



Republic of the Philippines
Department of Environment and Natural Resources

FOREST MANAGEMENT BUREAU

Visayas, Avenue, Diliman, 1100 Quezon City

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MEMORANDUM

FOR : The Undersecretary for Legal, Administration, Human Resources and Legislative Affairs

THRU : The Director, DENR Legal Affairs Service

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

SUBJECT : **INVESTIGATION ON THE LAND CLASSIFICATION OF YOLANDA HOUSING PROJECT WITHIN BUSUANGA PASTURE RESERVE (BPR)**

DATE : **FEB 18 2022**

This has reference to the Memorandum dated 07 January 2022 of the Regional Executive Director of DENR MIMAROPA regarding the investigation on the Land Classification of Yolanda Permanent Housing Project within Busuanga Pasture Reserve (BPR) pursuant to the agreements during the IATF Yolanda Special Meeting on 22 October 2021 which aimed to discuss the issues concerning the implementation of the Yolanda Permanent Housing Project in Palawan.

Accordingly, this Office has issued a letter dated 11 November 2021 to the National Housing Authority- requesting the said Agency, including the Front Nine Konstruct to hold in abeyance the construction of housing units within BPR until such time the authenticity and legality of the titles are proven (copy attached). Hence, the need to investigate the issuance of Original Certificate Title (OCT) No. G-6688 to Mariano Celedonio in 1949 (now Transfer Certificate of Title (TCT) No. T-8335).

Subsequently, a meeting was conducted on 10 December 2021 with the representatives from DENR Legal Affairs Service, Land Management Bureau (LMB), National Mapping and Resource Information Authority (NAMRIA), DENR MIMAROPA, PENRO Palawan, and CENRO-Coron Calamianes Islands to discuss the issues on the abovementioned land title. Aside from the conduct of an investigation on the issuance of the title, it was also agreed upon during the said meeting to determine the suitability of the housing project for a resettlement site by overlaying the location map of the housing project to the hazard map (landslide and flooding) and suitability map (copy of the highlights of the meeting is attached).

Result of the hazard risk assessment of the TCT No. T-8335 for the resettlement site disclosed that the entire area is categorized to be of low susceptibility to landslides and flooding. While the result of the land capability and suitability assessment following the management prescriptions suited for the area covered by TCT No. T-8335 are hereunder:

MANAGEMENT PRESCRIPTIONS	AREA (HA)
Agroforestry Production Zone	3.60
Limited Production Zone	2.06
Protection Buffer Zone	1.87
Strict Protection Zone	11.74
Unlimited Production Zone	4.72
TOTAL	23.98

A large portion of the area covered by the TCT No. T-8335 is classified as a strict protection zone (48.96%) which refers to all remaining natural forests, including grass and brush lands known to support important wildlife and with high value for biodiversity conservation. The remaining area (51.04%), regardless of its management prescription, is still proclaimed as a pasture reserve pursuant to Presidential Proclamation No. 1387, s. 1975.

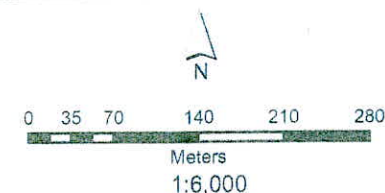
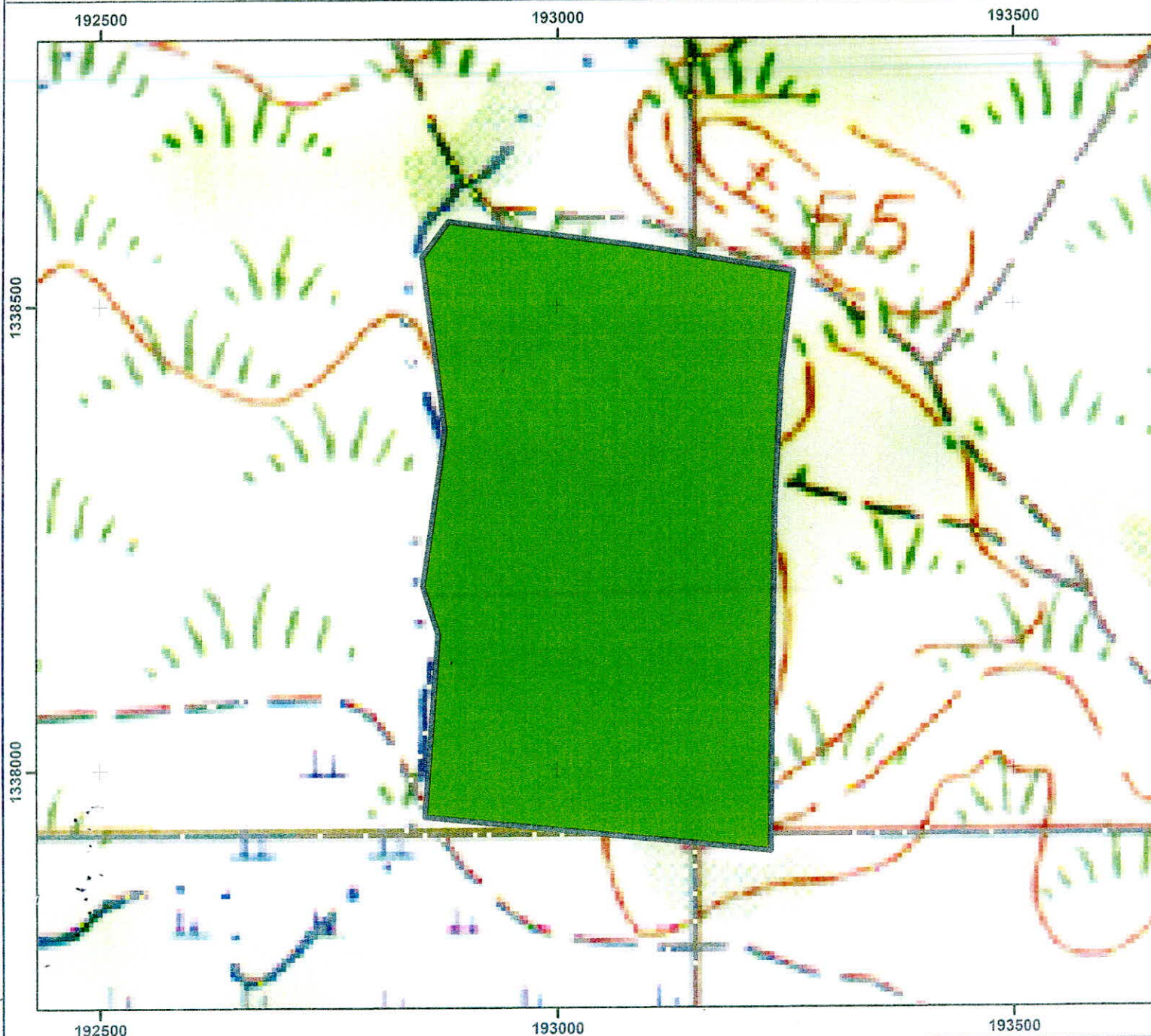
In this regard, we are respectfully forwarding the result of the analysis of the land suitability of the area covered by TCT No. T-8335 (copy of maps attached) and the investigation on the subject land titles conducted by the DENR MIMAROPA for further review and evaluation. The Forest Management Bureau (FMB) maintain, however, that the area requires reclassification from forestland to alienable and disposable lands before the implementation of the Yolanda Permanent Housing Project within the Busuanga Pasture Reserve (BPR).

FOR INFORMATION AND APPROPRIATE ACTION, PLEASE.


MARCIAL C. AMARO JR., CESO II

cc : Regional Executive Director, DENR MIMAROPA
PENR Officer, Palawan
CENR Officer, Coron-Calamianes Islands

LANDSLIDE AND FLOODING SUSCEPTIBILITY MAP OF TCT No. T-8335 IN CORON, PALAWAN



Coordinate System:
Projected Coordinate System: UTM Zone 51 N
Geographic Coordinate System : WGS 1984

Legend

 TCT - T-8335

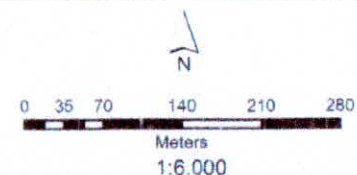
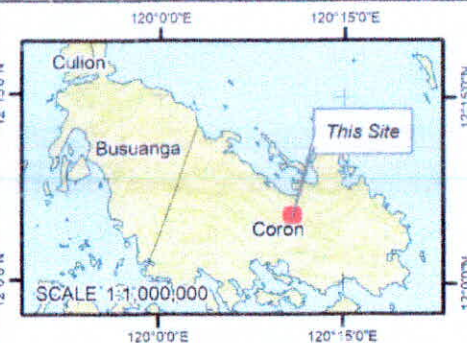
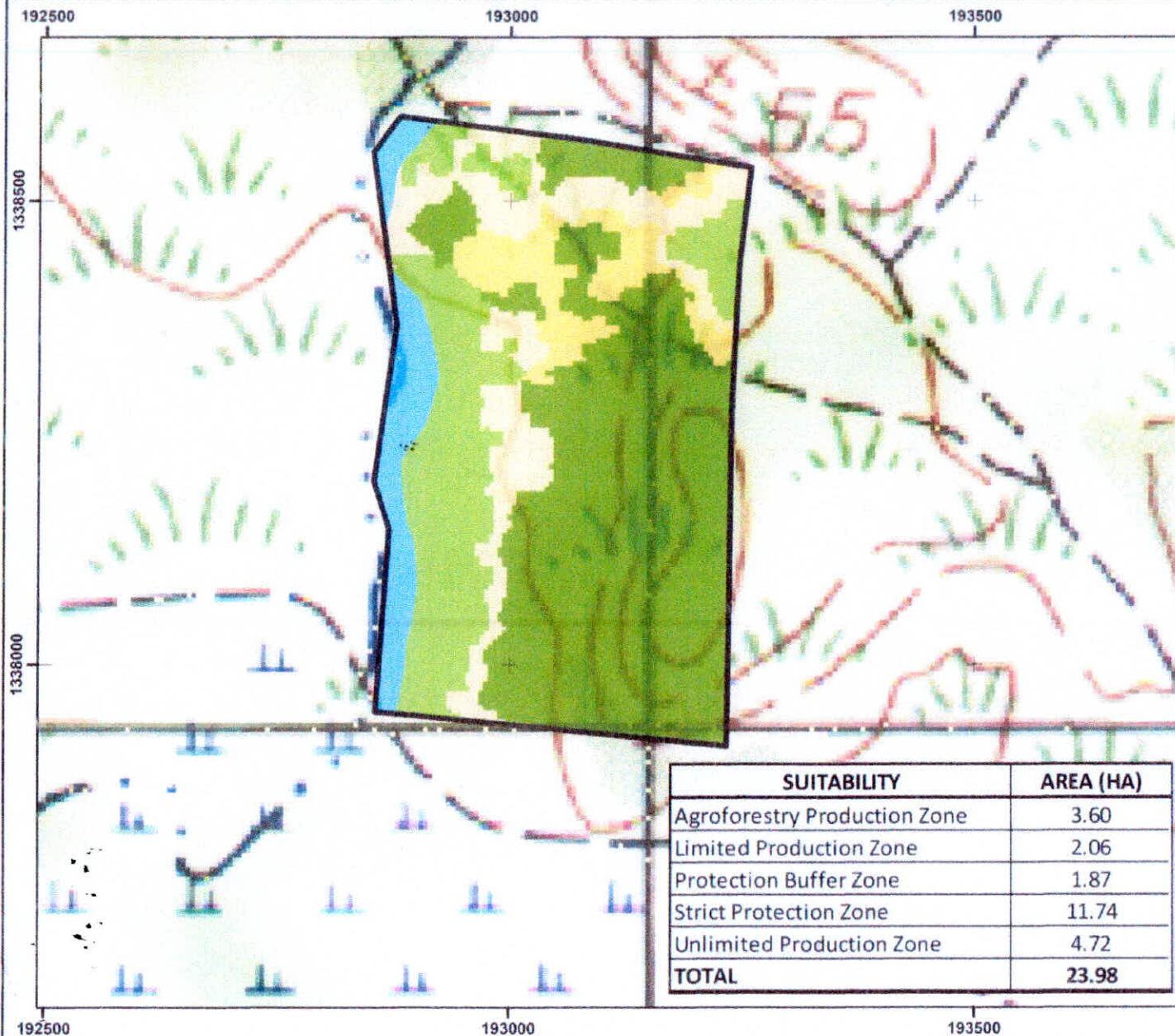
Landslide Susceptibility

 Low Susceptibility Area

Reference:

Plan H - 119741 - DENR MIMAROPA
Landslide Susceptibility - Pro-Seeds
Development Association,
Inc, FMB
Administrative Boundary - GADM

LAND SUITABILITY MAP OF TCT No.T-8335 IN CORON, PALAWAN



Coordinate System:
Projected Coordinate System: UTM Zone 51 N
Geographic Coordinate System: WGS 1984

Legend

- TCT No. T-8335
- Proposed Suitability**
 - Agroforestry Production Zone
 - Limited Production Zone
 - Protection Buffer Zone
 - Strict Protection Zone
 - Unlimited Production Zone

Reference:

Plan H - 119741 - DENR MIMAROPA
Landslide Susceptibility - Pro-Seeds
Development Association,
Inc, FMB
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ANNEX 'A'

NOV 11 2021

MR. MARCELINO P. ESCALADA, JR.
General Manager
National Housing Authority
Elliptical Road, Diliman, Quezon City



Dear Gen. Manager Escalada:

Greetings from the Forest Management Bureau.

This pertains to the proposed Yolanda Permanent Housing Project (YPHP) located at So. Pinagkulungan, Brgy. San Nicolas, Coron, Palawan. Accordingly, the said area was originally covered by OCT No. G-6688 issued to Mariano Celedonio on 01 July 1949 and was later transferred to Villarino Celedonio under ICT No. T-8335 on 07 March 1984. Pursuant to Presidential Proclamation No. 663, series of 2013 (PP 663)¹, the Forest Management Bureau (FMB) has the jurisdiction and authority over the administration, protection, management of Busuanga Pasture Reserve (BPR).

Upon comprehensive review by this Office, together with the DENR MIMAROPA Regional Office and DENR Legal Affairs Service, the area subject to the proposed housing project is *found to be within the boundaries of BPR*. Pursuant to Presidential Proclamation No. 1387, s. 1975, the area is withdrawn from sale, settlement, or any other form of disposition, exploration or exploitation and reserved as a pasture reserve. Further, based on the projection of the technical description stipulated in TCT No. T-8335, the same falls within the *Unclassified Public Forest of Coron, Palawan*.

Although private rights over pasture lands are recognized under Presidential Proclamation No. 1387, s. 1975 (PP 1387)², it must be taken into consideration that the maps disclosed that the area where the housing project is being constructed is part of the Unclassified Public Forest. Thus, there may be a possibility of irregularities in obtaining and in the issuance of OCT No. G-6688 as well as TCT No. T-8335 since Unclassified Public Forest area cannot be subject to land titling.

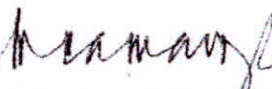
¹ Repealing Proclamation No. 2057 and Transferring Administration of Busuanga Pasture Reserve to FMB of DENR, 14 October 2013.

² Establishment of a Pasture Reserve in a Certain Parcel of Land of Public Domain in Busuanga Island, Palawan, 13 February 1975.

In view of foregoing premises, we are requesting your good Office as well as the contractor, Front Nine Konstruct (Builders and Realty Development) Corporation to immediately **hold in abeyance** the construction of the aforesaid housing project within BPR until such time that the authenticity and legality of the titles are proven.

Please be guided accordingly.

Very truly yours,



MARCIAL C. AMARO, JR., CESO III
Assistant Secretary for Policy, Planning and
Foreign-Assisted and Special Projects, and
Director, in concurrent capacity

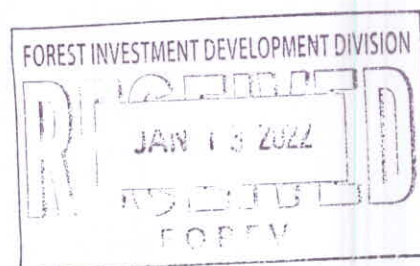
cc

Cabinet Secretary, Office of the President
Executive Director, IATF-Yolanda
Head Executive Assistant, DENR Secretary
DENR Undersecretary for Field Operations and Environment
DENR Undersecretary for Legal, Administration, Human Resources and Legislative Affairs
DENR Undersecretary for Enforcement, Mining & Muslims Affairs and Supervising Undersecretary for Forest Management Bureau
DENR Assistant Secretary for Field Operations - Luzon
Executive Director, Palawan Council for Sustainable Development
Regional Executive Director, DENR MIMAROPA
PENR Officer, Palawan
CENR Officer, Coron-Calamianes Islands
OIC, BPR Management Office
Front Nine Konstruct (Builders and Realty Development) Corporation

Document N 2147553806 / 0-18286
 Sender MARIA LOURDES G. FERRER
 Address MIMAROPA
 SUBJECT Memo. dtd. Jan. 7, 2022, Investigation on the Land Classification of Yolanda Housing Project within Busuanga Pasture Reserve (BPR) (2 moroco folders)

Addressee (s) Office of the Director
 cc Addressee

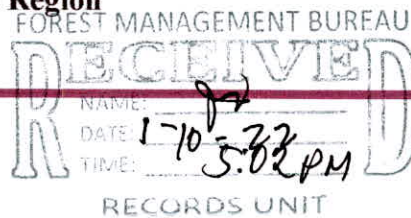
ROUTING SLIP				
FROM	DATE/TIME RECEIVE	FOR/TO	TIME RELEASE	ACCEPTANCE REMARKS/ACTION REMARKS
Records	1/10/2022 5:02PM	OD		
<p>FOREST MANAGEMENT BUREAU RECEIVED JAN 11 2022 OFFICE OF THE DIRECTOR</p> <p>For. Lita 01/11/22 FMD/BPR</p> <p>BPR/PROS 01/13/2022</p> <p>For info, consideration & further action. Thanks. <i>[Signature]</i></p> <p>For information and appropriate action, please. <i>[Signature]</i></p>				



Received by: *[Signature]* 01/13/22



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region



JAN 07 2022

MEMORANDUM

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

FROM : The Regional Executive Director

SUBJECT : **INVESTIGATION ON THE LAND CLASSIFICATION OF YOLANDA HOUSING PROJECT WITHIN BUSUANGA PASTURE RESERVE (BPR)**

This refers to your memorandum dated December 02, 2021, directing this office to conduct in-depth investigation on the Land Classification of Yolanda Housing Projects within Busuanga Pasture Reserve particularly to verify the authenticity and legality of the issued Original Certificate of Title (OCT) Homestead Patent No. 2903 (currently covered with Transfer Certificate of Title No. T-8335 in the name of Villarino Celedonio in 1949). The titled property is specifically located in Barangay San Nicolas, Municipality of Coron, Province of Palawan.

This office conducted investigation that yielded the following results:

1. The subject titled property (TCT No. T-8335) was identified by the National Housing Authority for the proposed Yolanda Housing Project.
2. The subject Original Certificate of Title no. G-6688 was entered at the Office of the Registry of Deeds, Land Registration Commission, as Homestead Patent with Patent no. 2903, approved by Placido L. Mapa, Secretary of Agriculture and Natural Resources, on July 01, 1949, pursuant to Presidential Decree no. 1529. (Attachment A)
3. The said OCT was converted to Transfer Certificate of Title (TCT) No. T-8335 which was entered at the Registry of Deeds (Province of Palawan), Land Registration Commission on March 07, 1984, in the name of Villarino Celedonio, a resident of Liminangcong, Taytay, Palawan. The total area covered is 239,605 square meters. The TCT was approved by Corazon P. Leynes-Bilog Acting Head, Registry of Deeds. (Attachment B)
4. Projection of the above-mentioned TCT T-8335 based on Digitized Land Classification issued by NAMRIA showed that the said land title falls within BPR and Unclassified Public Forest (UPF). The subject lot is described as Lot H-119741. (Attachment C)
5. The area covered by the said TCT is within the UPF pursuant to Land classification for the Municipality of Coron, Province of Palawan, project no. 2-A, certified under the provisions of Section 1827 of the administrative code for the purpose of Section 1844 of said code as amended by Section 1 of Act 3077, signed by the Director of Forestry, Arthur F. Fischer, dated December 09, 1929. (Attachment D)
6. Updated authenticated copy of the said TCT was issued by the Land Registration Authority Central Office dated December 15, 2021 per request by DENR MIMAROPA. (Attachment E)
7. The Survey and Mapping Division reported that the subject TCT T-8335 was not involved in any cadastral case/proceedings based on official records of the office. (Attachment F)

8. Report submitted by CENRO Coron dated December 20, 2021, received by Regional Office on December 28, 2021 re: Ground Verification Survey of Area Covered by TCT No. T-8335. As per its Official report, based on ground verification and projection conducted, the subject area falls within Unclassified Public Forest, outside LC Map No. 127 of Coron and LC Map No. 829 of Busuanga, Palawan and same area falls within BPR. (Attachment G)
9. Verification of the ground survey report submitted by the CENRO Coron was conducted by the Land Evaluation Survey Section, SMD which showed that the subject title is indeed within BPR and falls within UPF. (Attachment H)

Summary of Findings with Legal Provisions:

1. The objective of this investigation is to determine the authenticity and legality of the TCT No. T-8335. Subject land was awarded to Mariano Celedonio in 1949 through OCT/Homestead Patent No. 2903.
2. TCT No. T-8335 is a duly registered land title per authentication issued by the Land Registration Authority on December 15, 2021, hence, valid pursuant to Land Registration Act of 1902 and the Cadastral Law (Act 2259), requiring compulsory registration of land titles with private ownership. Under this Act, registration of title was judicial in nature.
3. The subject TCT falls within Busuanga Pasture Reserve, hence subject to the provisions of Proclamation No. 1387 issued on February 13, 1975, which states that BPR is withdrawn from sale, settlement or any form of disposition, exploration or exploitation and reserve as pasture reserve, subject to private rights if any there be a certain parcel of land of the Public domain situated in the island of Busuanga, Province of Palawan. (Attachment I)
4. Considering however that the OCT was issued in 1949, twenty six (26) years before the issuance of Proclamation no. 1387 in 1975, private rights or titled rights of ownership of the said parcel of land of the public domain is legally tenable.
5. Section 75 of PD 705 recognizes that titled property prior to July 4, 1955 is automatically declared for taxation or tax declaration on real property without a certification from the Director of Forest Development and the Director of lands or their designated representatives that the area declared for taxation is alienable and disposable. This confirms the authenticity of OCT/Homestead patent No. 2903 which was issued in year 1949.
6. The area covered by the said TCT falls within Unclassified Public Forest of the Busuanga Pasture Reserve (BPR). Pursuant to P.D. No. 705, series of 1975 section 3(a) thereof, stated that the lands of the public domain which have not been the subject of the present states of classification are considered as forest land. Verily, this provision is consistent with the Regalian Doctrine. Lands of public domain are, by default owned by the State.
7. The TCT which is specifically located within the Municipality of Coron, Busuanga Island; and within BPR is classified as UPF per LC Palawan Project no. 2-A, dated December 09, 1929.
8. The only classification of land that may be subject to private ownership would be agricultural lands that are classified as alienable and disposable lands. Forest and mineral lands cannot be the subject of private ownership. Thus, Section 3(a) merely reiterates that unclassified lands are in the same footing as forest lands because these belong to the State; these are not alienable and disposable land of public domain; and these are not subject to private ownership. However, it must be emphasized that even without Section 3(a), which declared that unclassified lands are considered as forest lands, the exact same result shall apply – unclassified lands are still not subject to private ownership because they belong to the State and are not alienable and disposable lands of public domain.

9. It is a rule of law that possession of forest lands, however long, cannot ripen into private ownership. Such lands are not capable of private appropriation, and possession, thereof, no matter how long, cannot ripen into ownership.

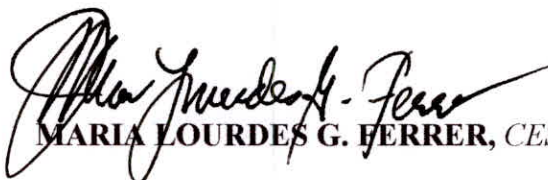
Synthesis and Recommendations:

1. The subject TCT is the proposed site for the Yolanda Housing project, a government priority project for the settlement of Typhoon Yolanda affected families under NHA supervision.
2. However considering that the said TCT falls within UPF, pursuant to its LC issued in 1929 by the Bureau of Forestry, the land cannot be recognized as privately owned under the existing law. Hence, construction of permanent housing structures may not be possible until any of the following action are effected:
 - a. An appropriate Forest Land use tenure instrument is issued.
 - b. Classification of UPF into Alienable and Disposable land, or
 - c. Issuance of Presidential Proclamation, allocating the subject area for resettlement/housing project.

Forgoing considered, however in all of the above actions the subject titled land must be voided first through the filing of cancellation/reversion proceedings.

3. Investigation as to why and how OCT/Homestead patent was processed and approved in 1949 involving government personnel/officials is beyond the scope of this investigation as the documents pertaining to the Homestead Patent were not available at the Regional Office, PENRO Palawan and CENRO Coron. Accordingly, records pertaining to the aforesaid patent might have been burned/damaged during LMB building fire incident.
4. This report is being submitted with strong recommendation that further in-depth investigation on the legality of OCT G-6688 (TCT no. T-8335) be conducted by the Legal Affairs Service, Central Office.

For information and further instruction sir, if there is any.


MARIA LOURDES G. FERRER, CESO III

 Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 77401



MEMORANDUM

JAN 07 2022

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5. The area covered by the said TCT is within the UPF pursuant to Land classification for the Municipality of Coron, Province of Palawan, project no. 2-A, certified under the provisions of Section 1827 of the administrative code for the purpose of Section 1844 of said code as amended by Section 1 of Act 3077, signed by the Director of Forestry, Arthur F. Fischer, dated December 09, 1929. (Attachment D)
6. Updated authenticated copy of the said TCT was issued by the Land Registration Authority Central Office dated December 15, 2021 per request by DENR MIMAROPA. (Attachment E)
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8. Report submitted by CENRO Coron dated December 20, 2021, received by Regional Office on December 28, 2021 re: Ground Verification Survey of Area Covered by TCT No. T-8335. As per its Official report, based on ground verification and projection conducted, the subject area falls within Unclassified Public Forest, outside LC Map No. 127 of Coron and LC Map No. 829 of Busuanga, Palawan and same area falls within BPR. (Attachment G)
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7. The TCT which is specifically located within the Municipality of Coron, Busuanga Island; and within BPR is classified as UPF per LC Palawan Project no. 2-A, dated December 09, 1929.
8. The only classification of land that may be subject to private ownership would be agricultural lands that are classified as alienable and disposable lands. Forest and mineral lands cannot be the subject of private ownership. Thus, Section 3(a) merely reiterates that unclassified lands are in the same footing as forest lands because these belong to the State; these are not alienable and disposable land of public domain; and these are not subject to private ownership. However, it must be emphasized that even without Section 3(a), which declared that unclassified lands are considered as forest lands, the exact same result shall apply – unclassified lands are still not subject to private ownership because they belong to the State and are not alienable and disposable lands of public domain.

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MARIA LOURDES G. FERRER, CESO III

 Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 77401