



## MEMORANDUM

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

THRU : The PENR Officer  
DENR-PENRO Palawan  
Santa Monica, Puerto Princesa City  
Palawan

FROM : The OIC, CENR Officer  
CENRO Calamianes Islands  
Coron, Palawan

SUBJECT : **INVESTIGATION REGARDING REPORTED SURVEYING  
ACTIVITY OF THE DEPARTMENT OF AGRARIAN REFORM  
(DAR) WITHIN THE BUSUANGA PASTURE RESERVE (BPR)**

DATE : NOV 02 2022

Respectfully forwarding herewith is the report of the BPRMO personnel pertaining to the investigation conducted on October 25, 2022, regarding the report that there is an ongoing surveying activity within the BPR which was facilitated Department of Agrarian Reform (DAR).

In reference to the gathered information of the BPR Management Office regarding the ongoing surveying activity of the DAR both in the Municipalities of Coron and Busuanga within the BPR. Please be informed that the BPRMO personnel conducted an investigation on October 25, 2022, regarding the above-mentioned subject. Accordingly, there is a report that the DAR is currently surveying in the area of Brgy. San Jose, Coron, Palawan. The report disclosed the following findings.

### Findings

1. During the conduct of field investigation/documentation, the Team confirmed that the DAR coordinated to the Barangay to survey and subdivide areas of BPR particularly Lot No. 699 CAD 1150-D C6 and there is an ongoing survey activity;
2. The survey team J.T. Cadatal Surveying Office was hired by the DAR to survey and subdivide the area within the BPR particularly Lot No. 699 CAD 1150-D C6;
3. According to Engr. Cadatal of J.T. Cadatal Surveying Office, started their survey on the said area at around the 1<sup>st</sup> week of October and the only documents that the survey



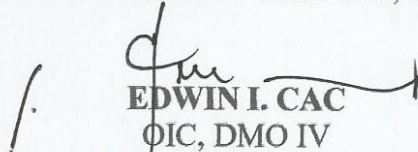
team presented are the Notice to Proceed and contract between DAR and J.T. Cadatal Surveying Office. However, the Team Leader of survey team refused to give a copy/prohibits the team to take photo on the said documents; and

4. The said unlawful activity violates Section 82 *"Survey by Unauthorized Person – Imprisonment for not less than two (2) nor more than four (4) years, in addition to the confiscation of the implements used in the violation of this section including the cancellation of the license, if any, shall be imposed upon any person who shall, without permit to survey from the Director, enter any forest lands, whether covered by a license agreement, lease, license, or permit, or not, and conduct or undertake a survey for whatever purpose"*

Please be informed in connection to the recommendations of the BPRMO personnel, attached is the submitted draft communication letters addressed to the concerned personalities. Also, a separate Memorandum report dated October 26, 2022, was submitted to the FMB Director regarding the matter.

For the Regional Executive Director's information and record.

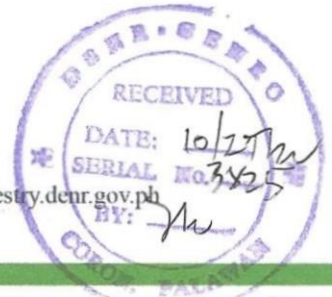
For and in the absence of the OIC, CENRO

  
EDWIN I. CAC  
OIC, DMO IV  
In-charge, Office of the CENRO





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 Website: <https://www.forestry.denr.gov.ph>



## MEMORANDUM

FOR : The OIC, CENR Officer  
CENRO Calamianes Islands  
Coron, Palawan

FROM : The Undersigned, BPR Management Office

SUBJECT : **INVESTIGATION REGARDING REPORTED SURVEYING  
ACTIVITY OF DEPARTMENT OF AGRARIAN REFORM  
(DAR) WITHIN THE BUSUANGA PASTURE RESERVE (BPR)**

## DOCUMENT

ATTACHED : 1. Photo Documentation

DATE : OCT 26 2022

Forest Management Bureau  
BPR MANAGEMENT OFFICE  
**RELEASED**

Date: 10-26-2022  
By: ang PP 5 | 148 | 2  
Ref. Code: 0A022

Respectfully submitted is the report pertaining to the investigation conducted on October 25, 2022, as per Travel Order No. 2022-253 by the BPRMO personnel regarding report that there is an ongoing surveying activity within the BPR which was facilitated Department of Agrarian Reform (DAR)

## Background Information

In reference to the gathered information of the BPR Management Office regarding the ongoing surveying activity of the DAR both in the Municipalities of Coron and Busuanga within the BPR. Please be informed that the BPRMO personnel conducted an investigation on October 25, 2022, regarding the above-mentioned subject. Accordingly, there is a report that the DAR is currently surveying in the area of Brgy. San Jose, Coron, Palawan.

## Field Investigation

The BPRMO personnel first coordinated with the Brgy. Decalachao to confirm if there is an ongoing survey in their area of jurisdiction. Fortunately, during the coordination of the BPRMO personnel, the Barangay Chairman of Brgy. San Jose-Hon. Edgar Villareal is also present in the Barangay hall of to the Brgy. Decalachao. During inquiry to both barangay they confirmed that the DAR coordinated to the Barangay to survey and subdivide areas of BPR particularly Lot No. 699 CAD 1150-D C6. Accordingly, the DAR together with a surveying team started the survey in Brgy. San Jose at around 1<sup>st</sup> to 2<sup>nd</sup> week of October 2022.

On the matter it was informed by the POCO, BPRMO to both Barangay Chairman of San Jose and Decalachao that no coordination to the DENR regarding their activity. Also in the Barangay hall of Brgy. Decalachao, two (2) personnel of DAR namely Mr. Idris S. Kuhutan Jr. and Mr. Raul Joshua T. Belo arrived while the undersigned is having an inquiry with Barangay Chairman. The team inquire from them the activities they are doing in the



area, accordingly they are from the Municipal DAR and they are currently doing survey and validation on occupants pertaining to the area of Lot No. 699 CAD 1150-D C6. A separate team is also doing surveying and subdivision of said lot. On that note it was explained to them that there are no coordination of said activity to the DENR and as administrator of the area there's a need for clearance from FMB for any activity within the reservation. They were also advised to immediately stop their activity.

After the discussing with Mr. Kuhutan Jr. he called (cellular phone) their head in the Municipal DAR and later handed the cellular phone to POCO, BPRMO, Richard John P. Galagate. On the conversation with Mr. Rey Zamoranos, he questioned on why did the team instructed to stop their activity, he further explained that they will continued they surveying and there's a need for the DENR to write their office if the Team want to stop their ongoing activity. POCO, BPRMO Galagate explained to Mr. Rey Zamoranos that the DENR already sent a communication to their office with regards to the activity of DAR within the BPR and assured them that another communication letter will be sent to their office.

The Team also proceeded in the area of Brgy. San Jose where the temporary accommodation of the hired surveyor of DAR, to gather additional information on the matter. On site the team interviewed Engr. Michael Cadatal from the J.T. Cadatal Surveying Office. According to Engr. Cadatal, their company were hired by the DAR to conduct the said survey, he also disclosed that they started there survey on the said area at around the 1<sup>st</sup> week of October. He also shows in his phone the target area that they are currently survey. In addition when asked about the legality of their activity, he answered that they have a Notice to Proceed and contract from DAR and no other documents from the DENR.

On the copy of said Notice to Proceed, Engr. Cadatal stated that Mr. Roderick P. Angel has a copy of said documents that is currently on site surveying the area. On the matter to document their activity the Team proceeded to the area of Mr. Angel. On site the team documented their activity (please see attached photo), it was also note that members of PESANTE Pilipinas is onsite together with surveying team. When we asked for the document to Mr. Angel he only shows the documents and prohibits the team to take a photo on said documents. On the document presented it is a notice to Proceed issued by PARO Conrado S. Guevarra to the surveying team.

On both interview with Engr. Cadatal and Mr. Angel the undersigned POCO, BPRMO Galagate stated to them that the area they are surveying is a reservation and it administered by the DENR-FMB thru the BPR Management Office, further explained to them that any activity on the said reservation must need to have Clearance from FMB. Lastly, both them was advised to stop their activity and clarify first to DAR regarding the legality of their activity.

### **Findings**

1. During the conduct of field investigation/documentation, the Team confirmed that the DAR coordinated to the Barangay to survey and subdivide areas of BPR particularly Lot No. 699 CAD 1150-D C6 and there is an ongoing survey activity;
2. The survey team J.T. Cadatal Surveying Office was hired by the DAR to survey and subdivide the area within the BPR particularly Lot No. 699 CAD 1150-D C6;


3. According to Engr. Cadatal of J.T. Cadatal Surveying Office, started their survey on the said area at around the 1<sup>st</sup> week of October and the only documents that the survey team presented are the Notice to Proceed and contract between DAR and J.T. Cadatal Surveying Office. However, the Team Leader of survey team refused to give a copy/prohibits the team to take photo on the said documents; and
4. The said unlawful activity violates Section 82 *"Survey by Unauthorized Person – Imprisonment for not less than two (2) nor more than four (4) years, in addition to the confiscation of the implements used in the violation of this section including the cancellation of the license, if any, shall be imposed upon any person who shall, without permit to survey from the Director, enter any forest lands, whether covered by a license agreement, lease, license, or permit, or not, and conduct or undertake a survey for whatever purpose"*


### **Recommendations**


1. To forward the matter to the DENR-FMB and Regional Office for information and further instructions;
2. To send communication letters on the personalities involved regarding their unauthorized survey inside the BPR citing the existing rules, laws and regulations of the DENR

In connection with the said recommendation, attached is the communication letters for approval.

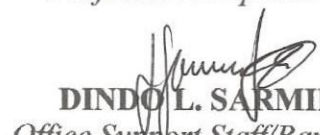
For the OIC, CENRO's information, further instruction/s if any and approval.

  
**RICHARD JOHN P. GALAGATE**  
Project Operations Control Officer

  
**ROMEL E. GACAYAN**  
Office Support Staff/Bantay Gubat

  
**MICHAEL N. ACBANG**  
Office Support Staff/Bantay Gubat

  
**DESIREE YVETTE A. SANDOVAL**  
Project Development Officer

  
**DINDO L. SARMIENTO**  
Office Support Staff/Bantay Gubat



## PHOTO DOCUMENTATION



**Figure 1.** Coordination of the BPRMO personnel in Brgy. Chairman of Decalachao and Brgy. Chairman of San Jose at Brgy. Decalchao, Coron, Palawan within the BPR

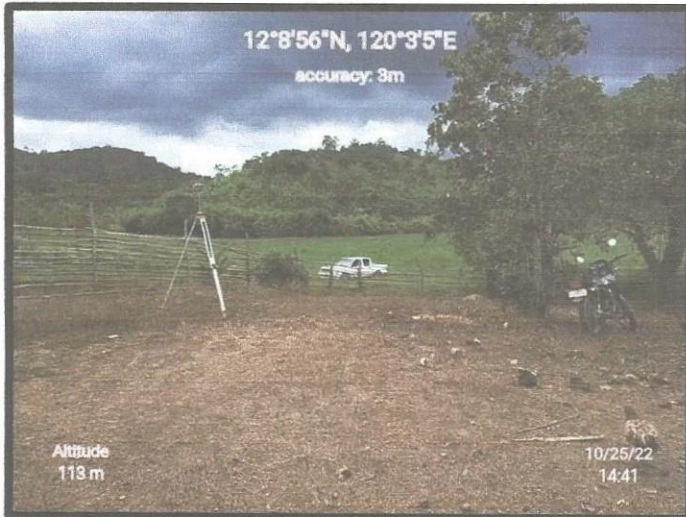


**Figure 2.** Investigation of the BPRMO personnel with the DAR personnel – Mr. Idris S. Kuhutan, Jr.

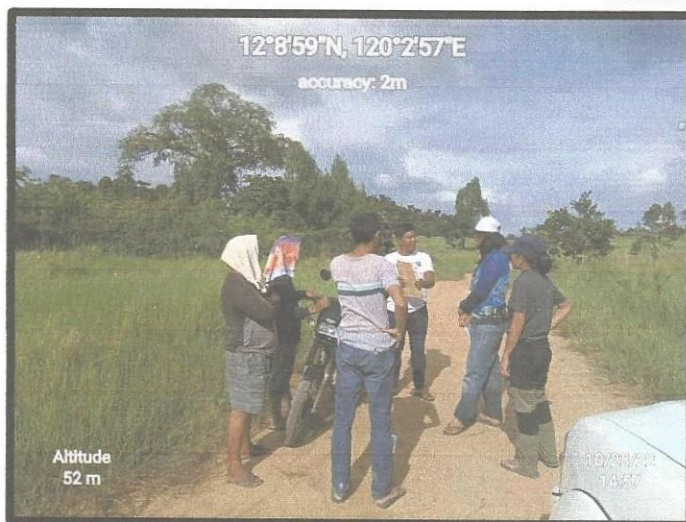


**Figure 3.** Investigation of the BPRMO personnel with the J.T. Cadatal Surveying Office personnel – Engr. Michael Cadatal (From the right view of the photo, next to POCO Galagate)





**Figure 4.** Documented tools used by the J.T. Cadatal Survey Team at Brgy. San Jose, Coron, Palawan within the BPR



**Figure 5.** Investigation of the BPRMO personnel with the Team Leader— Roderick P. Angel of J.T. Cadatal Survey Team at Brgy. San Jose, Coron, Palawan within the BPR

November 2, 2022

**MR. CONRADO S. GUEVARRA**

Provincial Agrarian Reform Program Officer  
Department of Agrarian Reform-Coron

Thru : **MR. GENARDO G. HERMAN, JR.**  
Municipal Agrarian Reform Program Officer  
Coron, Palawan

Dear **MR. GUEVARRA**;

This pertains to the Memorandum report dated October 26, 2022, regarding the reported surveying activity of the Department of Agrarian Reform Program within the Busuanga Pasture Reserve. Disclosed on the report that during the investigation of the BPRMO personnel that your office hired J.T. CADATAL Surveying Office to Survey and subdivide the area particularly Lot No. 699 CAD 1150-D C6 in the area of Brgy. Decalachao & Brgy. San Jose. Within the area of the Reservation. It was also disclosed that the Contractor only presented Notice To Proceed signed by Mr. Conrado S. Guevarra, PARO, DAR.

Regarding with the distribution of areas of BPR by the DAR in reference to the letter dated May 10, 2022, address to Mr. Conrado S. Guevarra - Provincial Agrarian Reform Program Office, DAR. From the CENR Officer, Arnoldo A. Blaza Jr., your office has been informed that there were no instructions to this office from Forest Management Bureau who directly manage the area as per Presidential Proclamation No. 633 series of 2013 or from the Central Office of the DENR. As such your activity is in violation of the DENR laws and Regulation.

Furthermore, on a letter dated Oct. 20 2021 address to Atty. Elmer N. Distor, Undersecretary, Field Operations Office, Department of Agrarian Reform, attention to Atty. Marvin V. Bernal, Regional Director, DAR MIMAROPA Region and Daisy D. Magbanua, OIC-Provincial Agrarian Reform Program Officer II, DAR Provincial Office – Palawan from Marcial C. Amaro Jr. FMB Director, the letter pertains to issuance of Certificate of Land Ownership Awards (CLOAs) within the BPR. The FMB Director requested to immediately hold in abeyance the issuance of CLOAs within the BPR.

On the above notes and considering that the subject area of survey is within the Busuanga Pasture Reserve (BPR), please be reminded that the BPR is covered by the following:

- **Presidential Proclamation 1387 issued on 1975** – Reserving and establishing as a Pasture Reserve a certain parcel of land of the public domain situated in the island of Busuanga, Province of Palawan

*Whereas, do hereby withdraw from sale, lease, settlement or any other form of disposition, exploration or exploitation, and reserve as a pasture reserve, subject to private rights.*

- **Presidential Proclamation 2057 issued on 2010** - Authorizing the Philippine Forest Corporation to Administer the development of the area covered by the Busuanga Pasture Reserve delineated by Presidential Proclamation No. 1387 dated 13th February 1975, situated on the island of Busuanga, Province of Palawan



*Whereas, a parcel of public domain situated in the island of Busuanga, Province of Palawan, was withdrawn from "sale, settlement or any other form of disposition, exploration or exploitation," except through lease, and was decreed "reserved as pasture reserve" by Presidential Proclamation No. 1387;*

*Whereas, since 1975, pasture-related interventions undertaken in the area have failed to achieve their desired results;*

*Whereas, the Bukidnon Forest Corporation belonging to the Department of Environment and Natural Resources (DENR) was expanded into the Philippine Forest Corporation (PFC) to implement, among others, support activities all over the country to the President's agribusiness development program, including agroforestry and the development of marginal lands;*

- **Presidential Proclamation No. 663 issued on 2014** – Repealing Proclamation No. 2057 and transferring the administration of Busuanga Pasture Reserve to the Forest Management Bureau (FMB) of the Department of Environment and Natural Resources (DENR)

*Whereas, Benigno S. Aquino III - President of the Philippines transferred the administration of the area covered by BPR from the Philippine Forest Corporation (PhilForest) to the Forest Management Bureau of the Department of Environment and Natural Resources (DENR).*

Regarding to the survey of lands within the BPR, please be informed that there were no instructions to this Office from the Forest Management Bureau who directly manage that areas as per Presidential Proclamation 663 series of 2013 or from the DENR Central office regarding the matter. As such, surveying of areas inside the BPR without pertinent documents is in violation of:

- **Section 82 of Presidential Decree 705 as amended** (Revised Forestry Code of the Philippines) - Survey by Unauthorized Person.

*"Imprisonment for not less than two (2) nor more than four (4) years, in addition to the confiscation of the implements used in the violation of this section including the cancellation of the license, if any, shall be imposed upon any person who shall, without permit to survey from the Director, enter any forest lands, whether covered by a license agreement, lease, license, or permit, or not, and conduct or undertake a survey for whatever purpose"*

Furthermore, this Office advises you to refrain/stop from conducting survey activity inside the BPR without proper coordination with the DENR-FMB and pertinent documents said survey activity to avoid charged of existing DENR laws, rules and regulation.

Please be guided accordingly.

Very truly yours,

For and in the absence of the OIC, CENRO

**EDWIN I. CAC**  
OIC, DMO IV  
In-charge, Office of the CENRO





Republic of the Philippines  
Department of Environment and Natural Resources  
**FOREST MANAGEMENT BUREAU**  
Visayas, Avenue, Diliman, 1100 Quezon City  
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E-mail Address: [fmb@denr.gov.ph](mailto:fmb@denr.gov.ph) Website: <https://www.forestry.denr.gov.ph>



**OCT 20 2021**

**ATTY. ELMER N. DISTOR**

Undersecretary  
Field Operations Office  
Department of Agrarian Reform  
Elliptical Road, Diliman, Quezon City

Attention : **ATTY. MARVIN V. BERNAL**  
Regional Director  
DAR MIMAROPA Region

**DAISY D. MAGBANUA**  
OIC-Provincial Agrarian Reform Program Officer II  
DAR Provincial Office - Palawan

Dear Sir:

Greetings!

This pertains to the issuance of Certificate of Land Ownership Awards (CLOAs) within Busuanga Pasture Reserve (BPR) despite the pending protest of this Office and in the absence of validation of the area. Pursuant to Presidential Proclamation No. 663, series of 2013, the Forest Management Bureau is the administrator of BPR. It has jurisdiction and authority over the administration, protection, management of pasture lands in the area. The CLOA signed by DAR Secretary John R. Castriciones covers Lot No. 535 and Lot No. 385, CAD 1150-D and Lot Number 697, CAD 1150-Case D with an area of 27.5807, 127.5156, and 427 hectares, respectively.

Upon review and evaluation of CLOA with Lot numbers 535 and 385, CAD 1150-D as previously described in the Deed of Transfer of DAR, this Office finds the area as forest land and some parts of the area within the >18% slope. Based on the analysis, 4.03 and 65.91 hectares of Lot No. 535 and Lot No. 385, CAD 1150-D fall within the >18% slope of BPR. Moreover, a review of Lot Number 697, CAD-1150 case D, reveals that 386.84 hectares out of the 486.06 hectares (80%) fall under the category of >18% slope.

It can be recalled that the Dispute Resolution Committee (DRC) of the Department of Justice (DOJ) terminated the conciliation proceedings and issued a Certificate of No Settlement in its final conciliation hearing on 17 August 2020. The DENR is still waiting for the decision of the Department of Agrarian Reform Adjudication Board (DARAB) on the protest on the cancellation of Notice to Proceed Acquisition (NTPA) of Busuanga Pasture Reserve (BPR) lands. In the absence of the said decision from DARAB, this Office is of the considered view that the distribution of CLOAs within BPR violates existing laws. Also, this Office maintains




its position that Executive Order No. 75 is not applicable to the BPR. Hence, the BPR is withdrawn from "sale, settlement or any other form of disposition, exploration or exploitation and reserve as a pasture reserve" pursuant to Presidential Proclamation No. 1387, s. 1975.

In view of the foregoing, we are requesting your good Office to immediately hold in abeyance the issuance of CLOAs within BPR until the issues surrounding the matter has been resolved.

Please be guided accordingly.

Very truly yours,

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

cc:    The Undersecretary for Field Operations and Environment, DENR  
      The Undersecretary for Legal, Administration, Human Resources and Legislative Affairs, DENR  
      The Head Executive Assistant, Office of the Secretary - DENR  
      The Director, DENR Legal Affairs Service  
      The Regional Executive Director, DENR MIMAROPA





Republic of the Philippines  
**Department of Environment and Natural Resources**  
Community Environment and Natural Resources Office  
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Telephone No. +63 917 504 2633  
E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

MAY 10 2022

**MR. CONRADO S. GUEVARRA**  
Provincial Agrarian Reform Program Officer  
Department of Agrarian Reform-Coron

Thru : **MR. GENARO G. HERMAN, JR.**  
Municipal Agrarian Reform Program Officer  
Coron, Palawan

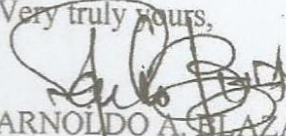
Dear **Mr. GUEVARRA**,

This is in relation to the information received by the CENR Office regarding implementation of Executive Order No. 75, Series of 2019 in the area coverage of the Busuanga Pasture Reserve (BPR). On April 29, 2022 information are circulating in Coron Palawan that your Office, the Department Of Agrarian Reform is distributing parcel of within the BPR thru Certificate of Land Ownership Award's (CLOA's). It was mentioned that the location of subject area for distribution is in Brgy. Cheey, Busuanga (Now Brgy. Decalachao & Brgy. San Jose, Coron Palawan), with a total area of 2,105.2301 has. more or less, pertains to Lot No. 699 of CAD 1150-D C6.

Considering that the subject area for the said distribution is within the Busuanga Pasture Reserve (BPR) as per Presidential Proclamation No. 663 series of 2013, the FMB has the jurisdiction and authority over the administration, protection and management of the area. Regarding to the distribution of lands within the BPR, please be informed that there were no instructions for this Office from the Forest Management Bureaus who directly manage the area as per Presidential Proclamation No. 663 series of 2013 or from the DENR Central Office regarding the matter. As such this is in violation of Presidential Proclamation 1387 and P.D. 705, without directives from the mentioned DENR Offices, this Office will continue to discharge its duties of enforcing environmental laws, rules and regulations based on the said Presidential Proclamation on the management of the reservation.

Please be guided accordingly.

Very truly yours,

  
**ARNOLDO A. BLAZA JR.**  
CENR Officer

