE 412 127 666 ZZ
Post Office Letter/Packet
Posted on 04/16 20 21
Preserve this receipt for reference in case of inquiry
Postmaster/Teller

NOTICE TO VACATE

April 12, 2021

Ms. Margie Salaber
Cabugan Island, Brgy. I,
Roxas, Palawan

Dear Ma'am,

This is to notify you that your structures built within the Forestland (Timberland) Project No. 14-B, Block H, LC No. 2182 dated March 21 1958 is within the 40 meter Easement. By reason thereof, you are hereby directed to voluntarily **REMOVE THE STRUCTURE/S** you built and **VACATE THE AREA** you are occupying in violation of any or all of the following provisions of law, viz:

Presidential Decree No. 705 as amended, otherwise known as Revised Forestry Code of the Philippines:

Section 20. No person may utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx;

Section 78. "Any person who enters and occupies or possesses xxx any forestland or grazing land or part thereof xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof;

Republic Act 1067, otherwise known as Water Code of the Philippines;

Article 51. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind;

In view hereof, this Office is giving you **THIRTY (30) DAYS** upon receipt of this **NOTICE** to comply, or present legal documents evidencing your lawful occupation over the area, otherwise, we will file a case/s against you before the proper court.

We are hoping that you will give this matter your preferential and utmost attention in order to avoid costly litigation.

Very truly yours,


EMER D. GARRAEZ
CENRO

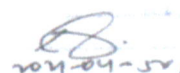
RE 412 127 666 ZZ


Copy Furnished

Barangay Council
Brgy. I, Roxas, Palawan

Municipal Environment and
Natural Resources Office
Roxas, Palawan




2021-04-21

ED PHOTO COPY

TIME COPY
DAYEN
CORDS



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 434 - 8791
Email Add: penropalawan@denr.gov.ph

ANNEX "D-1"



CENRO PALAWAN

June 21, 2021

MEMORANDUM

TO : The Community Environment and Natural Resources Officer
Roxas, Palawan

FROM : The Provincial Environment and Natural Resources Officer

SUBJECT : UNDATED LETTER FROM MR. SERGIO PELLINA RE:
CONTINUOUS OCCUPATION WITHIN TIMBERLAND
(MANGROVE AREA) DESPITE NOTICES AT CABUGAN
ISLAND, BARANGAY 1, ROXAS, PALAWAN

Referred the undated letter from Mr. Sergio Pellina received by PENRO on June 17, 2021 relative the above subject. This is considered a follow up letter as per memorandum dated March 8, 2021.

According to his letter, some residents of Cabugan Island continuously occupied within timberland (mangrove area) despite notices you been issued in violation of PD 1067 "Water Code of the Philippines), Paragraph H of DAO No. 1990-15 and Presidential Proclamation 2152.

In line with this, you are hereby directed to submit status report and update of your notices to the residents of Cabugan Island if any? within seven (7) working days upon receipt hereof which will serve as basis for our further action.

For guidance and strict compliance.


ERIBERTO B. SAÑOS, CESE

Copy furnished:
Mr. Sergio Pellina (0939-903-4389) of Barangay I, Roxas, Palawan
File/ACG20C/Roxas/MES Doc. Ref. No. 2021-5959

**DENR PENRO
PALAWAN RECORDS
RELEASED**

7-01-21 21-5959

ANNEX "D-2"

NO.:

DATE:

ERNESTO B. SAJOS

PENRO PALAWAN

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY:

DATE: 4/17/2014 4:59:59

Maka-kalikasang araw po sa ingo ako po si Sergio Pellina residente ng Brgy. I munisipyo nang Roxas, Palawan. ako po ay lumuhom sa ingo upang ipa-alam na ang mga nag-ukap sa loob ng timberland sa sitio Cabangan Brgy I ng Roxas ay patuloy parin sa kanilang aktibidad kahit na pinadalan na sila ng notia ng DENR Roxas patungkol sa illegal na pag-ukop sa lupang timberland at sa kop ng mangroove at paglabag sa Water Code up rin Philippines. Sa aking pananaw po tila wala po silang takot sa umiiral na batas. Base rin po sa aking pananaliksik paglabag din ito sa DENR administrative order No. 15-90 sa Talatang (H). ako po concern lamang sa ating likas yaman lalo na pagdating sa Kabakawan. Noong mga maagang panahon ang buong isla ay puno ng mga bakawan subalit unti-unting nawas simula ng ing-ukap sila vom, nais ko lang po sana na maprotektahan ang mangrove forest alinsunod nadin sa proclamation no. 2152. maraming salamat po.

Sergio Pellina —

SERGIO PELLINA

09399021200



Republic of the Philippines
Department of Environment
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES
Barangay III (Poblacion)
Contact No. 091716065
Email address: cenroroxasp@gmail.com

REGISTRY RECEIPT
RE 412 130 673 ZZ
Post Office
Letter/Pack
Posted on 07/21/21
Preserve this receipt for reference in case of inquiry
Postmaster/Teller

2nd NOTICE TO VACATE

July 21, 2021

Ms. Margie Salaber
Cabugan Island, Brgy. I,
Roxas, Palawan

Dear Ma'am,

Based on the monitoring conducted by this Office, you did not comply with our first issued Notice to Vacate dated April 12, 2021 wherein you are given thirty (30) days to comply.

Again, this is to notify you that your structures built is within the Forestland/Timberland Project No. 14-B, Block II, LC No. 2182 dated March 21, 1958 is within the 40 meters Easement. By reason thereof, you are hereby directed to voluntarily **REMOVE THE STRUCTURE/S** you built and **VACATE THE AREA** you are occupying in violation of any or all of the following provisions of law, viz:

1. **Presidential Decree No. 705** as amended, otherwise known as Revised Forestry Code of the Philippines:

Section 20. No person may utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx; and

Section 78. "Any person who enters and occupies or possesses xxx any forestland or grazing land or part thereof xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof

2. **Presidential Decree No. 1067**, otherwise known as Revised Water Code of the Philippines:

Article 51. "The banks of the river and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, 20 meters in agricultural areas and 40 meters in forest areas, along margins, are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing and salvage or to build structures of any kind"

In view hereof, this Office is giving you another **TWENTY (20) DAYS** upon receipt of this **NOTICE** to comply, or present legal documents evidencing your lawful occupation over the area, otherwise, we will file a case/s against you before the proper court.

We are hoping that you will give this matter your preferential and utmost attention in order to avoid costly litigation.

Very truly yours,

RONIE B. GANDEZA
OIC-CENRO

CERTIFIED PHOTO COPY

MA. CHRISTINE G. SINDAYEN
Records Officer



Copy Furnished:

Barangay Council
Brgy. I, Roxas, Palawan





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

ANNEX "F-1"

August 10, 2021

MEMORANDUM

TO : The OIC-Community Environment and
Natural Resources Officer
Roxas, Palawan

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **SULAT NI SERGIO PELLINA PATUNGKOL SA
ILLEGAL NA OKUPASYON SA SITIO CABUGAN,
BRGY I, ROXAS, PALAWAN**



Forwarded is the undated letter from Mr. Sergio Pellina received 9th of August 2021 of this office, relative to the above subject.

Be instructed to verify/validate on the ground with dispatch regarding allegations of the writer. Subsequently, implement the existing DENR laws, rules and regulation relevant to the violations if ever being committed by perpetrators.

For your information and immediate compliance.

Cc:

Sergio Pellina
(09399034389)

Doc Ref Nos. 7706
TSD-RPS/DEFD

**DENR DENRO
PALAWAN RECORDS
RELEASED**

BY: 
DATE: 8-17-21 11-41-7706


ERIBERTO B. SAÑOS, CESE

Bgy. Santa Monica, Puerto Princesa City, Palawan
Telfax No. (048) 433-5638
Email add: penropalawan@denr.gov.ph

ANNEX "F-2"

ERIBERTO B. SAÑOS
PENRO PALAWAN

DENR PENRO
PALAWAN RECORDS
RECEIVED

DATE 08-09-21 CN 21-7704

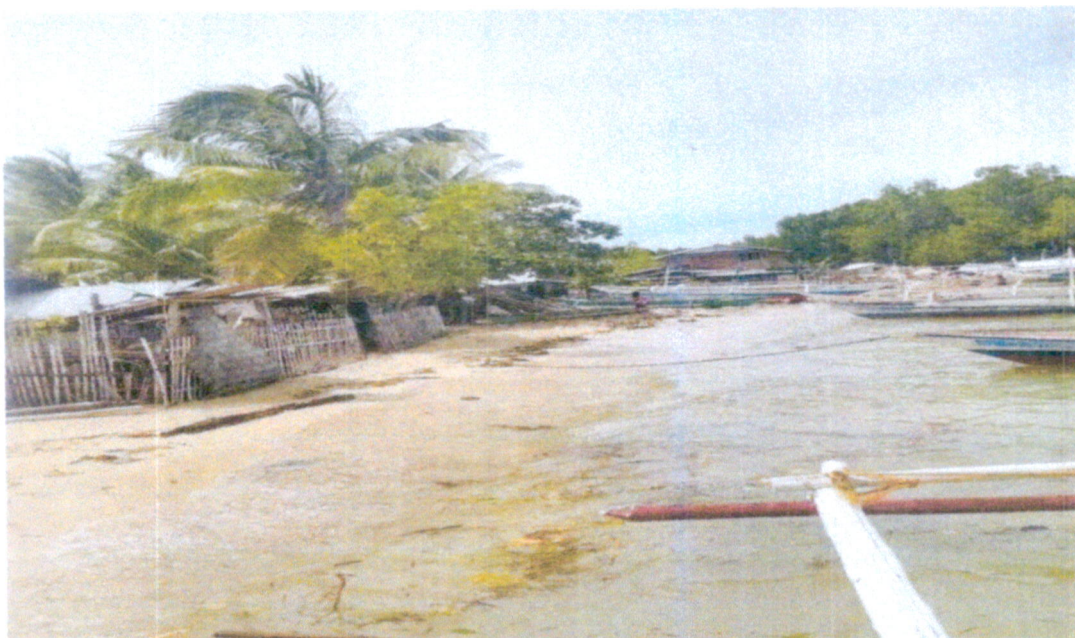
Sir:

Maka-kalikasang araw po muli, ako po si Sergio Pellina, sumulat po ako muli sa inyong tanggapan upang ipaalam sa inyo na patuloy parin ang illegal na okupasyon sa sitio Cabugan Barangay I Roxas, Palawan. At Patuloy na paglabag sa PD 705 batas pangkalikasan at PD 1067 batas pang-katubigan maging sa umiiral na DAO 1990-15 sa talatang (H) ng DENR. Sa katunayan po nitong mga nakalipas na araw ay pumunta po ako sa nasabing lugar upang mag matyag at tumanbad sa akin ang mga bagong bahay na itinayo ng mga residente kahit merun nang notice to vacate na pinadala sa kanila tila po ba ay hindi sila natatakot o hindi nila nirerespesto ang mga batas pang-kaliksna na umiiral. At ayon pa sa mga mga nakalap at narinig ko na hindi totoo ang ang mga sulat o paalala ng DENR sa kanila ito daw po gawa-gawa lamang. Hindi po ba ito isang pagyurak at pambabastos sa ating mga batas pangkalikasan? And isla ng Cabugan noon ay napupono pa ng makakapal ng bakhaw peru sa ngaun po ay sa bandang likuran nalang po ang natitira. Ako po ay nagmamalasakit lamang sa ating natitirang likas yaman bilang pagkukunsidera sa Proclamation 2152.

May-roon pomg mga larawan na kalakip ng aking liham na ito.



Sa bahaging ito po ay may kakapal na bakhaw ngunit ngayon po sa bandang likuran nlng po makikita ang mga bakhaw.



Sa bahaging ito naman po makikita ang paglabag sa PD 1067 at DAO 1990-15.



Sa bahaging ito naman po makikita ang paglabag sa PD 1067 at DAO 1990-15.



Ito naman po ang harapang bahagi ng isla iilan nalng po ang mga natirang mga bakhaw na dati po ay punong puno ito, sa kadilananng ping-puputol ito noong mga nakalipas na taon.

Karagdagan impormasyon noong mga nakalipas na taon ay merun nag survey at ito po binahagi ang bawat lote sa mga residente roon sa bahagi nang timberland na isang kawani ng denr sa Roxas. Sana po po ay makamit ng isla Cabugan na matatgpuan sa Barangay I Munisipyo ng Roxas, Palawan ang hustisya katulad po nang nakamit ng mga mangroves sa bahagi ng Puerto Princesa .maraming salamat po.

SERGIO PELLINA
09399034389



Republic of the Ph
Department of Environmen
Region IV- M
COMMUNITY ENVIRONMENT AND
Barangay III (Poblacio
Contact No. 09171606
Email address: cenroroxas

ANNEX "G"
RE 412 135 902 ZZ
Post Office _____
Letter/Package _____
Posted on 090021 20
Preserve this receipt for reference in case of inquiry
Postmaster/Teller _____

3rd and FINAL NOTICE TO VACATE

September 2, 2021

Ms. Margie Salaber
Cabugan Island, Brgy. I,
Roxas, Palawan

Dear Ma'am,

Based on the monitoring conducted by this Office, you did not comply with our second issued Notice to Vacate dated July 21, 2021 wherein you are given twenty (20) days to comply.

Again, this is to notify you that your structures built within the Alienable and Disposable (A&D) Project No. 14-B, Block H, LC No. 2182 dated March 21, 1958 is within the 20 meters Easement. By reason thereof, you are hereby directed to voluntarily **REMOVE THE STRUCTURE/S** you built and **VACATE THE AREA** you are occupying in violation of any or all of the following provisions of law, viz:

1. Presidential Decree No. 1067, otherwise known as Revised Water Code of the Philippines:

Article 51. "The banks of the river and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, 20 meters in agricultural areas and 40 meters in forest areas, along margins, are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing and salvage or to build structures of any kind"

In view hereof, this Office is giving you another **TEN (10) DAYS** upon receipt of this **NOTICE** to comply, or present legal documents evidencing your lawful occupation over the area, otherwise, we will file a case/s against you before the proper court.

We are hoping that you will give this matter your preferential and utmost attention in order to avoid costly litigation.

Very truly yours,

RONIE B. GANDEZA
OIC-CENRO

CERTIFIED PHOTO COPY

MA. CHRISTINE G. SINDAYEN
Records Officer



Copy Furnished:

Barangay Council
Brgy. I, Roxas, Palawan

Municipal Environment and
Natural Resources Office
Roxas, Palawan



SEP 02 2021
2021-09-1080