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Department of Environment and Natural Resources
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MEMORANDUM

FOR : The Assistant Regional Director for Technical Services
DENR MIMAROPA
The PENR Officer
PENRO Palawan
The CENR Officer
CENRO Calamianes Islands, Coron, Palawan
The Chief, Litigation and Prosecution Division
DENR Legal Affairs Service
The Chief, Land Classification Division
National Mapping and Resource Information Authority
The Chief, Land Management Division
Land Management Bureau

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

SUBJECT : **AGREEMENTS OF THE MEETING RE: UNIFIED STAND ON
THE YOLANDA PERMANENT HOUSING PROJECT (YPHP)
WITHIN THE BUSUANGA PASTURE RESERVE (BPR)**

DATE : **MAR 21 2022**

This is to furnish you the final copy of the highlights of the meeting regarding the Discussion/Preparation of the unified stand of the DENR on the Yolanda Permanent Housing Project (YPHP) within the Busuanga Pasture Reserve (BPR) held last 04 March 2022.

The discussions in the meeting led to the agreement that the decision to be communicated in the TWG meeting with IATF-Yolanda scheduled last 08 March 2022 is: **Based on the result of the investigation of DENR MIMAROPA, it is not possible for the DENR to lift the hold in abeyance order therefore the project cannot proceed. With that, the DENR recommends for NHA to identify other areas that are within public lands but not within BPR anymore, which the DENR may be of assistance.**

It was also discussed during the meeting, the draft Presidential Proclamation entitled "*Repealing Proclamation No. 663 series of 2013 and transferring the administration of the Busuanga Pasture Reserve to the MIMAROPA Regional Office of the Department of Environment and Natural Resources (DENR)*". However, this Office inadvertently failed to include in the previous report the discussion on the draft Presidential Proclamation wherein

the Assistant Regional Director for Technical Services of DENR MIMAROPA concurred and posed no objection on the transfer of administration and management of BPR to their Office.

In line with this, attached herein is the revised meeting report of the FRDS/BPRMO staff containing the highlights of discussions and agreements on the YPHP concerns and the draft Presidential Proclamation repealing PP No. 663 on the transfer of BPR administration to the DENR MIMAROPA Regional Office.

FOR YOUR INFORMATION, PLEASE.



MARCIAL C. AMARO JR., CESO II

cc: *The Undersecretary for Policy, Planning and International Affairs*
 The Undersecretary for Field Operations- Luzon and Visayas
 The Undersecretary for Legal, Administration, Human Resources and Legislative Affairs

HIGHLIGHTS OF THE MEETING

DISCUSSION/PREPARATION OF THE UNIFIED STAND OF THE DENR ON THE YOLANDA PERMANENT HOUSING PROJECT WITHIN THE BUSUANGA PASTURE RESERVE (BPR)

04 March 2022

The meeting which started at around 9:15 A.M. and was presided by Asec. Marcial C. Amaro, Jr. The meeting was attended by the following representatives from different DENR offices, to wit:

Name	Position/Office
1. Marcial C. Amaro Jr., <i>CESO II</i>	Assistant Secretary for Policy, Planning and Foreign-Assisted and Special Projects and FMB Director, in concurrent capacity
2. Vicente Tuddao	Assistant Regional Director for Technical Services, DENR MIMAROPA
3. Arnoldo Blaza Jr.	CENR Officer, CENRO Coron, Palawan
4. Karren Cecil Panopio-Lofranco	OIC Chief, Litigation and Prosecution Division (LPD), DENR Legal Affairs Service (LAS)
5. Maria Emma Gille Mercado	Attorney III, LPD- DENR LAS
6. Donald Dwight Omega	Attorney III, LPD- DENR LAS
7. Rene Orallo	Special Investigator II, LPD- DENR LAS
8. Beata Batadlan	Chief, Land Classification Division, National Mapping and Resource Information Authority (NAMRIA)
9. Alex C. Pascua	Chief, Land Management Division, Land Management Bureau (LMB)
10. Ma. Sarah Mirandilla	Research Analyst II, LMB
11. Norlito P. Sarmiento	Officer-In-Charge, Forest Investment Development Division (FIDD)
12. Kathleen Q. Marasigan	Senior Forest Management Specialist, Forest Revenue Development Section (FRDS)-FIDD
13. Danelyn T. Delos Reyes	Forest Management Specialist II, FRDS-FIDD
14. Richard P. Galagate	Project Operations Control Officer (POCO), BPR Management Office (BPRMO)
15. Frances Nicole A. Lavapie	Project Development Officer, FRDS/BPRMO



Screen capture of the attendees

HIGHLIGHTS OF THE MEETING

Highlights	Response/Agreements
Before the discussion, For. Sarmiento presented the background of the issue regarding the YPHP within BPR, antecedents, result of the investigation of DENR MIMAROPA and the land suitability and hazard risk analysis of the area covered by TCT No. T-8335 using GIS.	
<p>Mr. Alex Pascua of LMB:</p> <ul style="list-style-type: none"> • Even if the land is suitable for housing, or is not susceptible to hazards such as flooding and landslide, the accessibility to economic opportunities should also be considered. • If the project pushes through, the people might encroach the area outside the resettlement area since the 23.96 hectare-area is not sufficient. 	<ul style="list-style-type: none"> • Asec. Amaro agreed on the possibility of encroachment to other areas due to the growth of settlements and reiterated that since bulk of the area is for strict protection and protection buffer, very little area would be made available for the project.
<p>Atty. Panopio-Lofranco:</p> <ul style="list-style-type: none"> • If the decision would be to proceed with the project, the title should be revoked first, then reclassify the area into alienable and disposable lands. 	
<p>Atty. Dwight Omega:</p> <ul style="list-style-type: none"> • The current laws cannot back up the project in terms of legality. • Options to resolve the issue re: YPHP: <ul style="list-style-type: none"> a. Stop the project <ul style="list-style-type: none"> ○ Pros: issues can be resolved while temporarily halted ○ Cons: The project will be held in abeyance b. Reclassification of the subject lot <ul style="list-style-type: none"> ○ Pros: This would make the project possible to continue ○ Cons: lengthy process c. Revert the OCT <ul style="list-style-type: none"> ○ Pros: the subject lot would be of the public domain again ○ Cons: lengthy process d. Issue a tenorial instrument e. Identify other areas for the project to take place 	<ul style="list-style-type: none"> • Re: the 4th option, Asec. Amaro mentioned that it is contrary to forest laws to allow legitimate use of forestlands for housing/resettlement purposes. • The only option left is for NHA/IATF-Yolanda to look for other possible areas.
<p>ARD Vicente Tuddao:</p> <ul style="list-style-type: none"> • Reiterated that the area is not suitable for agricultural production due to the area being acidic, based on a study conducted by the 	

Highlights	Response/Agreements
<p>Development Academy of the Philippines (DAP).</p> <ul style="list-style-type: none"> There is a government land outside BPR that is not under any proclamation that may be suitable for the project instead. 	<ul style="list-style-type: none"> Asec. Amaro instructed to validate the availability of areas outside BPR
<p>Proposed decision to be communicated in the upcoming TWG meeting:</p> <p>Based on the result of the investigation of DENR MIMAROPA, it is not possible for the DENR to lift the hold in abeyance order therefore the project cannot proceed. With that, the DENR recommends for NHA to identify other areas that are within public lands but not within BPR anymore, which the DENR may be of assistance.</p>	<ul style="list-style-type: none"> No objections were raised with the decision proposed by Asec. Amaro. CENRO to identify other possible areas for NHA as projects sites DENR LAS will issue a reply to the February Memorandum of FMB containing their legal findings and what they had expressed in this meeting.
<p>ARD Tuddao re: clarification on the inconsistency between the reports on NAMRIA and DENR MIMAROPA:</p> <ul style="list-style-type: none"> NAMRIA reported that there is no approved land classification in the area where the subject title is located. Meanwhile, DENR MIMAROPA reported that the area falls within Unclassified Public Forest (UPF) since all areas with no approved land classification are considered as UPF. Therefore, both reports are consistent with each other. 	<p>Ms. Batadlan of NAMRIA agreed and has no further comments.</p>
<p>Mr. Pascua on the possibility of filing a case:</p> <ul style="list-style-type: none"> Inquired with Legal whether the DENR is ready to file the case for the reversion of the subject title using the report of DENR MIMAROPA. 	<p>Atty. Panopio-Lofranco responded:</p> <ul style="list-style-type: none"> The DENR can file the reversion proceedings against the subject land title. It can be handled by the Anti-Illegal Land Titling Committee under the LAS.
<p>Other Matters:</p> <p>Draft Presidential Proclamation entitled "Repealing Proclamation No. 663 series of 2012 and transferring the administration of the Busuanga Pasture Reserve to the MIMAROPA Regional Office of the Department of Environment and Natural Resources (DENR)"</p> <ul style="list-style-type: none"> Revisions made were the order/sequence of the Whereas-clauses 	<ul style="list-style-type: none"> Atty. Mercado mentioned that the DENR LAS has no further comments pertaining to the legality of the draft proclamation and is ready for recommendation by Usec. Adobo to the DENR Secretary. However, the document might be returned to FMB for the change of signatory. Since there are multiple reported total areas of the BPR, it was agreed to mention the total area of the BPR based on both, the proclamation (more or less 40,000 hectares) and

Highlights	Response/Agreements
	<p>the actual ground survey of the FMB (37,047.80 hectares).</p> <ul style="list-style-type: none"> • With regard to the sequence of whereas clauses and the addition of exact area coverage of BPR, Atty. Mercado approved the changes made by the FMB, subject to the comments of Atty. Lofranco, Chief of Litigation and Prosecution Division. • ARD Tuddao agreed on the abovementioned points and stated that he has no objection regarding the transfer of BPR administration and management from FMB to DENR MIMAROPA.

There being no additional matters to discuss, the meeting adjourned at 11:00 A.M.


Prepared by:


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Noted by:


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