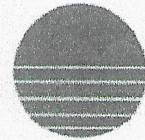




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**MEMORANDUM**

FOR : The Undersecretary  
Finance, Information Systems, and Climate Change

FROM : The Director

SUBJECT : **REQUEST FOR GUIDANCE FROM TOURISM INFRASTRUCTURE AND ENTERPRISE ZONE AUTHORITY (TIEZA) RELATIVE TO THE LIFTING OF SUSPENSION IN THE ISSUANCE, PROCESSING AND APPROVAL OF SURVEY AUTHORITY, SURVEY PLANS AND PUBLIC LAND APPLICATIONS (PLAs) COVERING LOTS IN THE PROVINCE OF PALAWAN**

DATE : 14 OCT 2022

This pertains to your Memorandum dated July 12, 2022, referring to this Office the letter from Atty. Karen Mae G. Sarinas-Baydo, Assistant Chief Operating Officer (ACOO), TEZ Management Sector, TIEZA, seeking clarification and guidance on how the lifting of the suspension in the issuance, processing, and approval of survey authority, survey plans, and PLAs in the Province of Palawan through the Memorandum from the Acting Secretary, DENR, dated March 9, 2022, would affect their private partners. Specifically, they sought clarifications on the following matters:

1. "What are the implications to the stakeholders of San Vicente, Palawan, of the lifting of suspension in the issuance, processing and approval of survey authority, survey plans and PLAs covering lots in Palawan?"
2. Is the application for and issuance of free patent under Republic Act No. 9176 entitled, "*An Act Extending the Period Until December 31, 2020 For The Filing of Applications For Administrative Legalization (Free Patent) and Judicial Confirmation of Imperfect And Incomplete Titles to Alienable and Disposable Lands Of The Public Domain Amending For This Purpose Commonwealth Act Numbered 141, As Amended, Otherwise Known As The Public Land Act*", included in the suspension lifted by the Memorandum from the Acting Secretary, DENR, dated 9 March 2022?
3. What actions can be undertaken by the landowners and business operators whose properties may benefit from the lifted suspension?
4. What are the updates from the Sub-Technical Working Group (TWG) created to identify priority areas in Palawan for reclassification into alienable and disposable lands in San Vicente, Palawan, particularly:
  - a. Completion of Protected Area Sustainability Assessment (PASA) for the repeal of Presidential Proclamation No. 219, s. 1967 entitled "Declaring the Entire Province of Palawan as Game Refuge and Bird Sanctuary, and the Small Island of Palawan as National Reserves;

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- b. Assessment for PP2152, s. 1981 entitled "Declaring the Entire Province of Palawan and Certain Parcels of the Public Domain and/or Parts of the Country as Mangrove Swamp Forest Reserves; and
- c. Assessment and evaluation of the proposed classification of 4,953 hectares of unclassified public land in San Vicente, Palawan."

On item No. I:

The lifting of the suspension of the issuance, processing and approval of survey authority, survey plans and PLAs covering lots in Palawan could help the stakeholders of San Vicente, Palawan to have their lands titled, which ultimately, would provide them tenure security over the lands they are currently occupying. Essentially, titling of their lands would allow them to have better access to formal credit to enable them to finance the development of their properties. We wish to stress, however, that the lifting of the moratorium affects only those lands which are classified as alienable and disposable (A&D).

On item No. II:

Yes, the lifting of the suspension also cover lands disposable through agricultural free patent. However, we wish to clarify that the applicable law is no longer R.A. 9176, but R.A. No. 10023<sup>1</sup> or "*An Act Authorizing the Issuance of Free Patents to Residential Lands*" which cover lands that are zoned as residential areas, including townsites defined under the Public Land Act and zoned residential areas located inside a delisted military reservation or abandoned military camp, and those of local government units (LGUs) or townsites which preceded R.A. No. 7586 or the National Integrated Protected Areas System<sup>2</sup>; and R.A. No. 11573<sup>3</sup>, also known as An Act Improving the Confirmation Process for Imperfect Land Titles, Amending for the Purpose Commonwealth Act No. 141, As Amended, Otherwise Known As "The Public Land Act," and Presidential Decree No. 1529, As Amended, Otherwise Known as the Property Registration Decree".

On item No. III:

This Office believes that the owners of the lands classified as alienable and disposable may file the appropriate public land application brought about by the lifting of the suspension order.

As for the business owners who wish to develop and utilize the land they are occupying which are allegedly within timberland, it is suggested that they apply for the appropriate tenurial instrument in order for them to be able to make use of, and to legitimize their occupancy of the land.

On Item No. IV:

This Office respectfully believes that the DENR MIMAROPA Region is in a better position to make an update on this matter considering that the Sub-Technical Working Group (TWG) was headed by the then PENRO of Palawan, For. Eriberto Saños. The completion of the assessment of the area for purposes of recommending the eventual repeal or amendment of

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<sup>1</sup> Enacted July 27, 2009.

<sup>2</sup> Section 2. Coverage. R.A. 10023

<sup>3</sup> Enacted July 27, 2020.



Presidential Proclamation (PP) No. 219 s. 1967 as amended by PP 503-B and PP No. 2152 s. 1981, will be crucial to the land disposition and titling activities of the Region. As to the implication of PP. No 219 s. 1967 as amended by Presidential Proclamation No. 2152, on the land titling activities of the DENR MIMAROPA Region, this matter is being studied by the DENR Legal Affairs Service in coordination with this Office, the Forest Management Bureau (FMB) and the Biodiversity Management Bureau (BMB).

For your information and consideration, please.

ATTY. EMELYNE V. TALAHIS, CESO IV

PR



Cc:

✓ Tourism Infrastructure and Enterprise Zone Authority  
6<sup>th</sup> and 7<sup>th</sup> Floors Tower I Double Dragon Plaza,  
Double Dragon Meridian Park, Macapagal Avenue  
Cor. EDSA Extension  
1302, Bay Area, Pasay City

DTN 20220700680

etc

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