

09 March 2022

Department of Environment and Natural Resources MIMAROPA Region 1515 L & S Building,

Roxas Boulevard, Ermita, Manila

TO	:	Lormelyn E. Claudio, CESO IV OIC, Regional Executive Director				
СС	:	Vicente B. Tuddao, Jr., Ph.D., CESO IV Assistant Regional Director for Technical Services				
SUBJECT	:	DENR MEMORA	MIMAROPA	REGION-		

Dear RD Claudio,

We write to you on behalf of our client **BINGA BEACH BROTHERS**, **INC.**, ("BBB") regarding the removal and demolition of structure and fences illegally constructed in the "Salvage Zone" and/or Protected Area located in front of their property at Lumambong Beach Rd., Binga, San Vicente, Palawan, 5309.

On 23 November 2020, we had a virtual meeting with then Regional Executive Director-Ma. Lourdes G. Ferrer, CESO IV ("RD Ferrer"), Assistant Regional Director for Technical Services- Vicente B. Tuddao, Jr., Ph.D., CESO IV ("Dir Tuddao"), Legal Representative of DENR-MIMAROPA Region, and Chief, Enforcement Division-Lino M. Dimapilis regarding the classification of BBB's property, and the illegal occupation of security agencies over the land owned by our client. As recommended by RD Ferrer, on 19 February 2021, a Real-Time Kinematics ("RTK") survey was conducted on the property of BBB.

On the basis of the RTK survey and report from the Chief, Survey and Mapping Division, on 05 July 2021, RD Ferrer issued a Memorandum stating that "it was ascertained that Lots No. 3969 & 3970 are found to be within the salvage zone with 20 meters from the highest side". In this Memo, RD Ferrer instructed CENRO Roxas/PENRO-Palawan to do the following:

- 1. Reject patent applications for lot/s within the Salvage Zone;
- 2. Deploy a team to conduct delineation of the 20- and 40-meters easement under PD 1067 on the stretch of the beach; and
- 3. Issue a Notice to Vacate to owners of the structures found within the easement zone.

Unit 22, 2nd Floor Zeta Bldg. 191 Salcedo St., Legaspi Village Makati City 1229

From our understanding, CENRO-Roxas has issued numerous Notices to Vacate to the security agencies dated <u>20 May 2019</u>, <u>07 June 2019</u> and <u>27 January 2020</u>. With no action to the said demands, it further sent formal letters dated <u>28 February 2020</u>, <u>28 July 2020</u>, and <u>12 October 2020</u>, asking for assistance to demolish to Hon. Amy R. Alvarez. To date the structures and fences are still erect in the easement zone. Furthermore, there is a threatening presence by the security agencies who stationed armed guards in the area. Attached here is the said Memorandum, and the Notices to Vacate as well as the Letters to Hon. Amy R. Alvarez for your reference.

On the 03 November 2021, CENRO-Roxas' OIC CENRO-Ronie B. Gandeza wrote a letter reply to our constant follow ups and queries. In his letter, he mentioned that their office is planning to file a case in court of law to prosecute the illegal occupants. Regrettably and similar to the previous action plans, we have not received any updates from the said office on the commencement of the said case. Attached here is the Letter dated 03 November 2021 for your reference.

In our recent visit to OIC-CENRO Taytay, Palawan- Mr. Pablo L. Cruz, recommended that we address our concern to Protected Area Management Bureau ("PAMB") in Taytay. Following this advice, we wrote a formal letter to the said office, particularly to Forester II/PASu, MSPLS, Ms. Clarissa P. Pador. Unfortunately, Ms. Pador said that the Memorandum was not addressed to her and that PAMB has no responsibility over the issue.

This is a very long standing issue. It has been ongoing for at least 3 years. The security agencies are not taking the DENR issued Notices to Vacate seriously. It has repeatedly ignored the directives and authority of your good office. The Office of Mayor Alvarez also ignored your authority. If the DENR is unable to protect lands of public domain, then, who can? As earlier stated, we sought the help of the PAMB but it said it had no authority. Moreover, if the DENR is unable to protect the Filipinos from the enjoyment of our natural resources, then which agency of the government can the people turn to?

We trust that you will give this matter preferential attention.

Thank you.

Very respectfully yours,

LMA LAW By: MA. LOUELLA MARTINEZ-ARANAS Managing Partner

Republic of the Philippines Department of Environment and Natural Resource LMA LAW

IUL 0 5 2021 17A 9:37AM Signature

MEMORANDUM

ТО	:	The PENRO-Palawan		
		Sta. Monica, Puerto Princesa, Palawan		

ATTENTION : The CENRO- Roxas

FROM : The Regional Executive Director

SUBJECT : **COMPLAINT LETTER DATED FEBRUARY 26, 2019 ON** ILLEGAL **OCCUPATION** BY DIAMOND **EXPLORE** AND SECURITY **INTELLIGENCE** AGENCY LED BY LIBERATO A. BARCELO OVER A PARCEL OF LAND CLAIMED BY BINGA BEACH BROTHERS (BBB) INC. LOCATED AT SITIO LUMAMBONG, BARANGAY BINGA, SAN VICENTE, PALAWAN

This refers to the Memorandum dated 15 June 2021 from the OIC, Chief, Survey and Mapping Division indorsing the survey report of Engr. Donna Belle Luengo dated 22 March 2021 regarding the result of verification survey on actual occupation of the above subject.

Upon exhaustive review and evaluation on the submitted report by Engr. Luengo and verification made on Cadastral Map (Cad. 860-D) San Vicente Cadastre, it was ascertained that Lots No. 3969 & 3970 are found to be within salvage zone with 20 meters from the highest tide.

Further, this office projected the subject lots with the Land Classification (LC) Map No. 1614, Project 9-A, Block VIII dated September 29 1952, wherein the subject lots are adjoining the mangrove area wherein Lot No. 3947-E occupied by Binga Beach Brothers (BBB) Inc. falls inside mangrove area.

In view of the findings and recommendations of the Chief, Survey and Mapping Division in his memorandum dated June 15 2021 (attached) for cancellation of the approved plan Csd. 04-032170-D, you are hereby instructed to reject patent application/s for lot/s within the salvage zone and deploy a team from your office to conduct delineation of 20 and 40 meters easement under PD 1067 on the stretch of the beach and issue Notice to Vacate (NTV) to owners of structures found within the easement zone.

For compliance

FERRER, CESO III WRDES G.

Cc:

OARDTS/ALI

141

 Binga Beach Brothers Inc Sitio Lumambong, Binga, San Vicente, Palawan
Kim Gaza

LM law Unit 22, 2/F Zeta II Bldg. 191 Salcedo St., Legaspi Village, Makati City



1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000 DENR VOIP: (02) 248-3367/ 248-3468/ 249-3367/ 405-0416 local 2700 / 2717 Facsimile: (632) 405-0046 Email: mimaroparegion@denr.gov.ph



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Republic of the Philippines Department of Environment of Natural Resources Region-IV MIMAROPA Community Environment and Natural Resources Office Roxas, Palawan Empiradaean depresentation (Speed com

NOTICE TO VACATE

June 7, 2019

Jerry Supleto Chief, Security Guard Diamond Explore Security Agency Brgy, Binga, San Vicente, Palawan

This is to notify you that your structures built within Lot known as Lot. 3970 CAD 860-D is within the Forestland (Timberland) Project No. 9-A, Block J, LC No. 1614 dated September 23, 1952 and also within Lot known as Lot. 3969 CAD 860-D is within the Legal Easement (Salvage Zone) per our Presidential Decree 1067, dated December 31, 1976. 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 utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx;

Section 78. "Any person who enters and occupies or possesses xxx any forestiand or grazing land or part thereof xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof;

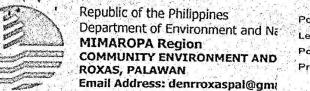
2. Presidential Decree No. 1067, otherwise known as Revised Water Code of the Philippines

Article 51. "The banks of rivers 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 of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing and salvage of any kind".

In view hereof, this Office is giving you 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 order to avoid costly litigation.

Vere-truly yours. ER D/G ARRAEZ **** *** F



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REGISTRY RECEIPT

AND FINAL NOTICE TO VACATE

January 27, 2020

Jerry Supleto Chief, Security Guard **Diamond Explore Security Agency** Brgy, Binga, San Vicente, Palawan

Dear Sir,

In compliance to Memorandum of the Regional Executive Director instructing this Office to conduct follow-up monitoring activities on the status of your compliance to the issued first Notice to Vacate, be informed that based on the monitoring conducted by this Office, as of this date, you still did not comply with our first Notice to Vacate dated June 7, 2019 and received on June 14, 2019. Records of this Office shows that said notice was clearly explained to wherein you are given ten (10) days to comply and it ended last June 24, 2019.

Again, this is to notify you that your structures built within Lot known as Lot. 3970, CAD 860-D is within the Forestland/Timberland Project No. 9-A, Block J, LC No. 1614 dated September 23, 1952 and also within the lot known as Lot No. 3969, CAD 860-D is within the legal easement (Salvage Zone) per our Presidential Decree No. 1067, dated December 31, 1976. 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 1. Philippines:
 - Section 20. No person may utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx; and
 - Section 78. "Any person who enters and occupies or possesses xxx any forestland or grazing land or part thereof xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof.
- 2. Presidential Decree No. 1067, otherwise known as Revised Water Code of the Philippines:
 - Article 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 of public use in the interest of recreation, navigation, floatage, fishing and 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 kind"

In view hereof, as part of due process and in order for you to have more time to comply, this Office is giving you another SEVEN (7) 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 avoid costly litigation.

Very truly yours, CENRO

cc: Barangay Council Brgy, Binga, San Vicente, Palawan

> Barangay 3, Roxas, Palawan Email Address: denrroxas@gmail.com

1)30/01-000 1/30/00



Republic of the Philippines Department of Environment and Natural Resources MIMAROPA Region COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE ROXAS, PALAWAN Email Address: denrroxaspal@gmail.com

February 28, 2020

Hon. Amy R. Alvarez Municipal Mayor San Vicente, Palawan.

Madam:

This is in connection with the illegal structures/fence erected/constructed within the Timberland and Water Easement areas particularly in Bgy, Binga, San Vicente, Palawan.

Be informed that in coordination with the Local Government Unit (LGU) of the said Barangay, our Office conducted inspection/investigation on the Diamond Explore Security Agency and found to be occupying illegally the subject area. Our Office had already issued two (2) Notices to Vacate including the Final Notice directing for the last time Mr. Jerry Supleto, Chief, Security Guard of the Diamond Explore Security Agency, who is illegally occupying the said area in violation with Presidential Decree (PD) No. 705, as amended, otherwise known as Revised Forestry Code of the Philippines and Article 51 of Presidential Decree No. 1067, Water Code of the Philippines to vacate and voluntarily remove the structures and fences they illegally built and failure to comply, our Office will be constrained to take legal action against the perpetrator.

However, up to this writing, the Diamond Explore Security Agency still ignore the said Notices and continue to occupy the said area.

In this regard, pursuant to and in accordance with the provisions of Article 87, (b)(3) (vi) of the Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160), and to the provisions of other pertinent laws, this Office would like to request assistance from your good Office for the removal and demolition of the structures and fences illegally built by the said firm of the said Barangay in order to avoid further environmental damage resulting to disadvantage of government due to misappropriation of natural resources.

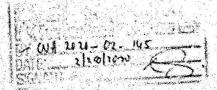
Hoping for your immediate action on our request.

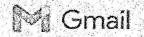
Very truly yours.

For the CENRO:

IE B. GANDEZĂ

DMO IV/ Office In-Charge





Emer D. Garraez <denrroxaspal@gmail.com>

ILLEGAL STRUCTURES/FENCE ERECTED/CONSTRUCTED WITHIN TIMBERLAND AND WATER EASEMENT AREAS

3 messages

11/6/2020

Emer D. Garraez <denrroxaspal@gmail.com> To: mosanvicente@yahoo.com, mosanvicentepalawan@yahoo.com

Fri, Feb 28, 2020 at 10:05 AM

Good morning!

Please see attached file.

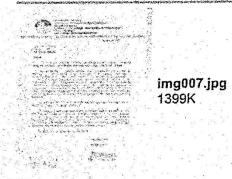
Kindly acknowledge receipt of this email. Thank you.

EMER D. GARRAEZ Community Environment and Natural Resources Officer

DENR-CENRO Roxas, Palawan Sandoval Street, Bgy. III Roxas 5308 Palawan PHILIPPINES

Email: denrroxaspal@gmail.com

Contact Number: Globe: 09171606578



Emer D. Garraez <denrroxaspal@gmail.com> To: Ian Echanes <ianechanes@gmail.com>

Good morning po!

Makisuyo po para kay mayor. Thank you po.

EMER D. GARRAEZ Community Environment and Natural Resources Officer Fri, Feb 28, 2020 at 10:26 AM

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DENR-CENRO Roxas, Palawan Sandoval Street, Bgy. III Roxas 5308 Palawan PHILIPPINES

Email: denrroxaspal@gmail.com

Contact Number: Globe: 09171606578

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LGU-San Vicente, Palawan Mayor's Office <mosanvicentepalawan@yahoo.com> Fri, Feb 28, 2020 at 11:23 AM Reply-To: "LGU-San Vicente, Palawan Mayor's Office" <mosanvicentepalawan@yahoo.com> To: "Emer D. Garraez" <denrroxaspal@gmail.com>

28 February 2020

EMER D. GARRAEZ Community Environment and Natural Resources Officer DENR-CENRO Roxas, Palawan

Dear CENRO Garraez:

This acknowledges the receipt of your communication. Thank you.

CEDRIC JAMES B. PULGA Office of the Municipal Mayor Local Government Unit of San Vicente

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Gmail

MES,

Fr afort I a generation of the formation of the formation

2/21/20

and

RE: Updated NTV

1 message

ARDTS MIMAROPA <ardts.mimaropa@gmail.com> To: "Arnoldo A. Blaza, Jr." <denrroxaspal@gmail.com>

Thu, Feb 20, 2020 at 3:36 PM

Dear Sir Amold,

Good day!

Kindly update us the status of the Notice to Vacate and the easement that you have submitted to us for your info,

Please advise,

Thank you

Best regards, Office of the ARDTS

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July 28, 2020

Hon. Amy R. Alvarez Municipal Mayor San Vicente, Palawan.

Madam:

Greetings!

This is a follow-up letter on our request, dated February 28, 2020, seeking assistance from your good Office for the removal and demolition of the structures and fences illegally erected/constructed/built by the Diamond Explore Security Agency led by Mr. Jerry Supleto, Chief, Security Guard of the Diamond Explore Security Agency within the area classified as Timberland and within the water easement area particularly in Bgy. Binga, San Vicente, Palawan of which the information can be gleaned on the data that is contained in our previous letter.

With the advent of the Lab Security and Intelligence Agency that took over the Diamond Explore Security Agency to occupy the same subject area, this Office would like to reiterate our request for an assistance from your good Office for the removal and demolition of the same, pursuant to and in accordance with the provisions of Article 87, (b)(3) (vi) of the Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160) in order to avoid further environmental damages.

Hoping that this request merit your attention and your immediate action on this matter is highly appreciated.

Thank you and more power.

Very truly yours,

<u>CENRO</u>

20.00 - 07- 994 7-29-20



Republic of the Philippines Department of Environment and Natural Resources MIMAROPA Region COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE ROXAS, PALAWAN Email Address: denrroxaspal@gmail.com

October 12, 2020:

Hon. Amy R. Alvarez Municipal Mayor San Vicente, Palawan.

Madam:

Greetings!

This is in connection with the letter of LMA Law Office, Counsel for Binga Beach Brothers, Inc. inquiring of the status of the removal and demolition of structures and fences illegally constructed by a security agency in Barangay Binga, San Vicente, Palawan.

In view of this, we would like to reiterate our follow-up letter, dated July 28, 2020 regarding our request, dated February 28, 2020, seeking assistance from your good Office for the removal and demolition of the structures and fences illegally erected/constructed/built formerly by the Diamond Explore Security Agency led by Mr. Jerry Supleto, Chief, Security Guard of the Diamond Explore Security Agency within the area classified as Timberland and within the water easement area particularly in Bgy. Binga, San Vicente, Palawan of which the information can be gleaned on the data that is contained in our previous letter.

With the departure of Diamond Explore Security Agency handing over the same subject area to the Lab Security and Intelligence Agency which took over and occupy, this Office would like to reiterate our request for an assistance from your good Office for the removal and demolition of the same, pursuant to and in accordance with the provisions of Article 87, (b)(3) (vi) of Administrative Order No. 270, Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160) in order to avoid further environmental damages.

Hoping that this request merits your attention and your immediate action on this matter is highly appreciated.

Thank you and more power.

Very truly yours,

CENRO

Copy Furnished:

Kim Gaza HR/Legal Assistant LMA Law Unit 22,2/F ZETA II Building 191 Salcedo St., Legaspi Village, Makati City Philippines

- W # 2020-10- 1423



R4B CENRO Roxas Palawan <centoroxaspalawan@denr.gov.ph>

REQUEST FOR ASSISTANCE FOR THE REMOVAL & DEMOLITION OF THE STRUCTURES & FENCES ILLEGALLY CONSTRUCTED FORMERLY BY DIAMOND EXPLORE SECURITY AGENCY

3 messages

R4B CENRO Roxas Palawan <centroroxaspalawan@denr.gov.ph> To: mosanvicentepalawan@yahoo.com Wed, Oct 14, 2020 at 4:04 PM

Good day!

Please see attached file. Thank you.

EMER D. GARRAEZ Community Environment

and Natural Resources Officer

DENR-CENRO Roxas, Palawan

Sandoval Street, Bgy. III, Roxas, Palawan 5308

PHILIPPINES

Email: cenroroxaspalawan@denr.gov.ph

Contact Number: Globe: 09175028647

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R4B CENRO Roxas Palawan <cenroroxaspalawan@denr.gov.ph> To: khgaza@lmalaw.org

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khgaza@Imalaw.org <khgaza@Imalaw.org> To: R4B CENRO Roxas Palawan <cenroroxaspalawan@denr.gov.ph>

Dear Cenro Emer.

This is to acknowledge receipt of the 3rd tetter to Local Government Unit of San Vicente.

Thank you very much.

Best regards,

Wed, Oct 14, 2020 at 4:13 PM

Wed, Oct 14, 2020 at 4:19 PM

neps://mail.googld.com/mail/u/07ik=dee19ddc0e&view=pl3search=all3permitiid=thread-a%3Ar-9960929919026781248s/mpl=msg-a%3Ar-22507.....1/

Department of Environment and Natural Resources Mail - REQUEST FOR ASSISTANCE FOR THE REMOVAL & DEMOLITION OF ...

Kim Gaza

HR/Legal Assistant

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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 3, 2021

Kimberly H. Gaza HR/ Legal Assistant LMA Law, Unit 22, 2/F ZETA II Building 191 Salcedo Street, Legaspi Village, Makati City khgaza@lmalaw.org

Madam:

This pertains to your inquiry dated 26 October 2021 on behalf of your client BINGA BEACH BROTHERS, INC., (BBB) on the instruction of the Regional Executive Director to this Office to deploy a team to conduct delineation of 20 and 40 meter easements under P.D. 1067 and issued Notice to Vacate (NTV) to owners of structures found within the easement zone of the properties situated at Sitio Lumambong, Barangay Binga, San Vicente, Palawan.

Please be informed that the abovementioned instruction had just been received on October 20, 2021, but the delineation of 20 and 40 meter easement of the subject area had already been conducted since May 20, 2019 which confirmed that those lots are wholly within the overlapping water easements of the sea and the stream, and also the Notice to Vacate had already been served to the occupants since May 20, 2019, June 7, 2019 and January 27, 2020. Further, this Office had already written a letter to the Mayor of the Municipality of San Vicente on February 28, 2020 to seek for an assistance to demolish said structures erected within water easement zones, likewise follow-ups had also been made on July 28, 2020 and October 12, 2020 because the removal and demolition of such structures illegally built is under the authority of the Mayor as provided in Article 87, (b)(3) (vi) of the Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160), but as of this writing this Office has yet to get reply.

With failed efforts on our coordination with the Mayor, this Office is planning to file an appropriate charge in proper Court of law to prosecute the occupants, to be pursued after Covid-19 travel restrictions imposed by the local government of San Vicente, Palawan shall have been lifted for us to gather additional information needed for filing of case.

We trust that you have been properly informed.

Very truly yours, **RONIE B. GANDEZA** OIC, CENRO



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