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

July 28, 2022

MEMORANDUM

FOR

: The Regional Executive Director

MIMAROPA Region

THRU

: The Provincial Environment and

Natural Resources Officer

Sta. Monica, Puerto Princesa City, Palawan

FROM

: The Community Environment and

Natural Resources Officer

Roxas, Palawan

SUBJECT

: WRITTEN EXPLANATION OF DMO IV RONIE B. GANDEZA RE: LETTER COMPLAINT FROM MR. GERRY CEBUANO AGAINST CENRO EMPLOYEES FOR THEIR ALLEGED INCOMPETENCE, IGNORANCE OF LAW, AND HARRASSMENT. REFERENCE CODE NO. PM-CAM-03-09-

2022-054.

Respectfully submitted the herein written explanation under oath of DMO IV Ronie B. Gandeza in response to the letter complaint of certain Mr. Gerry Cebuano against CENRO Employees for their alleged incompetence, ignorance of law and harassment with ticket reference code no. PM-CAM-03-09-2022.

In view of the enclosed explanation and memorandum answer, it is hereby recommended that the instant complaint be dismissed since above-concerned personnel acted only within the scope of their authority and respective duties and responsibilities as public official in enforcing environmental laws, DENR rules and regulations.

For consideration.

DENR-CENRO ROXAS

RELEASED DATE. JUL 2 9 2022



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

July 27, 2022

LORMELYN E. CLAUDIO, CESO IV

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

RE: WRITTEN EXPLANATION TO THE SHOW CAUSE MEMORANDUM DATED JUNE 3, 2022 RE: REFERENCE CODE NO. PM-CAM-03-09-2022-054

EXPLANATION

This refers to the above-mentioned subject pertaining to the letter complaint of Mr. Gerry Cebuano of Sitio Carig-carig, Cabugan Island, Barangay I, Roxas, Palawan which was initially filed before the Presidential Complaint Center (PCC) against me and LMO III Ronnie P. Lilang for alleged administrative Incompetence as public officials, Ignorance of the law and Harassment

Please be informed that the undersigned together with LMO III Ronie P. Lilang submitted an answer per Memorandum dated April 07, 20221 addressed to the Head of DENR Action Center Hotline, Visayas Avenue, Diliman, Quezon City and to the Regional Executive Director, DENR IV-B MIMAROPA Region regarding the complaint of certain Mr. Gerry Cebuano for alleged Incompetence, Ignorance of law and Harassment with Ticket Reference No. PM-CAM-03-09-2022-054. The said memorandum was copy furnished to the complainant, Mr. Gerry Cebuano and the Presidential Complaint Center (PCC), thru registered mail on April 19, 2022.

As part of this written explanation, the undersigned is adopting the answer and explanation given per Memorandum dated April 07, 2022.

In addition, we have also submitted an Memorandum dated November 26, 20212 to your Office inquiring as to whether or not to file the appropriate environmental criminal cases against the illegal settlers for their flagrant environmental violations, considering that sixtynine (69) families, two (2) churches and one (1) elementary school may be affected should we file the appropriate charges. In fact, the CENRO-Roxas received an Order dated February 22, 2022 from your Office to gather the supporting pieces of evidence to support the filing of criminal complaint against the offender/s for violation of Article 51 of PD 1067 and Section 77 and 78 of PD 705, as amended.

Further, on June 3, 2022, the CENRO Roxas likewise received a Memorandum dated May 30, 2022³ from your Office directing the CENRO Roxas to file a criminal complaint against the perpetrators for violation of existing environmental laws if they refuse to obey on the issued Notices of Violation/Notices to Vacate. As of this moment, we are still on the process

² Hereto attached is the Memorandum dated November 26, 2021 marked as Annex "B"

Hereto attached is the Memorandum dated April 7, 2022 marked as Annex "A";

³ Hereto attached is the Memorandum dated May 30, 2022 issued by the OIC, Regional Executive Director marked as Annex "C

of building the case and finding the eye-witness who can testify on the material allegations of our complaint.

Clearly, there is no Incompetence, Ignorance of law and Harassment in this case. The complaint against us is baseless and made only to harass, vex, exert undue pressure or stifle any legal recourse that we may take in the enforcement of environmental laws, protection of the environment or assertion of environmental rights. Moreover, the said complaint is not substantiated with proof to show how we committed the alleged acts. Hence, we respectfully pray that this instant complaint be dismissed for lack of substantial evidence.

To stress, we have only acted within the scope of our authority in enforcing the environmental laws, rules and regulations, protection of the environment and assertion of environmental rights in accordance with our respective duties and responsibilities as public officials.

Hoping for kind and consideration on the matter.

RONIE B. GANDEZA Development Management Officer IV DENR-CENRO Roxas, Palawan

SUBSCRIBED AND SWORN to before me this affiant exhibited to me his LTO Driver's License No. 1-29-088687 expiring on April 10, 2024.

Doc. No. DJ Page No.

Book No.

Series of 202

J. ACOSTA

MCLF COMPLIANCE NO. VII-0000162-04/15/2019



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, centroroxaspalawan a dent.gov.ph.

April 7, 2022

MEMORANDEM

FOR : The Head, DENR Action Center/Hotline

Visavas 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:

- The herein matter started during the time of the late CENRO Emer Garraez which I, Ronie B. Gandeza, succeeded after her untimely demise.
- 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 requests 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;

- 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");
- 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 speek 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.

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

Development and Management Officer

DENR-CENED PEXAS

DATE APPLITABLE

BY: 00C. NO. 20 22 - 03 - 05

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





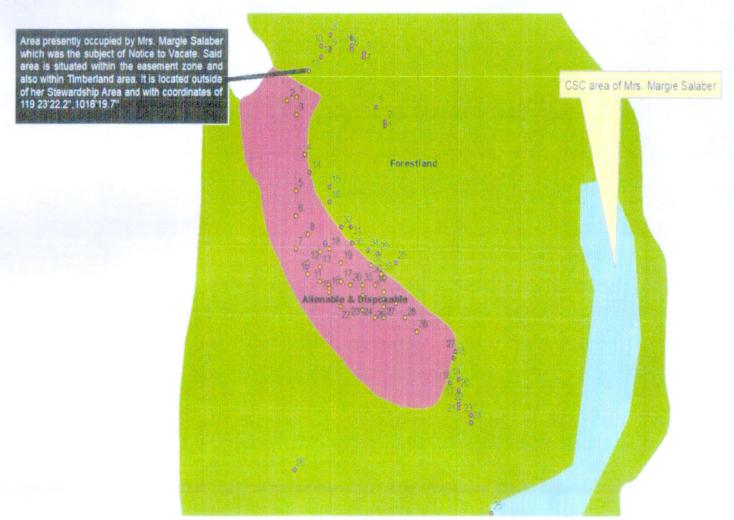
CERTIFICATION

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



Exhibit and response to 8888 complaint.

(Sketch Map plotted thru ARC MAP 10.4)





Department of Environment a Region IV- MIM.

COMMUNITY ENVIRONMENT AND NA Barangay III (Poblacion), Re

Contact No. 09171606578 / Email address: centoroxaspaiz

04/16 20 11

(TV)

NOTICE TO VACATE

Ms. Margie Salaber

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 unlize exploit occupy, possess or conduct any activity within any forest or grazing land xxx unless he had been authorized to do under a license

grazing land or part thereof xxx or refuses to vacate the area when ordered to do so pursuant

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

Very truly yours.

EMPR'B. WARRIEZ

RE 412 127 585 ZZ



ANNEX "D-1"

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



June 21, 2021

MEMORANDUM

TI

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 2182.

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

Lops furnished Mr. Sergio Petlina (0939-903-4389) of Barangay I, Roxas, Palawan Edel ACG20, Koxas/MFS Doc. Ref. No. 2021-5959

PALAWAN RECORDS

7-01-21 24-1989

ANNEX "D-2"

DATE

PENNERTO B SANDOS

DENING PERSON

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EROLD PELLINK



Republic of the Phili Region IV- MU COMMUNITY ENVIRONMENT AND !

OIS THE RECEIPED LAWY F. 36 m RE 412 130 673 ZZ

Posted on



NOTICE TO VACATE

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
 - forest or grazing land xxx, unless he had been authorized to do under a beense agreement.
- Presidential Decree No. 1067, otherwise known as Revised Water Code of the Philippines
 - Arricle 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 person shall be allowed to stay in this zone longer than what is necessary for recreation,

In view hereof, this Office is giving you mother TWENTY (20) DAYS upon receipt of this NOTICE to comply, or present legal documents evidencing your lawful occupation over the area,

We are hoping that you will give this matter your preferential and utmost attention in order to avoid RTIFIED PHOTO COP

RONE B. GANDEZA

RE 412 130 573 ZZ



ANNEX "F-1"

August 10, 2021

MEMORANDUM

The OIC-Community Environment and

Natural Resources Officer

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.

DATE & A- 21

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 RECEIVED

To do: Alyma

TO DE TO STORY

TO STO

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-kaliksan 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 ning 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



Department of Environmen Region IV- M

COMMUNITY ENVIRONMENT AND Contact No. 09171606

Posted on US 082

Postmaster/Teles

3rd and FINAL NOTICE TO VACATE

Ms. Margie Salaber

Based on the monitoring conducted by this Office, you did not comply with our second issued

(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

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

Atticle 51. "The banks of the river and streams and the shores of the seas and lakes throughout agricultural areas and 40 meters in forest areas, along margins, are subject to the 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

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 o

RE 412 135 902 ZZ





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

November 26, 2021

MEMORANDUM

FOR : The Regional Executive Director

THRU : The Provincial Environment and Natural Resources Officer

FROM : The Community Environment and Natural Resources Officer

SUBJECT: REQUESTING FOR LEGAL ADVICE REGARDING

THE UNLAWFUL OCCUPATION IN A TIMBERLAND AREA AND/OR EASEMENT ZONES, AND THE CUTTING OF MANGROVE TREES WITHIN SITIO

CABUGAN, BARANGAY I, ROXAS, PALAWAN.

Please be informed that this Office investigated the reported unlawful occupation in a timberland area and/or easement zones in Cabugan Island, Barangay I, Roxas, Palawan. Despite of duly served Notices to Vacate, they remain in the area and completely disregarding the lawful order of this Office to self-demolish their structures. Further, 68 Mangrove trees were cut down by the order of a certain Rey Bernal, who is also among the unlawful occupants in Cabugan Island.

In view thereof, this Office would like to seek your legal advice for the resolution of the issues in Cabugan Island considering that 69 families, 2 churches and 1 Elementary School will be affected in the enforcement of environmental laws, rules and regulations.

Attached hereto is the Completed Staff Work in Cabugan Island.

For information, evaluation, and record.

OIC-CENRO

RELEGIED

GOC.NO. PONTE II - IVA



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

November 26, 2021

MEMORANDUM

FOR : The Regional Executive Director

THRU : The Provincial Environment and Natural Resources Officer

FROM : The Community Environment and Natural Resources Officer

SUBJECT: REPORT IN THE COMPLETED STAFF WORK (CSW)

RE: INVESTIGATION AND INSPECTION REGARDING THE UNLAWFUL OCCUPATION IN A TIMBERLAND AREA AND EASEMENT ZONES, AND THE CUTTING OF MANGROVE TREES WITHIN SITIO CABUGAN, BARANGAY I, ROXAS, PALAWAN.

I. REFERENCE

A Letter from Sergio Pellina, dated 02 November 2020, alleges that a certain Rey Bernal is encouraging a group of people to construct houses within the timberland area in Cabugan Island (*The letter is attached hereto us Annex "A"*). However, during that time, lockdown and strict covid protocols were implemented, preventing the CENRO-Roxas to act immediately on the complaint. Thus, the CENRO-Roxas was only able to dispatch a team to investigate it on 18 November 2020.

II. BACKGROUND

The subject area is situated at Sitio Cabugan, Barangay I, Roxas, Palawan. It was commonly known as Cabugan Island; however, locals often call it as Carig-Carig or Shell Island. Said island is composed of eighteen (18) hectares of timberland and two (2) hectares of alienable and disposable (A&D) land (The LC Map is attached hereto as Annex "B"). In the A&D land, Mr. Sergio Pellina is asserting his claim and rights over the area by presenting in this Office his Waiver of Rights (Attached hereto as Annex "C") and other supporting documents.

As per inspection of the CENRO-Roxas team, there were sixty-nine (69) families residing in the area. Most of them were marginalized fishermen originated from the Province of Iloilo.

The structures erected within the timberland area and/or easement zones by the occupants were mainly of Nipa Huts, fish drying racks, and pigpens. There were also two (2) churches and one (1) elementary school situated in the island (A map showing structures within the timberland area and easement zones were attached hereto as Annex "D").

III. CHRONOLOGY OF THE EVENTS

- O9 December 2020 CENRO-Roxas' report on the investigation conducted on November 18, 2020, at Cabugan Island, and in connection with Mr. Pellina's complaint (Attached hereto as Annex "E").
 - Memorandum from PENRO with attached letter of Sergio Pellina stating that there is continuous construction of houses despite the investigation conducted by CENRO-Roxas (Attached hereto as Annex "F").
 - CENRO-Roxas informed Gil A. Valledor, Municipal Environment and Natural Resources Officer of Roxas, Palawan, thru a letter, that occupants residing in Cabugan Island were served NTVs for violations of Section 78 of PD 705, as amended, and Article 51 of PD 1067 (Attached hereto as Annex "G").
 - The 1st Notices to Vacate (NTV) were issued against those individuals unlawfully occupying and possessing the timberland area and easement zones in Cabugan Island (Attached hereto is the inventory of individuals in lieu of the actual Notice to Vacate, marked as Annex "H").
 - The occupants of Cabugan Island submitted a handwritten letter, requesting the CENRO-Roxas to permit them to stay longer in Cabugan Island. The CENRO-Roxas replied, thru a letter, dated 29 April 2021, denying their request (Attached hereto as Annex "I-1" and "I-2", respectively).
 - A certain Jose Romel A. Murio, also known as Datu Kasaligan, submitted a Comment and Opposition on behalf of Greg Gabo to the NTV issued by CENRO-Roxas. The CENRO-Roxas answered the Comment and Opposition on 14 July 2021 (Attached hereto as Annex "J-1" and "J-2", respectively).
 - 19 July 2021 PENRO's Memorandum referring the attached undated letter from Sergio Pellina to CENRO-Roxas. The

CENRO-Roxas replied on 30 July 2021 to Mr. Pellina, informing the latter that there is a due process to be observed in evicting the unlawful occupants (Attached hereto as Annex "K-1" and "K-2", accordingly).

- 27 July 2021
- CENRO-Roxas issued the 2nd NTV to unlawful occupants of Cabugan Island (Attached hereto is the inventory of individuals in lieu of the actual Notice to Vacate, marked as Annex "L").
- 02 September 2021
- PENRO's Memorandum with attached letter from Segio Pellina, directing this Office to verify and validate the complaint of Mr. Pellina that there were newly built houses despite the NTV issued by this Office. The CENRO-Roxas sent a letter, dated 11 October 2021, informing Mr. Pellina actions taken by this Office regarding the issues on Cabugan Island (Attached hereto as Annex "M-1" and "M-2", respectively).
- 08 September 2021
- 3rd and Final NTV were issued to unlawful occupants of Cabugan Island (Attached hereto is the inventory of individuals in lieu of the actual Notice to Vacate, marked as Annex "N").
- 11 October 2021
- CENRO-Roxas sent a letter to Municipal Mayor Dennis M. Sabando of Roxas, Palawan, requesting the Municipal Government's assistance regarding the demolition and removal of structures constructed on timberland area and easement zones in Cabugan Island (Attached hereto as Annex "O").
- 14 October 2021
- PENRO's Memorandum with attached letter of Sergio Pellina. According to Segio Pelina, there were two teachers from Shell Island Elementary School, namely Ms. Mercuria Gabo and Ms. Mila Yubal, who encourages and constantly advises the occupants to stay in Cabugan Island (Attached hereto as Annex "P").
- 28 October 2021
- PENRO's Memorandum with attached letter from Sergio Pellina, informing this Office that the occupants were ignoring the NTVs issued to them and that they are willing to bring the matter in court (Attached hereto as Annex "Q").
- 10 November 2021
- CENRO-Roxas' report on the investigation conducted on 20 October 2021 at Cabugan Island. According to the report, all the unlawful occupants were still residing in timberland area and easement zone of Cabugan

Island, disregarding the NTV issued to them (Attached hereto as Annex "R").

17 November 2021

CENRO-Roxas' report on the investigation conducted on 11 November 2021, regarding the illegal cutting of Mangrove trees at Cabugan Island. Based on the report, there were 68 Mangrove tree stumps (*Tabigi species*). Further, Mr. Lendon Andrade admitted that he was hired by Mr. Rey Bernal to cut the said mangrove trees (*Attached here to as Annex "S"*).

IV. COMMENTS

- No tenurial instrument whatsoever were presented by the occupants to prove the legality of their occupation. In an investigation conducted by the team, all the occupants do not have any legal instrument to prove the legality of their occupation. Some were also aware that the land they are occupying either falls within the timberland area and/or easement zones.
- 2. There will be a continuous expansion for human settlement in Cabugan Island. The Mangrove areas will continuously be threatened by the expansion of human settlement considering that the land area of Cabugan Island is limited. Historical Images from year 2002 up to 2018 (Attached hereto as Annex "T") reveals that there is a decrease in Mangrove trees situated near the houses occupied by settlers.
- 3. Dialogues were conducted between the CENRO-Roxas Team and the occupants in Cabugan Island. The team conducted a dialogue with affected occupants in order to address their concerns and explain to them the possible consequences of their refusal to demolish their illegal structures. The affected occupants manifested that they are willing to evacuate if there will be a resettlement for them. The team informed them that it is beyond the authority of this Office to provide a resettlement for them, however, they may be assisted by this Office in requesting it to the Municipal Government.
- 4. Mrs. Mercuria Gabo and Mrs. Mila Yubal, employees of DEPED, acted as the advisers of the affected occupants. Mrs. Gabo and Mrs. Yubal were teachers at Shell Island Elementary School and were both residing within the timberland area in Cabugan Island. Mr. Pellina alleges that the two were misleading and advising the occupants to ignore and disregard the Notice to Vacate since according to them, it was only made by CENRO-Roxas as a bluff. In addition, as per report of the team, dated 17 November 2021, a certain Mr. Edgar Bolohabo, one of the affected occupants, stated that the two teachers were collecting money to them and was allegedly able to raise around Php 300,000 for some unknown reasons. Mr. Bolohabo added that there were secret meetings being initiated by the two regarding their steps and actions to resolve the issues on their occupations in Cabugan Island.

5. No assistance from the Municipal Government of Roxas in the enforcement of environmental laws in Cabugan Island. This Office did not receive any necessary assistance nor support from the Municipal Government of Roxas in enforcing the environmental laws in Cabugan Island. On two occasions, MENRO Gil A. Valledor and Municipal Mayor Dennis M. Sabando received letters from this Office informing them that there were illegal occupants situated within the timberland area and/or easement zones in Cabugan Island. This Office further requested the Municipal Government to exercise their powers under the Local Government Code and assist this Office to remove and demolish illegally constructed structures in the said island. However, as of this date, our requests remain unheeded.

V. RECOMMENDATIONS

This Office respectfully recommends the filing of case to the following individuals:

For violation of Section 78 of PD 705, as amended, on the ground that they were in actual possession and occupation of a timberland area in Cabugan Island, and that they illegally introduced and constructed structures therein.

- 1. Reymark T. Rosero
- 2. Wilson I. Bescaño, Sr.
- 3. Wilson Bescaño, Jr.
- 4. Wilfredo Mahinay
- 5. Wilfredo Morados
- 6. Romel Bolohabo
- 7. Garlyn B. Millones
- 8. Lynlie F. Franco
- 9. Rey Lanosa
- 10. Ma. Dolores Andrade
- 11. Rey Bernal
- 12. Erlinda Condino
- 13. Renelyn Padios
- 14. Riel Buen
- 15. Margic Salaver
- 16. Rechel Penuela
- 17. Ruel Buen

- 18. Rogelio Buen
- 19. Jack Edades
- 20. Rey Dela Cruz Pepito
- 21. Jean Bonilla
- 22. Jessie Bolohabo
- 23. Rhona Ignacio
- 24. Dennis Pepito
- 25. Jessie Bolohabo
- 26. Nelson Demapanis
- 27. Jhonny Alpasan
- 28. Seventh Day Church
- 29. Reynald Requiron
- 30. Flordeliza Bulaclac
- 31. Rodnie R. Yubal
- 32. Ereberto Cuenca
- 33. Rosalinda Yubal
- 34. Gregorio Gabo

For violation of Article 51 of PD 705, on the ground that they were in actual possession and occupation of an area within easement zones in Cabugan Island, and that they illegally introduced and constructed structures therein.

- 1. Christopher Aguirre
- 2. Nelfa Bolohabo
- 3. Lilia Anabo
- 4. Romeo Bulaclac

- 5. Nemia Bernal
- 6. Remedios Pepito
- 7. Ricardo Lares
- 8. Remgie M. Barlas

9. Ericson Yubal

10. Rosiano Anabo

11. Darryl B. Mancia

12. Vivian Villaverde

13. Hergie Barlas

14. Reina Postrano

15. Veronica Tabangay

16. Ruel Besarias

17. Impinita Besarias

18. Emiliano O. Mancia

19. Eljun Requiron

20. Raquel Yubal

21. Marvin Biason

22. Jennifer Barlas

23. Francis Belandres

24. Elmer Requiron

25. Isagani Mancia

26. Paul Mancia

27. Handy Barlas

28. Shell Island Elem. School

29. Purok Center

30. Veronica Biason

31. Bermie Biason

32. Jochele Cinco

33. Fernando Belandres, Jr.

34. Riena Requiron

35. Emyrose Yubal

36. Catholic Church

37. Annie Requiron

38. Rolando Casiano

For violations of 77 of PD 705, as amended and/or Section 71 of RA 7161, or cutting sixty-eight (68) Mangrove trees of Tabigi species in a timberland area in Cabugan Island.

1. Lendon Andrade

2. Rey Bernal

This Office further suggests that other options may be explored and resorted to as may be deemed necessary and appropriate by the higher office to resolve this issue.

For information, evaluation, and record.

Prepared by:

MARCES C. LASANGEN Chief, FPLEU Noted by:

OIC-CENRO

Other Annexes:

Geotagged Pictures



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DENR PEMRO

MEMORANDUM

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THE OIC, PENRO

Puerto Princesa City Palawan

ATT'N.

TO

THE CENRO

Roxas, Palawan

FROM

THE OIC, REGIONAL EXECUTIVE DIRECTOR

SUBJECT

ALLEGED UNLAWFUL OCCUPATION WITHIN FORESTLAND OF SOME INDIVIDUALS SITUATED AT CAREG-CAREG ISLAND, SITIO CABUGAN, BARANGAY

1. ROXAS, PALAWAN

Referred is a letter of Mr. Sergio Pellima dated January 14, 2022, regarding his complaint on the unlawful occupation of some individuals situated at Careg-careg Island, Sitio Cabugan, Barangay 1, Roxas, Palawan.

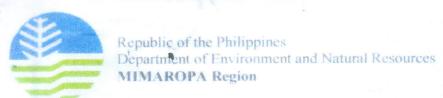
Mr. Pelima averred that despite the issued Final Notice to Vacate by the concerned CENRO, the same were unheeded by the occupants. He is appealing for the ejection of the occupants as the area was already sold to him and accordingly, he is paying annual taxes on the said land.

We have already informed Mr. Pellima that occupying within forestland/mangrove areas despite the long occupation or even paying corresponding taxes thereof is not a proof of ownership.

In this regard, you are hereby directed to file a criminal complaint against the perpetrators for violation of existing environmental laws if they refuse to obey on the issued Notices of Violation/Notices to Vacate. Submit report of action/s taken within seven (7) working days upon receipt hereof.

LORMELYN E. CLAUDIO, CESO IV







MEMORANDUM

FEB 2 2 2022

TO

THE PENRO

PALAWAN

ATTENTION

THE CENRO

ROXAS

FROM

THE OIC. REGIONAL EXECUTIVE DIRECTOR

SUBJECT

REPORT ON INVESTIGATION AND INSPECTION REGARDING THE UNLAWFUL OCCUPATION WITHIN TIMBERLAND, EASEMENT ZONE AND CUTTING OF MANGROVE TREES LOCATED AT SITIO CABUGAN, BARANGAY I, ROXAS, PALAWAN, AS MEANS OF VERIFICATION (MOVS) PER DOWNLOADED FUNDS

WITH SAA NO. 2021-09-076

This is to acknowledge receipt of your memorandum dated December 21, 2021 forwarding the memorandum of CENRO Roxas dated November 26, 2021, regarding the result of investigation and inspection on the unlawful occupation within timberland, easement zone and cutting of mangrove trees located at Sitio Cabugan, Barangay I, Roxas, Palawan.

Based on the submitted report of the CENRO Roxas, most of the individuals who received Notices to Vacate/Violation ignored and disregarded the said notices despite the consultations/dialogues conducted within that locality.

In this regard, if the affected individuals continue to defy/refuse to vacate the area, kindly gather evidences to support the filing of criminal complaint against the offender/s for violation of Article 51 of PD 1067 and Section 77 and 78 of PD 705, as amended.

Submit progress report to this Office within seven (7) days upon receipt hereof.

LORMELYN E. CLAUDIO, CESO



REGIOTAL MEGINTAL AND IN

Post Office RE 490 305 786 ZZ

Letter/Package Posted on 20

Preserve this receipt for reference in case of inquiry

RECEIPT

Received from PANIL -CENTIO HARAS Palanuman 5308

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as payment for Patage Stangs and MAIL

P 77-90

Signature



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

2012 22 6736

SHOW CAUSE MEMORANDUM

TO

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RONIE B. GANDEZA

Development Management Officer IV

CENRO Roxas, Palawan

FROM

THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT

REFERENCE CODE NO. PM-CAM-03-09-2022-054 RE: LETTER OF COMPLAINT FROM MR. GERRY CEBUANO AGAINST CENRO EMPLOYEES FOR THEIR ALLEGED INCOMPETENCE, IGNORANCE OF THE LAW. AND LEGED INCOMPETENCE,

IGNORANCE OF THE LAW, AND HARASSMENT

DATE

JUN 3 3 2022

This refers to the undated letter of Mr. Gerry Cebuano of Sitio Carig-carig, Cabugan Island, Barangay 1, Roxas, Palawan which was initially filed before the Presidential Complaint Center (PCC) regarding his complaint against you and LMO III Ronnie P. Lilang for alleged administrative incompetence as public officials, ignorance of the law, and harassment. A copy of the said complaint letter, which is self-explanatory, is hereto attached for your reference.

It is noted that CENR Officer Pablo L. Cruz already directly replied to Mr. Cebuano through a letter dated April 19, 2022, however, complaints against personnel should be acted upon pursuant to the provisions of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).

Relative thereto and in the observance of due process, you are hereby directed to submit within five (5) days from receipt hereof your written explanation (comment/counter-affidavit) under oath why no administrative case should be filed against you. Failure to submit the said document/s shall be considered a waiver thereof and the resolution will be based on the available documents at hand.

For strict compliance.

LORMELYN E. CLAUDIO, CESO IV

Copy furnished

Copy rurnished:

Mr. Gerry Cebuano Brgy. New Barbacan, Roxas, Palawan

Presidential Complaint Center Bahay Ugnayan, Jose P. Laurel St. Malacahang, Manila [PCC Code No. PM-CAM-03-09-2022-054]

The Head, DENR Action Center/Hotline Visayas Ave., Diliman, Quezon City

PENRO Palawan

CENRO Roxas, Palawan



ARD-MS/LD

DENR By the Bay Building, 1515 Roxas Boulevard, Ermita. Manils 1000 Telephone No.: (02) 84050046 Website: https://mimaropa.denr.gov.ph Email: mimaroparegion@denr.gov.ph; denr4blegal@gmail.com