



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
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27 October 2022

MEMORANDUM

FOR : The Regional Executive Director
THRU : The PENR Officer
FROM : The CENR Officer
SUBJECT : **ORDER OF 27 DECEMBER 2017 AMENDING FLAGT NO. DENR IV-MIMAROPA-11302030-0002 IN THE NAME OF EMELIE L. BESAGA IN BGY. PORT BARTON, SAN VICENTE, PALAWAN**

Having finally been delineated on the ground as amended, may we request for copy of the amended version of the FLAgT subject hereof if any was issued anew. On the negative, legal opinion is hereby respectfully sought on whether or not there would be a need to issue one consistent with its new metes and bounds, hereby requesting issuance thereof and kindly furnishing us a copy, should it appear necessary prior to evaluation of intents over the portion excluded therefrom.

Thank you for helping us settle doubts in the implementation of the order on the matter as directed.

For the CENR Officer:

RONNIE P. LILANG
Chief, Regulation and Permitting Section
Office-In-Charge

Copy:
The Parties
File

11-24-22
PA -



PABLO CRUZ
CENR Officer
CENRO Roxas, Palawan

October 21, 2022

SUBJECT: **IMPLEMENTATION OF THE DECISION IN DENR CASE NO. 5904 ENTITLED "DIGNA MATALANG COCHING, SPS FELIPE ACOSTA AND LUZVIMINDA ACOSTA, APPELLANTS, VERSUS EMELIE L. BESAGA, APPELLEE"**

Sir:

Greetings!

The undersigned is writing on behalf of my client, Lusviminda Acosta. This pertains to the implementation of the decision in DENR Case No. 5904 (DIGNA MATALANG COCHING, SPS FELIPE ACOSTA AND LUZVIMINDA ACOSTA, APPELLANTS, VERSUS EMELIE L. BESAGA, APPELLEE) as per the Memorandum from DENR-MIMAROPA dated January 20, 2022 (copy of the memorandum dated January 20, 2022 is attached herein as Annex "A").

The said memorandum states:

Based on the foregoing , the CENRO Roxas, Palawan is instructed to implement the Order dated December 27, 2017 in compliance with the Memorandum dated January 26, 2016 of the Office of the Assistant Secretary for Legal Affairs as well as the subject Memorandum , secure the assistance of the local government unit concerned and personnel of the Philippine National Police, and immediately submit a report of compliance hereof.

From the said Memorandum, it is clear that the CENR Officer of CENRO Roxas, Palawan is the responsible official tasked to implement the aforesaid decision, particularly the implementation of the Notice to Vacate dated August 20, 2020 from the Regional Executive Director ordering Emelie Besaga to vacate the subject area in the decision (copy of the Notice to Vacate is attached as **Annex "B"** hereof).

The said Notice to Vacate was not implemented because Emelie Besaga filed a Motion to Quash to challenge the said Notice to Vacate and the Order dated December 27, 2017. However, as per the Notice from the Regional Director of DENR MIMAROPA dated August 25, 2021, the said Motion to Quash has been denied because the Regional Director stated that the judgment has become final and can no longer be modified nor disturbed (copy of the said notice dated August 25, 2021 is attached herein as **Annex "C"**).

Please take note that as of March 21, 2022, there has been a relocation survey of the subject area of the decision and the existing structures of Ms Besaga inside Lot 4512 and 4514 were already identified. See copy of the Memorandum from PENRO Palawan dated March 21, 2022 and attachments as **Annex "D"**.

In lieu of the above, it is most respectfully prayed that the Order dated December 27, 2017 should be immediately implemented by this Honorable Office, including the aspect of enforcing the Notice to Vacate against Besaga. As per the Memorandum dated January 20, 2022, the CENRO Roxas was specifically mandated to fully implement the aforesaid order. The CENRO Roxas, Palawan is mandated to secure the assistance of the LGU and PNP Personnel. Hence, the CENR Officer of Roxas, Palawan no longer has any option but to implement the said decision. He cannot pass the implementation to the LGU. The continued non implementation of the said order is Prejudicial to the interest of my client who has been deprived of the enjoyment and position of the subject property for many years when the Supreme Court has already rendered a final and executory decision over the subject matter since September 21, 2015.

Wherefore, it is prayed that your Honorable Office should take immediate action and implement the said decision. Otherwise, my client will be constrained to file the necessary action to protect her interest, including but not limited to filing administrative cases before the Office of the Ombudsman for Grave Misconduct and/or Gross Neglect of Duty as well as other pertinent administrative disciplinary cases.

Very truly yours,



ATTY. RYAN P. ACOSTA