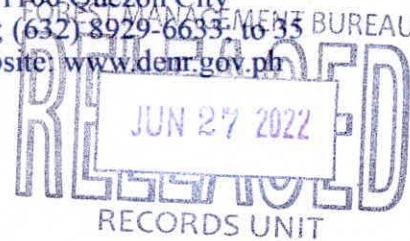




Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, 1100 Quezon City
Tel. Nos. (632) 8929-6626 to 29; (632) 8929-6633 to 35
Email: web@denr.gov.ph Website: www.denr.gov.ph



MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 L&S Bldg., Roxas Blvd. Ermita, Manila

FROM : The Undersecretary for Field Operations-Luzon, Visayas and Environment

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

DATE : JUN 23 2022

This pertains to the Memorandum dated 19 April 2022 of the Undersecretary for Legal, Administration, Human Resources and Legislative Affairs containing their legal opinion regarding the investigation of the Land Classification of Yolanda Permanent Housing Project within Busuanga Pasture Reserve (BPR) of DENR MIMAROPA.

Based on the Memorandum of the said Office, it states that:

“... there is a need to conduct investigation for the purpose of initiating the reversion proceedings through the Office of the Solicitor General. The DENR cannot concur with the disposition of the subject lot for housing purposes until the title is cancelled and the lot is classified as agricultural (Alienable and Disposable) land. Thus, DENR MIMAROPA Region should be instructed to conduct the necessary procedure for purposes of instituting reversion proceedings.”

In this regard, based on the above legal opinion, you are hereby instructed to comply with the directive to conduct the necessary procedure to institute the reversion proceedings of the issued title within BPR and submit a report to this Office.

FOR INFORMATION AND COMPLIANCE.

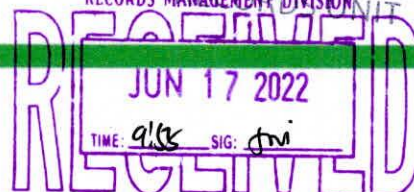

ATTY. JUAN MIGUEL T. CUNA, CESO I

cc: DENR Undersecretary for Legal, Administration, Human Resources and Legislative Affairs
DENR Undersecretary for Policy, Planning and International Affairs
DENR Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects
DENR Forest Management Bureau



Republic of the Philippines
Department of Environment and Natural Resources
FOREST MANAGEMENT BUREAU
Visayas, Avenue, Diliman, 1100 Quezon City
Tel. No.: (632) 8925-2141 / (632) 8927-4788
E-mail Address: fmb@denr.gov.ph

FOREST MANAGEMENT BUREAU



MEMORANDUM

FOR : The Undersecretary for Field Operations-Luzon, Visayas and Environment

FROM : The Director

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

DATE : **JUN 15 2022**

This pertains to the Memorandum dated 19 April 2022 of the Undersecretary for Legal, Administration, Human Resources and Legislative Affairs containing their legal opinion regarding the investigation of the Land Classification of Yolanda Permanent Housing Project within Busuanga Pasture Reserve (BPR) of DENR MIMAROPA.

Accordingly, the subject area falls within the unclassified public forest. Thus, 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-668 to Mariano Celedonio in 1949 (now Transfer Certificate of Title (TCT) No. T-8335).

Thereafter, through a Memorandum dated 02 December 2021, this Office reiterated to DENR MIMAROPA the agreement during the IATF-Yolanda Special Meeting last 22 October 2021 on the conduct of an in-depth investigation regarding the issuance of the said title.

Subsequently, on 07 January 2022, a report was submitted by DENR MIMAROPA, which the FMB forwarded to the Office of the Undersecretary for Legal, Administration, Human Resources and Legislative Affairs on 18 February 2022 for appropriate action.

Afterward, the Undersecretary for Legal, Administration, Human Resources and Legislative Affairs submitted its legal opinion regarding the matter, to wit:

“Consequently, this Office opines that there is a need to conduct investigation for the purpose of initiating the reversion proceedings through the Office of the Solicitor General. The DENR cannot concur with the disposition of the subject lot for housing purposes until the title is cancelled and the lot is classified as agricultural (Alienable and Disposable) land. Thus, DENR MIMAROPA Region should be instructed to conduct the necessary procedure for purposes of instituting reversion proceedings.”

Considering the foregoing, we respectfully endorse the above Memorandum dated 19 April 2022. We have also attached herein for your approval and signature a draft Memorandum to DENR MIMAROPA instructing to conduct the necessary procedure to institute the reversion proceedings of the issued title within BPR based on the above legal opinion.

FOR INFORMATION AND CONSIDERATION, PLEASE.



TIRSO P. PARIAN, JR., CESO IV

cc: *DENR Undersecretary for Legal, Administration, Human Resources and Legislative Affairs*
DENR Undersecretary for Policy, Planning and International Affairs
DENR Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Visayas Avenue, Diliman, Quezon City
Tel. Nos. (632) 929-66-26 to 29 □ (632) 929-62-52
Website: <http://www.denr.gov.ph> / Email: web@denr.gov.ph

MEMORANDUM

APR 19 2022

TO : **THE ASSISTANT SECRETARY**
Policy, Planning and Foreign-Assisted and Special Projects and
Director, in concurrent capacity

FROM : **THE UNDERSECRETARY**
Legal, Administration, Human Resources and Legislative Affairs

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

This has reference to the Memorandum dated 18 February 2022 requesting for an appropriate action on the result of the investigation conducted regarding the land classification of Yolanda Permanent Housing Project within the Busuanga Pasture Reserve (BRP).

The subject land is part of the BPR, pursuant to Presidential Proclamation 1387 which was issued in 1975. Said PP 1387 withdrew from any form of disposition and reserved as pasture reserve the BPR. As can be gleaned from the records OCT G-6688 (now TCT T-8335) was issued in 1949.

According to the Memorandum¹ dated 20 December 2021 of the Community Environment and Natural Resources Office (CENRO), based on their ground verification survey and projection of TCT T-8335, the subject area falls within the unclassified public forest.

Furthermore, based on the projections of the Regional Executive Director (RED) - MIMAROPA Region, the land covered by TCT No. T-8335, falls within Unclassified/ Public Forest. It is further verified by the Digitized Land Classification² issued by NAMRIA, as stated in the Memorandum dated 07 January 2022 of the RED - MIMAROPA Region.

Also, in a letter³ dated 30 June 2021 of the NAMRIA Administrator, Usec. Peter Tiangco, it states that:

...based on NAMRIA records, there is no approved LC Map covering San Nicolas, Coron, Palawan. Further, our initial review and verification based on the result of plotting of the technical description indicated in the TCT (attached map), disclosed that the subject lot falls within Unclassified Public Forest of Coron, Palawan.

¹ Annex "A"

² Annex "B"

³ Annex "C"

It must be emphasized that the first Public Land Act (Act No. 2847³) in 1919 mandated the issuance of land classification of the land, to determine whether it may be subject to disposition or concession. The particular provision of Act 2847 provides that:

Section 7. For the purpose of the government and disposition of alienable and disposable public lands, the **Governor-General**, upon the recommendation by the Secretary of Agriculture and Natural Resources, **shall from time to time declare what lands are open to disposition or concession** under this Act.

Section 8. **Only those lands shall be declared open to disposition or concession which have been officially delimited and classified** and, when practicable, surveyed, and which have not been reserved for public or quasi-public uses, not appropriated by the Government, nor in any manner become private property, nor those on which a private right authorized and recognized by this Act or any other valid law may be claimed, or which, having been reserved or appropriated, have ceased to be so. (emphasis supplied)

Said law set forth the issuance of land classification maps, which are now under the custody of the National Mapping Resource Information Authority (NAMRIA).

This is further supported by Sec. 3(a) of Presidential Decree No. 705 (PD 705), which states that:

(a) **Public forest is the mass of lands of the public domain which has not been the subject of the present system of classification** for the determination of which lands are needed for forest purposes and which are not. (emphasis supplied)

In the case of *Federation of Coron, Bususanga, Palawan Farmer's Association, Inc. (FCBPFAI), et al. vs. The Secretary of DENR*,⁴ the constitutionality of Sec. 3(a) of PD 705 was challenged. In the said case, "the land tilled [by the farmers in Busuanga, Coron,] was originally titled under the name of a certain Jose Sandoval. However, the land distribution was stopped under the CARP because the DENR stated that the said lands were unclassified forest land under Sec. 3(a) of PD 705 and these forest lands belong to the government. In upholding the said provision the Court in the said case held that:

The said provision is consistent with the Constitutional mandate of the Regalian Doctrine that lands of public domain, whether unclassified, forest, or mineral lands, remain within the ownership of the State and shall not be subject to alienation or disposition of private persons. Absent any positive act of the government to classify a land of public domain into alienable or disposable land for agricultural or other purposes, it remains with the State.

xxx

Indeed, under the Regalian Doctrine, all lands of the public domain belong to the State, which is the source of any asserted right to any ownership of land. All lands not appearing to be clearly within private ownership are presumed to belong to the State. Accordingly, **public lands not shown to have been reclassified or released as alienable agricultural land or**

³ The Public Land Act

⁴ GR No. 247866, 15 September 2020

alienated to a private person by the State remain part of the
inalienable public domain. (emphasis supplied)

Moreover, it must also be noted that the subject land is proclaimed as a pasture reserve pursuant to Presidential Proclamation No. 1387, s. 1975, and hence, cannot be subject to disposition.

Consequently, this Office opines that there is a need to conduct investigation for the purpose of initiating the reversion proceedings through the Office of the Solicitor General. The DENR cannot concur with the disposition of the subject lot for housing purposes until the title is cancelled and the lot is classified as agricultural (Alienable and Disposable) land. Thus, DENR MIMAROPA Region should be instructed to conduct the necessary procedure for purposes of instituting reversion proceedings.

For your information and guidance.

ATTY. ERNESTO D. ADOBO, JR., CESO I

Copy furnished:

Assistant Secretary
Legal Affairs

Director
Legal Affairs Service



APR 08 2022
MEMORANDUM

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Visayas Avenue, Diliman, Quezon City
Tel. Nos. (632) 929-66-26 to 29 □ (632) 929-62-52
Website: <http://www.denr.gov.ph> / Email: web@denr.gov.ph

FOR : **THE UNDERSECRETARY**
Legal, Administration, Human Resources and Legislative Affairs

THROUGH : **THE ASSISTANT SECRETARY**
Legal Affairs *[Signature]*

FROM : **THE DIRECTOR**
Legal Affairs Service

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

This pertains to the Memorandum from the Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects and Director of FMB, in concurrent capacity, dated 18 February 2022.

Attached hereto, for your approval and signature, is the draft Memorandum addressed to the said Office.

[Signature]
NORLITO A. ENERAN, LL.M., CESO III

2447556546



December 20, 2021

MEMORANDUM

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

THRU The Provincial Environment and
Natural Resources Office
Sta. Monica, Puerto Princesa City

FROM The Community Environment
and Natural Resources Officer

SUBJECT **GROUND VERIFICATION SURVEY OF AREA COVERED BY TCT
NO. T-8335.**

This pertains to the email instruction dated December 15, 2021 from Assistant Regional Director Vicente B. Tuddao regarding the above subject.

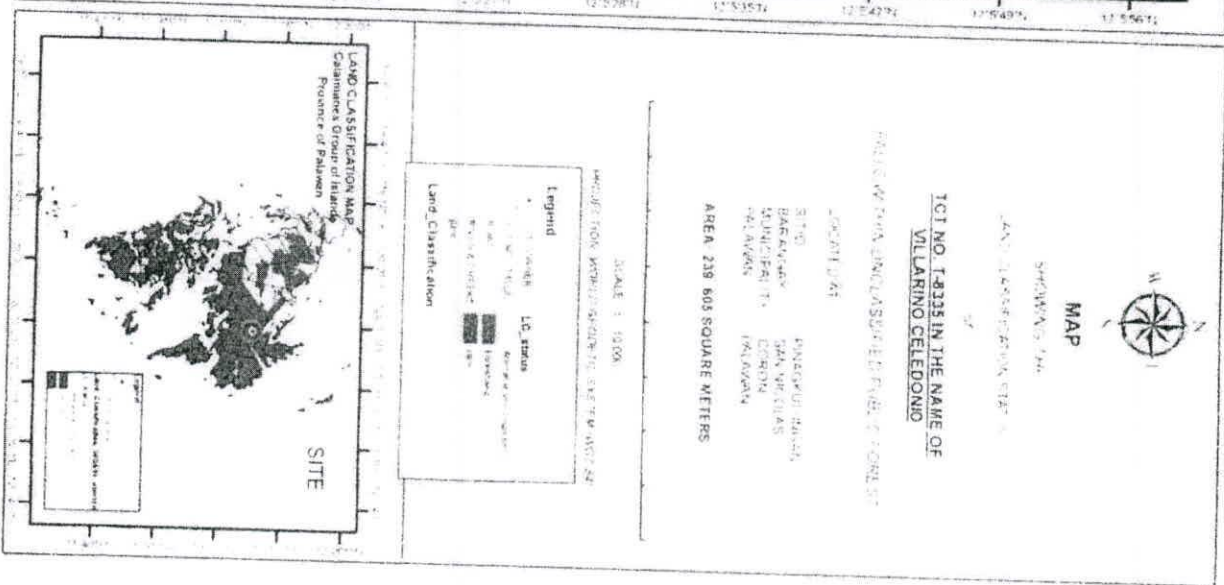
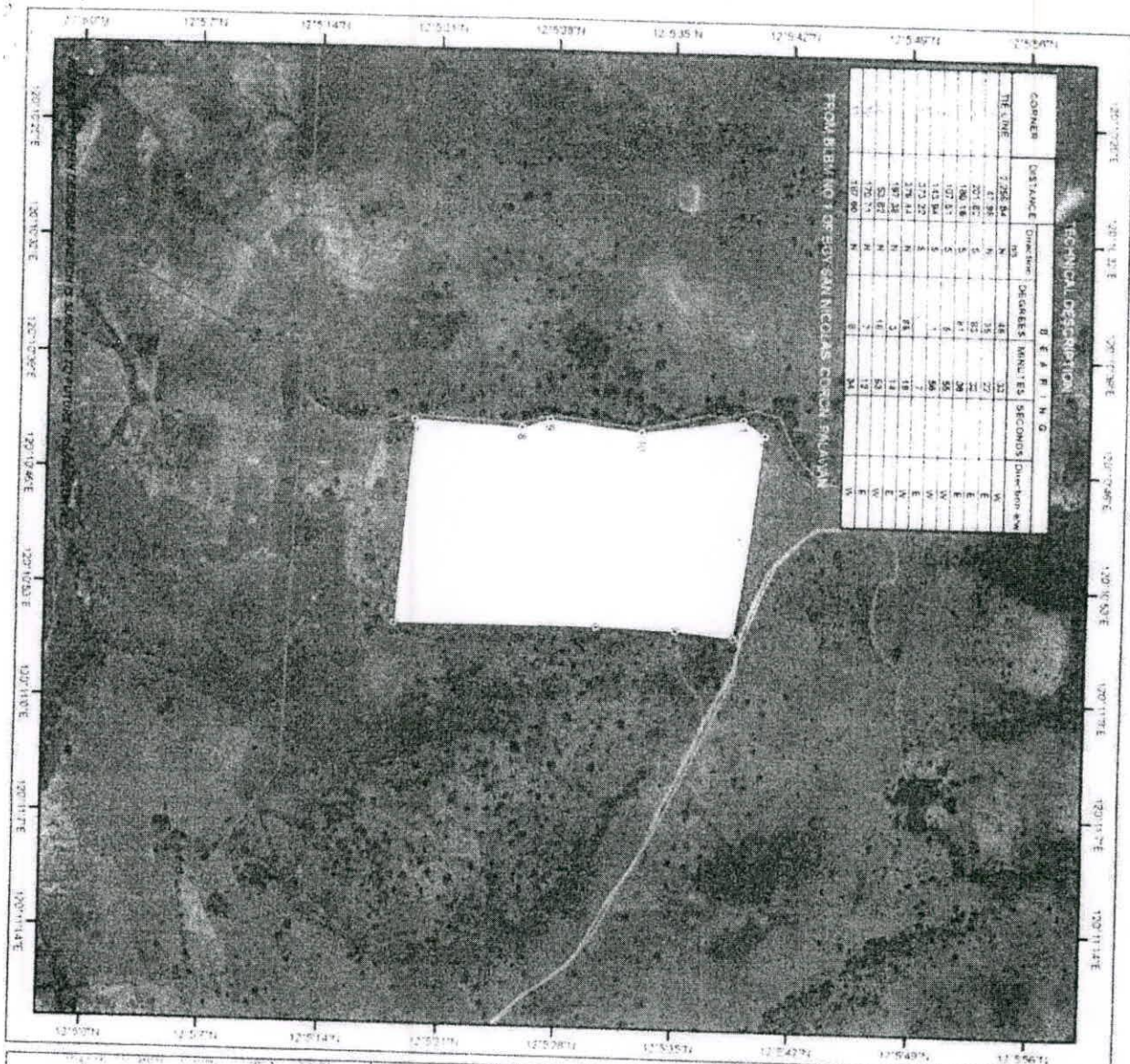
Please be informed that personnel of this Office conducted ground verification of area covered by TCT No. T-8335.

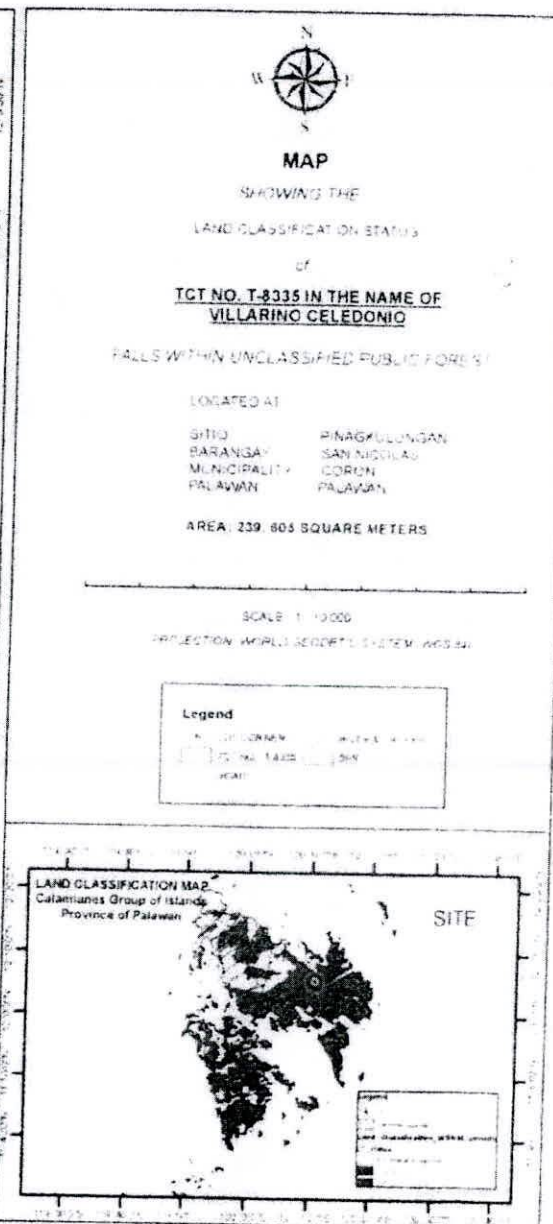
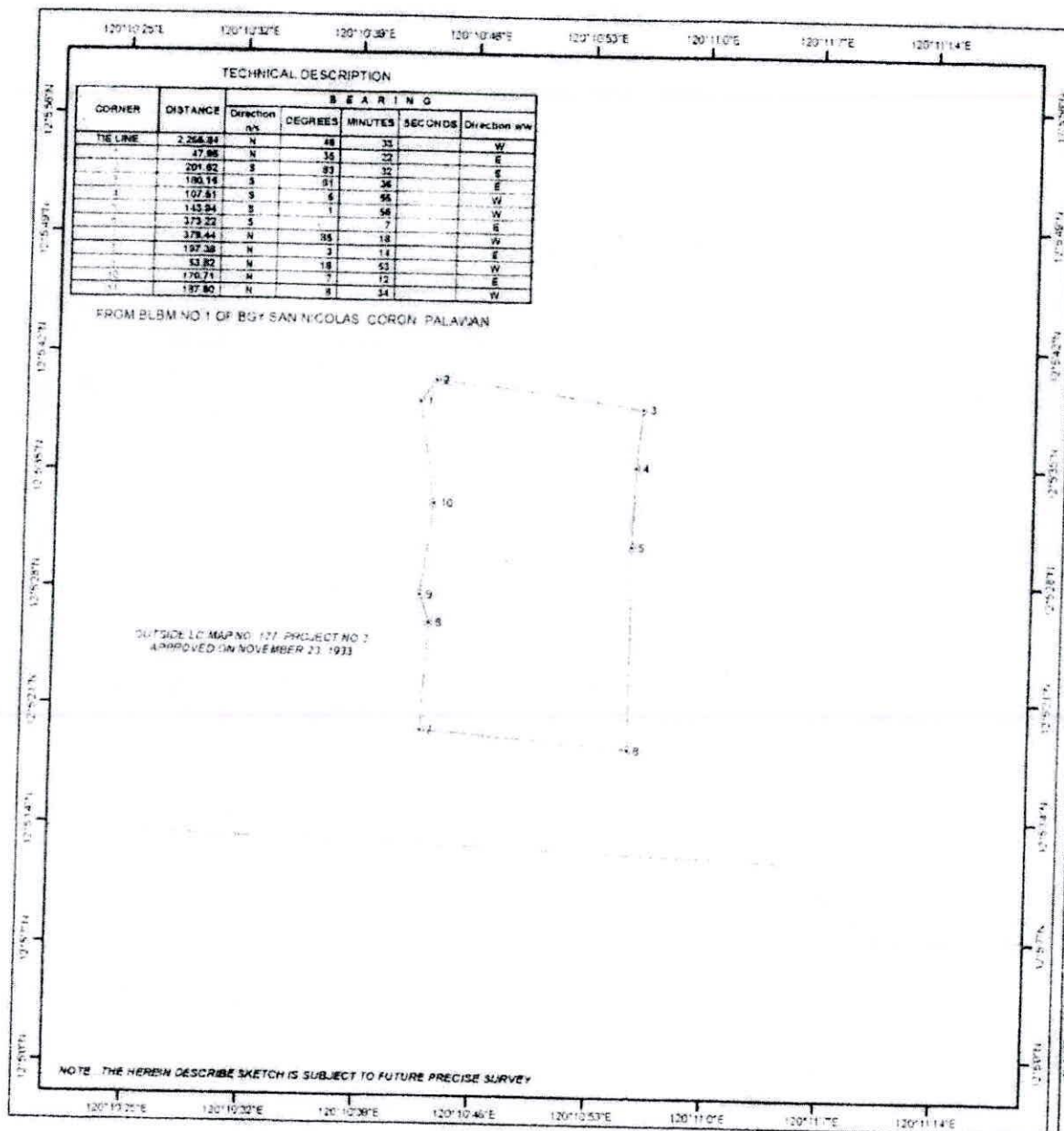
Based on ground verification and projection, the subject area falls within Unclassified Public Forest, it is outside LC Map No 127 of Coron and LC Map No 839 of Busuanga, Palawan and same, the area is within Busuanga Pasture Reserve (BPR).

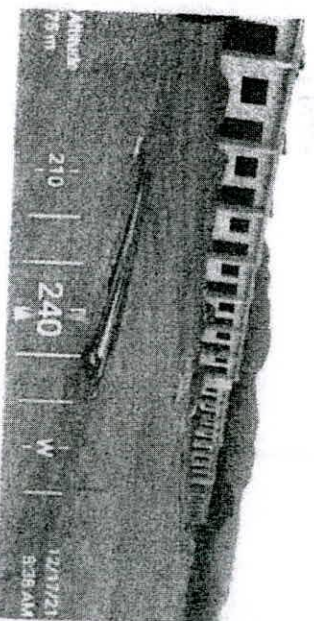
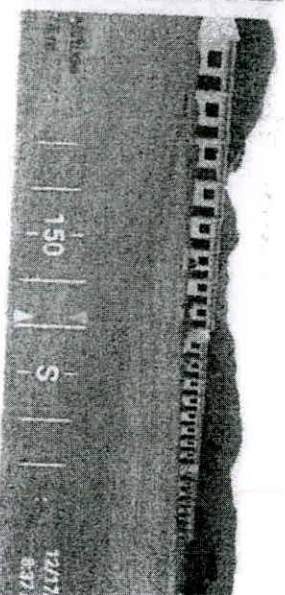
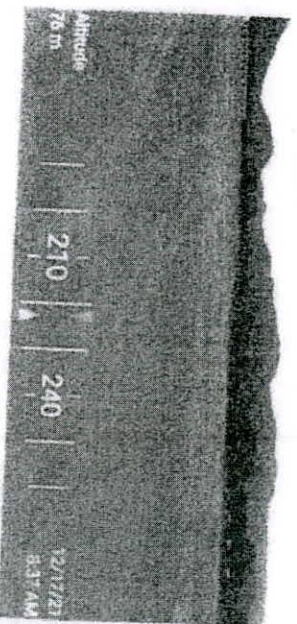
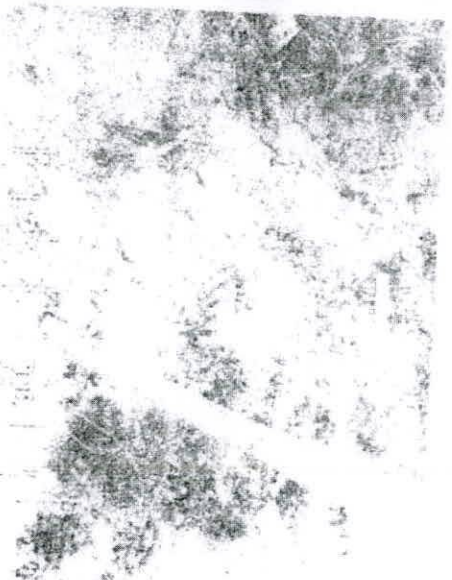
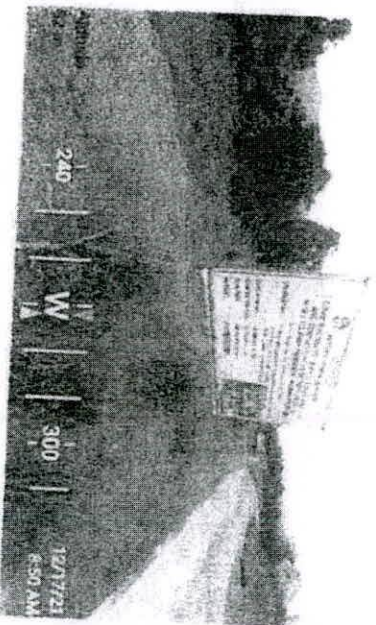
For information and further instructions


ARNOLDO A. BLAZA, JR.
CENRO

4000
12-20-21
C







Geotagged photos taken during the conduct of ground verification/ relocation of TCT-8335 located at Sitio Pinagbulungan, Barangay San Nicolas, Coron, Palawan

Attachment C







MAP SHOWING LOT H-119741 OVERLAID ON LAND CLASSIFICATION MAP AND BUSUANGA PASTURE RESERVE

BARANGAY SAN NICOLAS
MUNICIPALITY OF CORON
PROVINCE OF PALAWAN


Universal Transverse Mercator - Zone 51 (N)
Luzon (Philippines excluding Mindanao)
1:180000

0 1000 m

LEGEND

-  SUBJECT LOT
-  UNCLASSIFIED PUBLIC FOREST
-  BARANGAY BOUNDARY
-  PROPOSED RELOCATION SITE
-  BUSUANGA PASTURE RESERVE
-  BAI-BBES

PLOTTED BY:


O'SONIEL MOISES G. TUDDAO
PIT II

CHECKED BY:

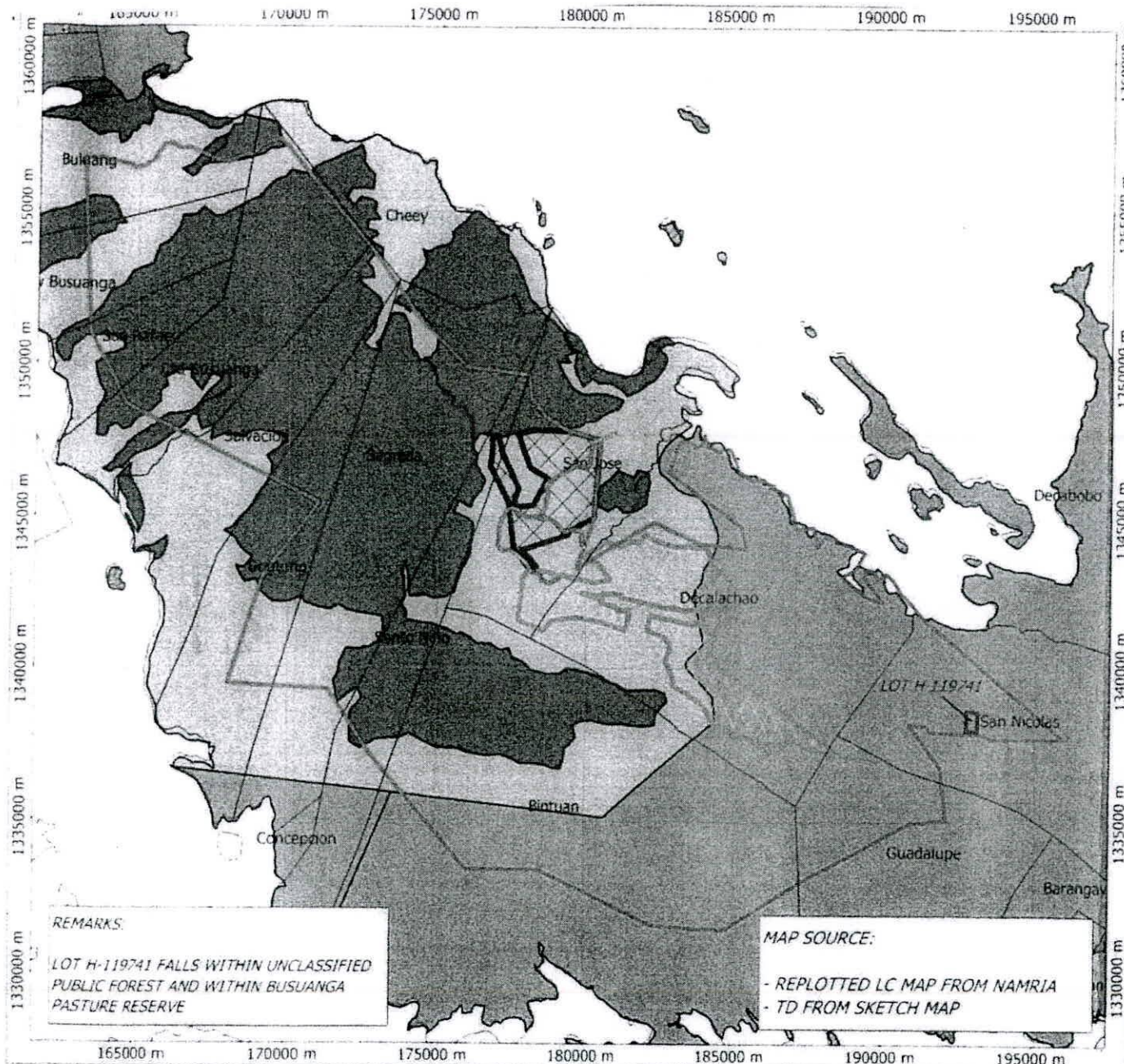

FOR DELVIN T. CASTICIMO
DMO III

MAP SOURCE:

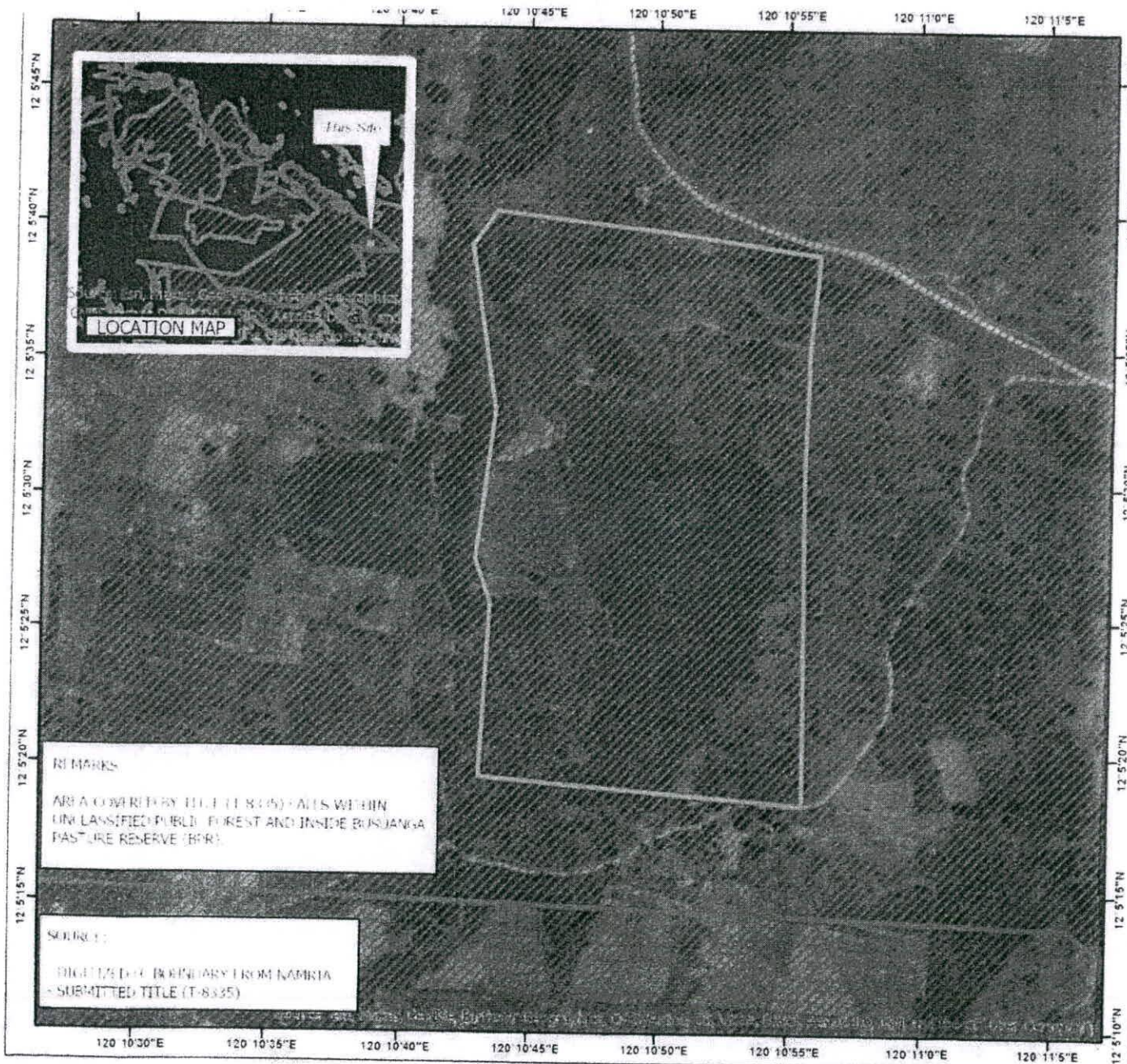
- REPLOTTED LC MAP FROM NAMRIA
- TD FROM SKETCH MAP

REMARKS:

LOT H-119741 FALLS WITHIN UNCLASSIFIED
PUBLIC FOREST AND WITHIN BUSUANGA
PASTURE RESERVE

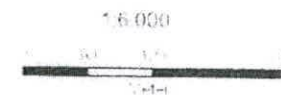


ANNEX B





MAP
SHOWING AREA COVERED BY
TITLE (T-8335) OVERLAID ON
DIGITIZED LC MAP AND BPR
BOUNDARY

BARANGAY SAN NICOLAS
 MUNICIPALITY OF CORON
 PROVINCE OF PALAWAN



Projected Coordinate System:
 WGS 1984 UTM Zone 50N

Legend

- T-8335
-  UPF/FORESTLAND
-  BPR BOUNDARY

PREPARED BY:

[Signature] 12-13-21
 O'SONTIEL MOISES G. TUDDAO
 PIT II

CHECKED BY:

[Signature] 12-13-21
 FOR. DELFIN T. CASTICIMO
 DMO III/CHIEF LES SECTION

REMARKS:
 AREA COVERED BY TITLE (T-8335) FALLS WITHIN
 UNCLASSIFIED PUBLIC FOREST AND INSIDE BUSUANGA
 PASTURE RESERVE (BPR).

SOURCE:
 DIGITIZED FROM NAMRIA
 SUBMITTED TITLE (T-8335)

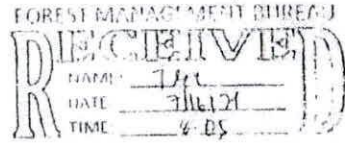
*For acknowledgment
of further action file
Marked - MAM
10/11/21*

Republic of the Philippines
Department of Environment and Natural Resources
NATIONAL MAPPING AND RESOURCE INFORMATION AUTHORITY
www.namria.gov.ph

Annex "P"

ANNEX "C"

JUN 30 2021



OFFICE OF THE DIRECTOR
4147349334 / C-12669

ASEC. MARCIAL C. AMARO, JR., CESO III
Assistant Secretary for Policy, Planning
and Foreign-Assisted and Special Projects,
Director, in concurrent capacity
Forest Management Bureau, DENR
Visayas Avenue, Diliman, Quezon City, 1100

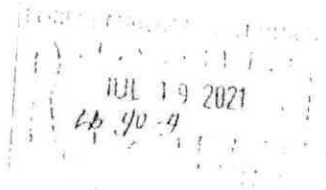
Dear Asec. Amaro:

This refers to your request for a certification on the current land classification status of a property with Original Certificate of Title No. G6688 (Plan H-11974), and its land classification when the title was issued on 01 July 1949. The said lot is covered by Transfer Certificate of Title (TCT) No. T-8335 located at So. Pinagkulungan, Brgy. San Nicolas, Coron, Palawan.

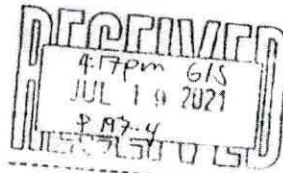
Please be informed that based on NAMRIA records, there is no approved LC Map covering San Nicolas, Coron, Palawan. Further, our initial review and verification based on the result of plotting of the technical description indicated in the TCT (attached map), disclosed that the subject lot falls within Unclassified Public Forest of Coron, Palawan.

Very truly yours,


USec. PETER N. TIANGCO, PhD, CESO I
Administrator



*Letter from NAMRIA 7-21-2021
Sir,
Please forward the
document to FIDO, FROD
and PROD with a note that
this might be a response
to any request from their
Division as based on records,
we have no pending request
on this matter. If after
DCs, Sec, Bldg or Jec
As may be required any
regulate? M. Bilet.*

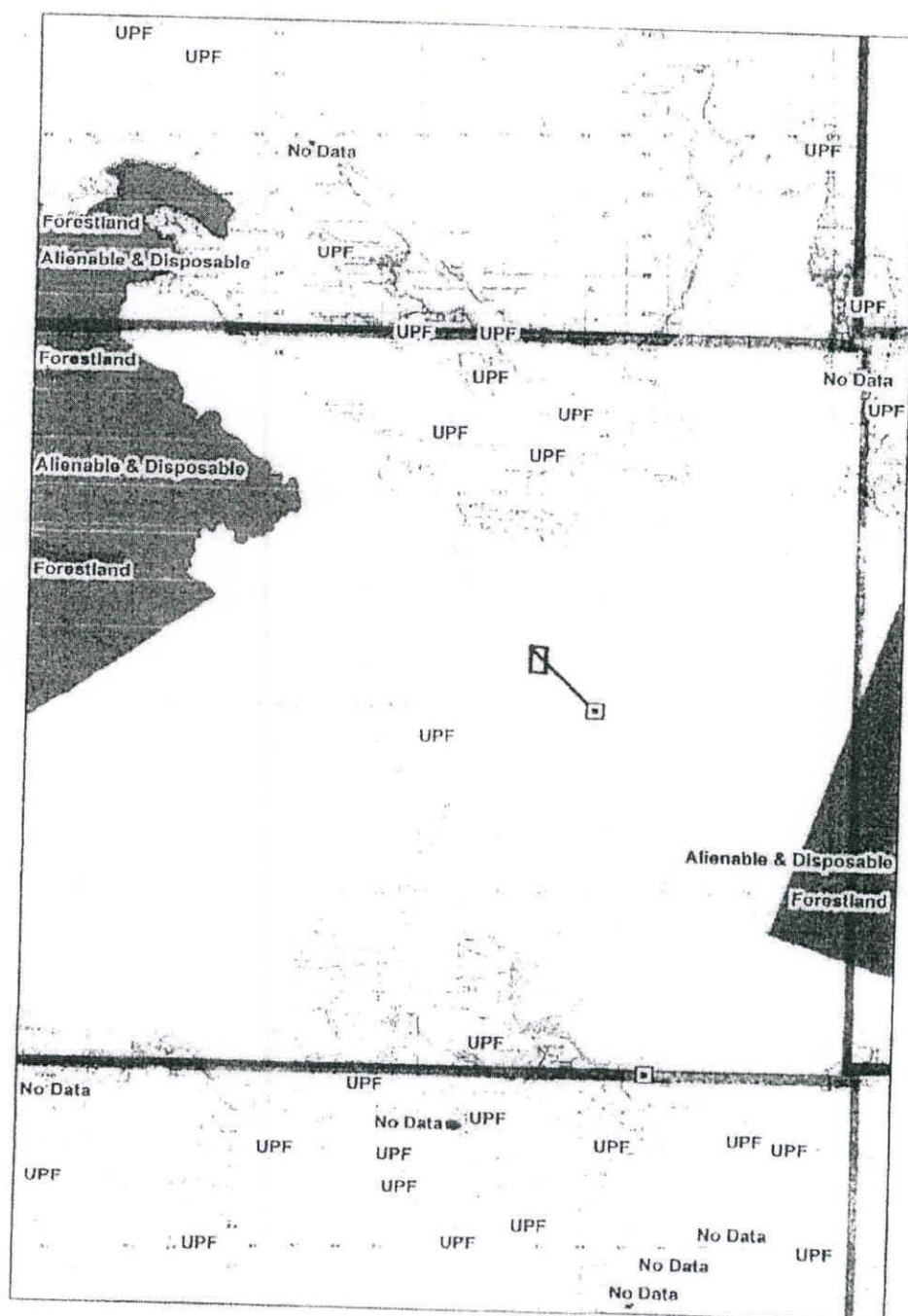


12) 8810 4831 to 41
41-3493 to 98



ISO 9001:2015
CERTIFIED FOR MAPPING
AND GEOSPATIAL
INFORMATION MANAGEMENT

INVESTORS IN PEOPLE
We invest in people Silver



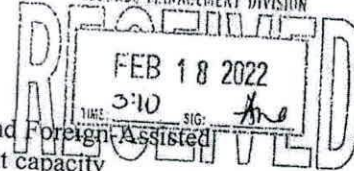


1003
Republic of the Philippines
Department of Environment and Natural Resources
FOREST MANAGEMENT BUREAU
Visayas, Avenue, Diliman, 1100 Quezon City
Tel. No.: (632) 8925-2141 / (632) 8927-7777
E-mail Address: fmb@denr.gov.ph Website: www.forestry.denr.gov.ph



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:

Harnessing forestry science for sustainable development

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