



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Telephone No. 717-0892
Email address: cenroroxaspalawan@denr.gov.ph

27 October 2022

MEMORANDUM

FOR : The PENR Officer

Attention : *The Legal Team*

FROM : The CENR Officer

**SUBJECT : LETTER OF 21 OCTOBER 2022 RE: IMPLEMENTATION OF THE
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**

Endorsed for recommended course of action is the letter subject hereof, informing that while the subject forest land tenure was amended, no amended version thereof was furnished this Office, i.e., if any was issued anew as this Office deems it necessary. Attached for comment is copy of our request on the matter.

Thank you for advising us along.

For the CENR Officer:

RONNIE P. LILANG

Chief, Regulation and Permitting Section
Office-In-Charge

DENR-CENRO ROXAS
RELEASED
DATE: NOV 07 2022
BY: [Signature]
DOC. NO. 2022-11-1702

Copy:
File



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Telephone No. 717-0892
Email address: cenroroxaspalawan@denr.gov.ph

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 kindly furnishing us a copy, should it appear necessary.

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

For the CENR Officer:

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

Copy:
The Parties
File

DENR-CENRO ROXAS
RELEASED
DATE: NOV 07 2022

BY:
2022-11-17 02A

ACOSTA -PEDROSA LAW OFFICE
PC Arcade Building, Junction 1, Barangay San Miguel
Puerto Princesa City



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



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

CERTIFIED TRUE / PHOTO COPY

9.7.124
ATTY. GANDHI G. FLORES
Chief Legal Division
DENR MIMAROPA Region

ANNEX 

MEMORANDUM

TO : The OIC, PENR Officer
Palawan

ATTENTION : *The CENR Officer
Roxas, Palawan*

FROM : The OIC, Regional Executive Director

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

DATE : JAN 29 2022

This refers to the Memorandum dated January 6, 2022 from the Director of the Legal Affairs Service regarding the Motion to Quash filed by Emelie Besaga (*Besaga, for brevity*) relative to the above-captioned case.

In the Motion, Besaga seeks to quash the Order dated December 27, 2017 and the Notice to Vacate dated August 20, 2020.

In said Memorandum, the Director of the Legal Affairs Service recommends the denial of the Motion to Quash and that the Order dated December 27, 2017 and the Notice to Vacate dated August 20, 2020 are proper and should, thus, be maintained.

In relation thereto, an earlier letter dated August 25, 2021 addressed to Atty. Romeo Q. Artazo, Jr., collaborating counsel for Besaga, was already sent stating that our Office cannot favorably act on the Motion to Quash dated February 10, 2021 considering the finality of the case, which reached the Supreme Court.

In view of the legal advice contained in the subject Memorandum regarding the reimbursement of necessary expenses to Besaga as the FLAgT holder, as well as the option of the Spouses Acosta to refund Besaga of the same, we will be furnishing a copy of said Memorandum to the parties for their information and reference.

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.

9-7-12-22
ATTY. GANDHI G. FLORES
 Chief, Legal Division
 DENR MIMAROPA Region

Attached hereto are the following:

1. Copy of the Order dated December 27, 2017 signed by then OIC, Regional Director Natividad Y. Bernardino;
2. Letter dated August 25, 2021 signed by then Regional Executive Director Maria Lourdes G. Ferrer, CESO III, addressed to Atty. Romeo Q. Artazo, Jr.; and,
3. Memorandum dated January 6, 2022 from the Director, Legal Affairs Service.

For immediate compliance.


LORMELYN E. CLAUDIO, CESO IV

Copy furnished:

The Undersecretary for Field Operations and Environment

The Director, Legal Affairs Service

The Assistant Regional Director for Technical Services

*The Municipal Mayor
 San Vicente, Palawan*

*The Chief of Police
 PNP Roxas, Palawan*

*Sps. Felipe and Luzviminda Acosta
 No. 12, Km. 3, WESCOM Road
 Puerto Princesa City*

*Atty. Romeo Q. Artazo, Jr.
 166 Sampaguita St., Villa Leticia Subdivision
 Tanzang Luma VI, Imus, Cavite*

*Ms. Emelie L. Besaga
 Purok Pag-asa, Brgy. Port Barton
 San Vicente, Palawan*



Department of Environment
 and Natural Resources
 MIMAROPA Region



Doc ID: 77685



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

SUBJECT:

Implementation of the Decision dated August 13, 2007 of the Office of the President Docketed as O.P. Case No. 06-K-398 (DENR Case No. 5904) entitled "Digna Matalang Coching, Sps. Felipe and Luzviminda Acosta, Appellants versus Emelie L. Besaga, Appellee"

X -----X

ORDER

Pursuant to the subject Decision of the Office of the President as affirmed by the Court of Appeals and the Supreme Court in their Decisions docketed as CA-G.R. SP No. 100616 and G.R. No. 194061 dated October 30, 2009 and August 5, 2015, respectively, and in compliance with the instruction dated January 26, 2016 of the then DENR Acting Assistant Secretary for Legal Affairs to implement the August 6, 2006 Decision rendered in DENR Case No. 5904, the Forest Land Use Agreement for Tourism purposes issued to Emilie Besaga (FLAgT No. DENR IV-MIMAROPA-11302030-0002) is **ordered**, as hereby it is, **AMENDED** to cover only Lot No. 4513 of Cad 860-D, San Vicente Cadastre and to exclude there-from Lots Nos. 4512 and 4514 of the said cadastre which pertain to and are covered by the FLAgT application of Luzviminda Acosta.

WHEREFORE, the CENRO in Roxas, Palawan is hereby directed to serve a copy of this ORDER to Emilie Besaga and Luzviminda Acosta and to ensure its full implementation. He shall submit a report of compliance hereto within fifteen (15) ^{days} upon receipt of this ORDER.

SO ORDERED, City of Manila, Philippines this 27th day of December 2017.


NATIVIDAD Y. BERNARDINO, CESE
POIC, Regional Director

COPY FURNISHED:

1. Ms. Emelie Besaga - Fort Barton, San Vicente, Palawan
2. Ms. Luzviminda Acosta - 12 Km. 3 Wescom Road, Puerto Princesa City
3. The CENRO - Roxas, Palawan
4. The PENRO-Palawan, Sta. Monica, Puerto Princesa City
5. The Director, Forest Management Bureau, Diliman, Quezon City
6. The Undersecretary for Field Operations
DENR Central Office, Visayas Ave., Diliman, Quezon City
7. The Assistant Secretary for Legal Services
DENR Central Office, Visayas Ave., Diliman, Quezon City



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
 VOIP (632) 82483367/82483468/82493367 local 2717 (ORED); 2709 (Legal Division)
 Direct Line: (632) 84050157 Facsimile: (632) 84050046
 ✉ mimaroparegion@denr.gov.ph; denr4blegal@gmail.com 🌐 <https://mimaropa.denr.gov.ph/>

MRS. EMELIE L. BESAGA
 Port Barton, San Vicente,
 Palawan

NOTICE TO VACATE

Notice is hereby served upon you to immediately vacate **Lot Nos. 4512 and 4514**, Cad. 860-D, San Vicente Cadastre, which were previously part of your FLAgT No. DENR IV-MIMAROPA-11302030-0002.

A Decision was issued by the Supreme Court in G.R. No. 194061 entitled "*Emelie L. Besaga versus Spouses Felipe Acosta and Luzviminda Acosta and Digna Matalang Coching*". The same was declared final and executory per Entry of Judgment dated September 21, 2015 issued by Supreme Court – Deputy Clerk of Court and Chief, Judicial Records Officer Basilia T. Ringol.

To implement the said Decision, an Order dated December 27, 2017 was issued by then OIC, Regional Director Natividad Y. Bernardino wherein the said FLAgT was **amended** to cover only **Lot No. 4513**, Cad. 860-D.

Records further show that you filed thru counsel a Motion for Reconsideration and/or Protest/Opposition to the Order dated December 27, 2017. This was denied per Resolution dated September 13, 2018 issued by then Regional Executive Director Henry A. Adornado.

Please comply with this Notice within fifteen (15) days from receipt hereof, otherwise we will be constrained to turn over the matter to the local government of Roxas, Palawan inasmuch as we recognize their express authority under the provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, specifically Book Three, Chapter 3, Article I, Section 444 (b)(3)(vi) thereof and similar provisions.

SO ORDERED.

Manila, Philippines. AUG 20 2020


MA. LOURDES G. FERRER, CESO IV
 Regional Executive Director

Copy furnished:

Spouses Felipe and Luzviminda Acosta

The Undersecretary for Field Operations

The OIC, Assistant Secretary for Field Operations – Southern Luzon

The Director, Legal Affairs Services

No. 12, Km. 3, WESCOM Road, Puerto Princesa City



Doc ID: 21078



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

ANNEX

AUG 25 2021

ATTY. ROMEO Q. ARTAZO, JR.
Collaborating Counsel for Ms. Emelie L. Besaga
166 Sampaguita St., Villa Leticia Subdivision,
Tanzang Luma VI, Imus, Cavite

Dear Atty. Artazo,

This refers to your Motion to Quash dated February 10, 2021 re: Order dated 27 December 2017 and Notice to Vacate dated 20 August 2020.

Records show that a Decision was issued by the Supreme Court in G.R. No. 194061 entitled "*Emelie L. Besaga versus Spouses Felipe Acosta and Luzviminda Acosta and Digna Matalang Coching*". The same was declared final and executory per Entry of Judgment dated September 21, 2015 issued by Supreme Court – Deputy Clerk of Court and Chief, Judicial Records Officer Basilia T. Ringol.

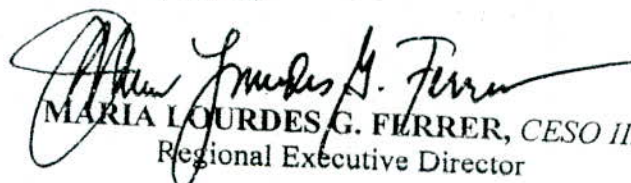
To implement the said Decision, an Order dated December 27, 2017 was issued by then OIC, Regional Director Natividad Y. Bernardino wherein the FLAgT No. DENR IV-MIMAROPA-11302030-0002 was amended to cover only Lot No. 4513, Cad. 860-D.

Records further show that Ms. Besaga filed a Motion for Reconsideration and/or Protest/Opposition to the Order dated December 27, 2017. This was denied per Resolution dated September 13, 2018 issued by then Regional Executive Director Henry A. Adornado.

A judgment that lapses into finality becomes immutable and unalterable. It can neither be modified nor disturbed by courts in any manner even if the purpose of the modification is to correct perceived errors of fact or law. Parties cannot circumvent this principle by assailing the execution of the judgment. What cannot be done directly cannot be done indirectly.¹

In this regard, we regret to inform you that we cannot act favorably on your Motion.

Very truly yours,


MARIA LOURDES G. FERRER, CESO III
Regional Executive Director

Copy furnished:

Sps. Luzviminda and Felipe Acosta
No. 12, Km. 3, WESCOM Road,
Puerto Princesa City

The Director, Legal Affairs Service

The Assistant Regional Director for Technical Services

Licenses, Patents and Deeds Division

PENRO Palawan

CENRO Roxas, Palawan

RECORDS:

Rec 9/1/21

PAR 9.6.21

MAR 9.3.21



Department of Environment
and Natural Resources
MIMAROPA Region




Doc ID: 43650

per
for
LGO

¹ Mercury Drug Corporation and Rolando J. Del Rosario v. Spouses Richard Y. Huang & Carmen G. Huang, and Stephen G. Huang, G.R. No. 197654, August 30, 2017
ARD-MS/LD
1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 82483367/82483468/82493367 local 2717 (Regional Executive Director); 2709 (Legal Division)
Direct Line: (632) 84050157
Email: mimaroparegion@denr.gov.ph; denr4bleval@gmail.com

which shall be given due course pursuant to DAO No. 28,
Series of 2004, as amended.

For your strict compliance.


ATTY. ANSELMO C. ABUNGAN

Copy furnished:

The PENRO
Puerto Princesa City

The CENRO
Roxas, Palawan

Sps. Felipe and Luzviminda Acosta
No. 12, Km. 3, WESCOM Road
Puerto Princesa City

Emelie Besaga
Port Barton
SanVicente, Palawan



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 434-8791
Email Add: penropalawan@denr.gov.ph

March 21, 2022

MEMORANDUM

TO : The Regional Executive Director
1515 L & S Bldg.
Roxas Blvd., Ermita, Manila

ATTENTION : The Assistant Regional Director for Technical Services
The Chief, Surveys and Mapping Division

FROM : The OIC-Provincial of Environment and
Natural Resources Officer-Palawan

SUBJECT : **RELOCATION SURVEY OF LOTS 4512, 4513 AND 4514,
CAD.860-D SUBJECT OF THE ORDER AMENDING THE
FOREST LAND USE AGREEMENT FOR TOURISM
(FLAGT) PURPOSES ISSUED TO EMILIE L. BESAGA**

Forwarded is the report of the Survey Team dated March 18, 2022 submitted in compliance to the Memorandum of That Office dated January 20, 2022 relative DENR Case No. 5904 informing among others the results of the relocation survey of Lots 4512, 4513 and 4514, Cad.860-D aided with a plan depicting the actual claim of the parties concerned and delineation of boundary corners.

For his evaluation and advise of action on the matter.


FELIZARDO B. CAYATOC

Copy Furnished:

1. *Ma. Emilie Besaga*
c/o Brgy. Captain
Purok Pag-asa, Brgy. Port Barton
San Vicente, Palawan
2. *Sps. Felipe and Luzviminda Acosta*
No. 12, Km. 3, Wescom Road
Puerto Princesa City
3. *CENRO Roxas, Palawan*

**DENR PENRO
PALAWAN RECORDS**

RELEASED

BY: 
DATE: **MAR 23 2022** 08:51

Sta. Monica, Puerto Princesa City
Telefax (048) 433-5638/email add: denrpalawan@yahoo.com

2022-2330