



Republic of the Philippines
Department of Environment and Natural Resources
FOREST MANAGEMENT BUREAU

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MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1514, L&S Bldg., Roxas Blvd., Manila

FROM : The Assistant Secretary for Policy, Planning, and Foreign Assisted and
Special Projects, and Director, in concurrent capacity

SUBJECT : **GRATUITOUS SPECIAL USE PERMIT (GSUP) APPLICATION
OF THE MUNICIPAL LOCAL GOVERNMENT UNIT (MLGU)
OF CORON, PALAWAN FOR THE PROPOSED
GOVERNMENT BUILDINGS AND FACILITIES LOCATED IN
SO. DIPULAO, BRGY. POBLACION 6, CORON, PALAWAN**

**DOCUMENTS
ATTACHED :** Your Memorandum dated December 02, 2021, with enclosures.

DATE : **FEB 11 2022**

This has reference to your Memorandum dated December 02, 2021, forwarding to the DENR Central Office the request of the Municipal Local Government Unit (MLGU) of Coron, Palawan for a Gratuitous Special Use Permit (GSUP) for the proposed Government Buildings and Facilities to be located in Sitio Dipulao, Brgy. Poblacion 6, Coron, Palawan.

Upon careful review and evaluation of the application and its submitted documents, the following are the noted observations, to wit:

1. There are lacking documents, to include:
 - 1.1. LGU Certification that the proposed project is indicated in the Forest Land Use Plan (FLUP) and within the ambit of the approved Comprehensive Land Use Plan (CLUP); and
 - 1.2. GIS-generated map of the area (with its corresponding technical description) duly signed by the RED.
2. The following documents are merely photocopies, and not duly certified true copies of the original, to wit:
 - 2.1. Official Receipt No. 6879256 as proof of payment of application fee amounting to Php 536.00;
 - 2.2. Municipal Resolution No. 213, series of 2021 of MLGU Coron, Palawan, authorizing its Municipal Mayor, Mario T. Reyes Jr. as its representative to process and deliver their GSUP application;

- 2.3. Certificate of Non-Overlap (CNO) denominated as CN-RIVB-Palawan-2021-08-49, dated August 30, 2021, issued by NCIP Regional MIMAROPA Office, Calapan City;
 - 2.4. Certification dated December 15, 2020, issued by the Municipal Accountant of Coron, Palawan for the availability/proof of source of budget for the development and management of the project;
 - 2.5. Strategic Environmental Plan (SEP) Clearance dated September 24, 2020;
 - 2.6. Land Status Certification dated April 30, 2020 issued by CENRO Coron, Palawan; and
 - 2.7. Indicative Management Plan.
3. On the submitted Indicative Management Plan (IMP), the following issues were noted:
- 3.1. It seems that the formulation of IMP was not intended for GSUP issuance. The presentation / formulation of the IMP manifests unclear (incomplete) information and is not consistent to the prescribed template for the purpose. Attached herewith is a copy of the prescribed IMP template for reference purposes;
 - 3.2. There is no indicative chart of activities showing the period/duration of the project implementation (e.g month/year); and
 - 3.3. There is no mention on how to manage/protect the forest land adjacent to the project area.
4. On the proposed Government Buildings and Facilities, only the establishment of a public market may be entitled for the issuance of GSUP per recently signed policy on the matter under DAO 2022-01 (a copy hereto attached for your reference). The said DAO was signed by the DENR Secretary, Roy A. Cimatu, on January 11, 2022, and is now subject for publication.

The proposed Government Buildings and Facilities of MLGU Coron, Palawan are itemized hereunder:

- 4.1. Public Market;
- 4.2. PUV Terminal;
- 4.3. Sewerage Treatment Plant;
- 4.4. Supreme Court;
- 4.5. Rural Agricultural Center (RAC) Site
- 4.6. Convention Center;
- 4.7. Coliseum;
- 4.8. LTO Building

In view thereof, you are requested to:

- A. Inform the proponent to submit the lacking requirements mentioned in Item 1 and the authenticated / certified true copies of the documents in Item 2 above.

For item 1.2 (GIS-generated map), submit the map in hard and electronic form of the area covered by the proposed **public market only**. The submission of maps should be consistent to the Memorandum of the Undersecretary for Field Operations

and Environment dated 09 December 2021 re: Submission of electronic copies of maps/shapefiles for all tenure applications within FL; and

- B. Assist the proponent in drafting the revised version of its IMP consistent to the prescribed IMP template and take into account the observations / comments of this Office mentioned in Item 3 above. The IMP shall cover **only the development of the proposed public market** and must be packaged as a stand-alone document.

Further, the documents relative to the application of the proponent for GSUP are hereby returned to DENR MIMAROPA for reference purposes. Be advised to refrain from endorsing applications for GSUP issuance not appropriately reviewed / evaluated, and take note that the issuance of GSUP is done only on a case-by-case basis. In the meantime, that the above-mentioned guidelines on GSUP is still for publication, only the GSUP application with application documents whose form and substance are sufficient will be recommended to the DENR Central Office (CO) for consideration.

Furthermore, please take note of the newly approved DAO on GSUP as this may be already effective while the proponent and the region are preparing the documents to be resubmitted at the DENR CO. Should the DAO be already effective, the evaluation and processing, and eventual approval of the subject GSUP application will be under the authority of the DENR MIMAROPA Region.

FOR INFORMATION AND APPROPRIATE ACTION, PLEASE.



MARCIAL C. AMARO JR., CESO II

Copy furnished:

Undersecretary for Field Operations and Environment, DENR



Republic of the Philippines
Department of Environment and Natural Resources
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JAN 11 2022

DENR ADMINISTRATIVE ORDER
No. 2022 - 01

SUBJECT : GUIDELINES IN GRANTING GOVERNMENT AGENCIES GRATUITOUS PERMITS FOR THE SPECIAL USES OF FOREST LANDS

In view of the various government agencies exigent use of forest lands through special forest land uses modalities to cater public infrastructure projects or utility systems towards a more balanced economic, environmental and social development and pursuant to the provisions of Section 4 Item C, sub item c2 of Forestry Administrative Order No. 8-3 dated 01 July 1941 and Sections 19, 20, 49, 57 and 64 of Presidential Decree No. 705, as amended, the following guidelines are hereby issued as guidance in granting government agencies a gratuitous permits for the special uses of forest lands.

SECTION 1. Basic Policy. It is the policy of the State to sustainably manage the country's forest resources and to protect and advance the rights of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

SECTION 2. Objective. The objective of this guidelines is to ensure that government agencies partaking in the development of government-managed projects of national interest and infrastructures for public use within forest lands are appropriately granted with a permit which is gratuitous in concept and in conformity to government plans and standards.

SECTION 3. Scope and Coverage. This order shall cover all Gratuitous Special Use Permit (GSUP) applications for special land uses or projects that are non-profit and of national interest, as well as the infrastructures for public service and use to be implemented and/or being managed by National government agencies and local government units.

SECTION 4. Definition of Terms. For the purpose of this Order, the following terms shall be used in, and understood to mean as follows:

- 4.1. Environmental Compliance Certificate (ECC) – the document issued by the Secretary, or the Director or Regional Director of the Environmental Management Bureau (EMB), certifying that based on the representations of the proponent and the preparers, as reviewed and validated by the Environmental Impact Assessment (EIA) Review Committee, the proposed project or undertaking will not cause a significant negative environmental impact; that the proponent has complied with the requirements of the EIA system and that the proponent is committed to implement its approved Environmental Management Plan in the Environmental Impact Statement or mitigation measures in the Initial Environmental Examination.
- 4.2. Environmental Impact Statement (EIS) – the document(s) of studies on the environmental impacts of a project including the discussions on direct and indirect consequences upon human welfare and ecological and environmental integrity. The EIS may vary from project to project but shall contain in every case all relevant information and details about the proposed project or undertaking including the environmental impacts of the project and the appropriate mitigating and enhancement measures.

- 4.3. Gratuitous Special Use Permit – a 5-year permit authorizing a head of a government agency and/or local chief executive to use certain portions of forest lands free of charge for the development of government-managed projects of national interest and infrastructures for public service and use, and non-commercial projects of GOCCs.
- 4.4. Initial Environmental Examination (IEE) – the document required of proponents describing the environmental impact of, and mitigation and enhancement measures for, projects or undertakings located in an Environmentally Critical Area.
- 4.5. Infrastructures for public service and use - shall refer to infrastructure projects intended for public service and use such as roads, bridges, schools, hospitals, health centers, flood control facilities, water reservoir or impounding dam and its related facilities, air strip, landing site, harbor, public market, public plazas, and evacuation site.
- 4.6. Projects of national interest- refers to identified priority projects that are to be implemented and/or being managed by the government.

SECTION 5. Qualification of Applicants. The following are qualified to apply for GSUP:

- 5.1. Head of government agency or its duly authorized representative; and
- 5.2. Local chief executive at the municipal, city or provincial level duly authorized by the local legislative bodies.

SECTION 6. Application requirements. The following requirements shall be submitted by the applicant together with the duly accomplished application form (Annex A):

- a. Letter of Intent
- b. Certification as to the land classification of the area being applied for GSUP to be issued by DENR
- c. GIS-generated map of the area
- d. Appropriate certification from the National Commission on Indigenous Peoples
- e. Indicative Management Plan (Annex B)
- f. Proof of budget allocation for the development and management of the project
- g. Agency resolution or authorization designating the authorized representative of the national government agency/ies and other relevant agencies to officially apply with the DENR regarding gratuitous permit acquisition.
- h. Local Government Unit (LGU) endorsement (in case the applicant is an NGA)
- i. Resolution authorizing the local chief executive to apply for gratuitous special use permit (in case the applicant is an LGU)
- j. In case of LGUs, a proof that proposed project is indicated in the Forest Land Use Plan (FLUP) and within the ambit of the approved Comprehensive Land Use Plan (CLUP)
- k. Appropriate clearance from the Palawan Council for Sustainable Development (if the project is located in Palawan).

SECTION 7. Submission of application, processing, and approval of GSUP. For the purpose of this Order, the following procedures are hereby issued for the processing and approval of GSUP applications. The process flows are attached as Annex C.1 and Annex C.2 herein.

- 7.1. Government agencies and LGUs must file the duly accomplished application form with the corresponding documentary requirements prescribed by the Department at the CENRO/Implementing PENRO and the proponent to pay the amount of P3,000.00 per application to cover administrative costs.

- 7.2. The CENRO/Implementing PENRO shall conduct an assessment and evaluation of the area being applied.
- 7.3. The CENRO/Implementing PENRO shall prepare a GIS-generated map of the area based from the map submitted by the applicant, and subsequently, will serve as reference of the region in preparing the final map to be approved by the Regional Executive Director.
- 7.4. The CENRO/Implementing PENRO shall prepare a Completed Staff Work (CSW) report indicating the findings and recommendations based on Items 7.2 and 7.3 hereof for endorsement at the PENRO and subsequently to the Regional Office.
- 7.5. The Licenses, Patents and Deeds Division and Survey and Mapping Division of the Regional Office shall prepare the GSUP (Annex D.1) and its corresponding terms and conditions and the final map of the same, respectively.
- 7.6. The Regional Executive Director (RED) shall approve the corresponding map of the GSUP area.
- 7.7. The GSUP and its terms and conditions shall be approved by the RED. In case the project traverses two (2) or more regions, the GSUP (Annex D.2) and its terms and conditions shall be approved by the Undersecretary for Field Operations.

The proponents, who will implement such projects, shall jointly file the GSUP application and submit the corresponding documentary requirements to the concerned Regional Office with jurisdiction over the majority of the area to be covered by the project. A joint-review of the application and its supporting documents shall be conducted to be chaired by the concerned REDs. The REDs shall endorse the same for the approval/disapproval of Undersecretary for Field Operations.

SECTION 8. Duration of the GSUP. The GSUP shall have a maximum non-renewable term of five (5) years for the (a) construction of roads and bridges and (b) construction and operation of schools, hospitals, health centers, flood control facilities, water reservoir or impounding dam and its related facilities, air strip, landing site, harbor, public market, public plazas and evacuation site.

SECTION 9. Application for Presidential Proclamation. All national government agencies and LGUs with approved GSUP for the construction and operation of infrastructure projects or facilities for public service and use specified in Section 4.5 herein, other than roads and bridges, shall apply for the issuance of Presidential Proclamation within one (1) year from the issuance of GSUP to ensure effective management and sustainability of the infrastructure and facilities and its long-term use of the area where the infrastructure or facilities exists. In case of failure to secure a Presidential Proclamation within the duration of the GSUP, the Permittee shall apply for FLAg pursuant to DENR Administrative Order No. 2004-59 and other related policies on special uses of forest lands.

SECTION 10. Environmental Impact Assessment (EIA) requirement. The permit holder, within three (3) months or based on prescribed schedule of EMB upon issuance of the GSUP, shall secure an ECC from the EMB, copy of which shall be submitted to the DENR Regional Office.

SECTION 11. Terms and Conditions of the GSUP. The GSUP issued in consonance with this regulations (Annex E) shall be subject to the following provisions:

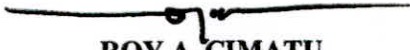
- 11.1 The area granted in this Permit is a public forest land based on existing records, and shall not be involved in any private transactions;
- 11.2 The annual government share or user's fee is waived in favor of the Permittee;
- 11.3 The Permittee shall: (a) comply with the laws, rules and regulations and instructions now or hereinafter enforced for the proper use of the land; (b) respect any legal prior claims; (c) conserve the corners and boundary lines of the area; (d) protect any wetlands such as spring, waterfalls, peatlands, swamps, lake, and marshes or natural/ historical/ archeological sites in the area; (e) report to the nearest local forest officer(s) all forest violations in the area and adjacent lands; and (f) submit a year-end report, not later than March 30 of the succeeding year, to the concerned RED thru the CENRO/PENRO the kind, number and value of improvement(s) introduced in the area, among others;
- 11.4 The area granted in this Permit shall be for public service and use. As such, the Permittee shall: (a) not appropriate for himself/herself exclusive use of public trails traversing or adjoining the area or impede the use thereof by the public; (b) not sublease the area or any portion thereof; and (c) protect and conserve threatened wildlife identified under existing rules and regulations;
- 11.5 A separate permit shall be secured by the Permittee should tree cutting be necessary. However, no tree, regardless of species, shall be cut in the permitted area if found within forty (40) meters from banks of rivers, creeks or streams, buffer strips and shorelines. In case the said 40-meter strip is bereft of trees, the same shall be rehabilitated by the Permittee;
- 11.6 The Permittee shall strictly observe the terms and conditions of the ECC. In case the Permittee will conduct periodic rehabilitation of the infrastructures or introduce new appurtenances within the GSUP area, the same shall secure an appropriate clearance from the EMB for the purpose and submit the clearance to the concerned DENR Regional Office prior to such undertakings thereof;
- 11.7 The Permittee shall protect the permitted area from forest fires and other forms of forest destruction and eventualities;
- 11.8 Non-use of the area within six (6) months after it is granted will result in the cancellation of the Permit except in cases of force majeure or fortuitous events;
- 11.9 In case the area no longer serves the purpose as warranted under the said Permit, the Permit shall be cancelled and the subsequent management and administration of the affected area shall be assumed by the DENR; and
- 11.10 Violation or non-compliance of any of the terms and conditions of the Permit or any environment and natural resources management laws, policies, rules and regulations shall be sufficient grounds for the cancellation of the GSUP without prejudice to whatever legal action that may be taken.

SECTION 12. Transitory Provision. All national government agencies and LGUs with existing Special Land Use Permits (SLUPs) and FLAgs covering non-profit government-managed projects and infrastructure projects for public service and use as enumerated in Section 4.5 of this Order may opt to apply for GSUP, provided that, only the SLUPs and/or FLAgs deemed necessary to be transformed into GSUP may be considered. Provided further, that upon approval of GSUP application, the said SLUP or FLA shall automatically be deemed cancelled. Similarly, the GSUP to be issued shall contain the terms and conditions stipulated in this Order.

SECTION 13. Separability Clause. If any provisions of this Order shall be held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue in full force and effect.

SECTION 14. Repealing Clause. All Orders and similar issuances inconsistent herewith are hereby revoked, amended or modified accordingly.

SECTION 15. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgement of receipt of the copy thereof by the Office of the National Administrative Register (ONAR).


ROY A. CIMATU
Secretary



Document N 2147553102 /C-1718/

Sender MARIA LOURDES G. FERRER

Address MIMAROPA

SUBJECT Memo. dtd. Dec. 2, 2021, Application for Gratuitous Special Land Use Permit (GSLUP) of the Municipality Government Unit of Coron for the proposed Government Building and Facilities located in sitio Dipalao, Brgy. 6, Coron, Palawan. (1 ring binder & 1 folder)

Addressee (s) Office of the Director

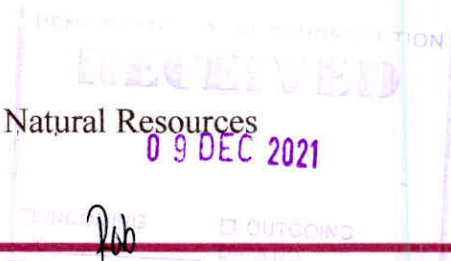
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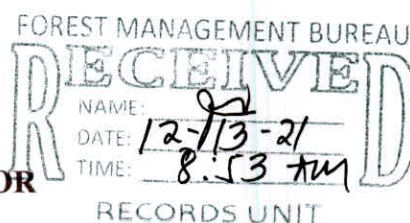
MEMORANDUM FOR THE SECRETARY

THRU : **THE UNDERSECRETARY FOR FIELD OPERATIONS AND ENVIRONMENT**

ATTENTION : **THE DIRECTOR**
Forest Management Bureau

FROM : **THE REGIONAL EXECUTIVE DIRECTOR**

SUBJECT : **APPLICATION FOR GRATUITOUS SPECIAL LAND USE PERMIT (GSLUP) OF THE MUNICIPAL GOVERNMENT UNIT OF CORON FOR THE PROPOSED GOVERNMENT BUILDINGS AND FACILITIES LOCATED IN SITIO DIPULAO, BARANGAY 6, CORON, PALAWAN**



This pertains to the Memorandum dated September 27, 2021 of PENRO Palawan regarding the application for Gratuitous Special Land Use Permit (GSLUP) of Municipal Government Unit of Coron, Palawan for the proposed Government Buildings and Facilities located in Sitio Dipulao, Barangay Poblacion 6, Coron, Palawan.

A. BACKGROUND

Review and evaluation of the submitted documents supporting the application for SLUP disclosed the following:

1. Municipal Mayor Mario T. Reyes, Jr. in his letter dated August 25, 2021 addressed to the DENR Secretary, thru this Office requesting for issuance of GSLUP for the proposed Coron Government Facilities located in Sitio Dipulao, Barangay Poblacion 6, Coron, Palawan.
2. The applicant submitted the following documentary requirements to support the application, to wit:
 - 2.1 Official Receipt Number 6879256 dated September 13, 2021 for the Application Fee amounting to Php536.00;
 - 2.2 Municipal Resolution No. 213 Series of 2021 dated August 9, 2021 authorizing Hon. Reyes to be the representative of the Municipal Government of Coron, Palawan to process application for the issuance of Gratuitous Special Land Use Permit for the proposed government buildings and facilities;
 - 2.3 Letter dated August 4, 2020 from Hon. Reyes requesting for NCIP Clearance;
 - 2.4 National Commission on Indigenous Peoples Certificate of Non-Overlap Control Number CNO-RIVB-Palawan-2021-08-49 dated August 30, 2021;
 - 2.5 NCIP Validation Report dated June 9, 2021;

- 2.6 Certification dated December 15, 2020 from the Office of the Municipal Accountant of Coron for the availability/proof of source of budget/budget allocation for the development and management of the project;
- 2.7 Minutes of the Meeting dated June 17, 2020 for the Technical Conference regarding the reclamation and excavation activities in Barangay Poblacion VI, Coron, Palawan;
- 2.8 Provincial Mining Regulatory Board (PMRB) Resolution Number 082020 dated December 1, 2020 imposing a penalty to BCT Trading and Construction and 428 Hi-Tech Group for illegal extraction in Barangay VI, Coron, Palawan;
- 2.9 Official Receipt Number 2333644 dated December 9, 2020 as penalty payment for PMRB amounting to Php50,000.00;
- 2.10 Strategic Environmental Plan (SEP) Clearance issued on September 24, 2020;
- 2.11 Official Receipt Number 7059690 dated December 8, 2020 as penalty payment for Palawan Council for Sustainable Development (PCSD) amounting to Php50,000.00;
- 2.12 Notice of Violation issued by EMB-MIMAROPA Region dated June 23, 2020 for the proposed project stadium, public utility terminal, governments and other facilities of the Municipal Government of Coron;
- 2.13 Official Receipt Number 0851001 dated April 28, 2021 as penalty payment for EMB-MIMAROPA amounting to Php50,000.00;
- 2.14 Certification dated May 4, 2021 from the Office of the Municipal Mayor of Coron regarding their intention to convert the SLUP into Forest Land Agreement (FLAg) located in Sitio Dipulao, Barangay VI, Coron, Palawan;
- 2.15 Certification dated May 4, 2021 from the Office of the Municipal Mayor of Coron that they shall generate a strategic plan and execute the same for the erosion control works of the sloping areas within the applied area;
- 2.16 Certification dated April 30, 2020 issued by CENRO Coron that the area of 6.21 hectares is devoid of naturally growing nor planted trees;
- 2.17 Land Status Certification dated April 30, 2020 issued by CENRO Coron, Palawan wherein 6.21 hectare falls within Unclassified Public Forest;
- 2.18 Completed Staff Work Report on the area applied for Coron Government Facilities;
- 2.19 Investigation Report dated May 21, 2020 regarding the excavation activities of LGU Coron for their Proposed Stadium, Public Utility Terminal and Government Buildings and Facilities with photos;
- 2.20 Letter dated June 5, 2020 from Office of the Municipal Mayor requesting for Geological Assessment of the applied area;

- 2.21 Quarry Permit Number QP (PLW) Number 02-01 issued on February 2, 2018 by the Provincial Mining Regulatory Board;
 - 2.22 Reconnaissance/Inspection Report dated July 30, 2020 conducted by CENRO Coron;
 - 2.23 Indicative Environmental Management Plan;
 - 2.24 Tree inventory dated September 26, 2019 duly subscribed by the CENRO Coron;
 - 2.25 Certification dated June 4, 2021 regarding status of development introduced in the subject area issued by CENRO Coron;
3. Inspection and Validation Report of CENRO Inspection Team dated May 4, 2021 disclosed the following:
- 3.1 That the parcel of land contains 6.21 hectares unclassified public forest located in Sitio Dipulao, Barangay 6, Coron, Palawan;
 - 3.2 The excavated site is the area applied for SLUP wherein the soil excavated was used as filling materials in the Coron Bay Reclamation and Development Project of the Province of Palawan, another joint ventured by the BCT Trading and Construction and the Provincial Government;
 - 3.3 That during the Technical conference held last June 17, 2020, it was learned that the BCT Trading and Construction and the Municipality of Coron have had an agreement that BCT shall help the municipal government of Coron to level the mountainside.
 - 3.4 That there are no much flat area in the Municipality of Coron, much more are alienable and disposable areas because almost all the public lands are unclassified public forest;

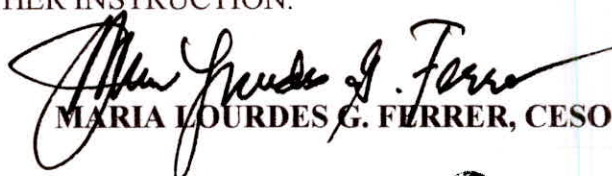
B. COMMENTS AND OBSERVATIONS

1. The submitted documents supporting the application for Gratuitous Special Land Use Permit are found to be in order.
2. Memorandum dated June 14, 2021 of the Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects, and Director, in concurrent capacity, indicates that the approval of GSLUP application is exclusive for government agencies is subject to the issuance of a **CLEARANCE** by the DENR Central Office.

C. RECOMMENDATION

IN VIEW OF THE FOREGOING, and considering the favorable endorsements of the CENRO, PENRO and other government agencies, we hereby respectfully recommend favorable consideration and issuance of clearance of the subject GSLUP application.

FOR CONSIDERATION AND FURTHER INSTRUCTION.


MARIA LOURDES G. FERRER, CESO III