



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
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September 2, 2022

MEMORANDUM

FOR : The Regional Executive Director
1515 L&S Bldg., Roxas Blvd.
Ermita, Manila 1000

Attn : The Chief, Legal Division

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **LETTER DATED MAY 18, 2022 FROM THE EXECUTIVE
DIRECTOR, PRESIDENTIAL ANTI-CORRUPTION
COMMISSION RE: COMPLAINT OF THE SAMAHAN NG
MGA MAGSASAKA NG ZIGZAG, STA. LUCIA, PUERTO
PRINCESA CITY (SMZSLUPC) [CO-2022-89780]**

This refers to your Memorandum dated July 11, 2022 pertaining to the above-subject and directing the undersigned to conduct investigation in coordination with the concerned parties to determine the veracity of the complaint.

In compliance thereto, the undersigned is forwarding the report in CSW form prepared by Land Management Officer III, David F. Dalino. Taking into consideration the said report, the undersigned avers the following:

First, the DENR officials did not sit on the request but rather performed all acts required within their mandates and responsibilities. The series of correspondences and communications made by the DENR officials (CENRO Puerto Princesa City, PENRO and OIC-RED MIMAROPA Region) support the actions done by DENR¹. It is to be noted that the DENR and DAR are two separate, independent, and distinct government agencies. The actions of one government agency does not define that of the others, and vice-versa.

Second, it is evident from the complaint and various correspondences that SMZSLUPC seems to insist outright acquisition of 1,150 hectares to be allocated by the Department of Agrarian Reform (DAR) by invoking Section 2 of Executive Order No. 75, series of 2019, which provides that:

*"Section 2. Identification of government owned agricultural lands. Within thirty (30) days from the effectivity of this order, all departments, bureaus, offices and instrumentalities of the government shall **identify** their lands devoted to or suitable for agriculture and no longer actually, directly and exclusively used necessary for the*

¹ Please refer to the attached report of LMO Dalino with tabular chronology of actions taken by the office.

purpose for which they have been reserved or acquired, and thereafter submit a list thereof to the DAR, indicating the location of the said lands, actual use and legal basis of ownership.” (Emphasis ours)

The complainant, however, failed to consider Sections 1 and 4 of same Executive Order No. 75, series of 2019, which provide that:

“Section 1. Acquisition of government owned agricultural lands. Subject to the limitations and conditions provided under applicable laws, rules and issuances, the DAR shall acquire all lands devoted to or suitable for agriculture,…” (Emphasis ours).

“Section 4. Transfer and Distribution. Subject to restrictions under applicable laws, rules and issuances, the DAR shall acquire the identified lands of concerned agencies for eventual distribution thereof to qualified beneficiaries, for cultivation or agricultural use.” (Emphasis ours)

Accordingly, the acquisition/transfer could not be made outright since this will still be subject to limitations and conditions provided in other laws, rules and issuances.

Third, the lands subject of this complaint are under the jurisdiction of the Bureau of Corrections (BuCor)- Iwahig Penal and Prison Farm (IPPF) of the Department of Justice by virtue of Executive Order No. 67 dated October 15, 1912. As such, the area must be first segregated from the operation of said order.

Fourth, review of our records disclosed that the subject land falls within the classification of UNCLASSIFIED PUBLIC FOREST. As such, these lands remain to be part of the public land, and thus, inalienable and indisposable.

In the case of Federation of Coron, Busuanga, Palawan Farmer’s Association, Inc. (FCBPFAI), *G.R. No. 247866, Sept. 15, 2020*, the Supreme Court clarified that unclassified lands of public domain shall not be subject to alienation or disposition to private persons, to wit:

“The said provision is consistent with the Constitutional mandate of the Regalian Doctrine that lands of public domain, whether unclassified, forest, or mineral lands, remain within the ownership of the State and shall not be subject to alienation or disposition of private persons. Absent any positive act of the government to classify a land of public domain into alienable or disposable land for agricultural or other purposes, it remains with the State”

Finally, complainants cannot put the blame on the DENR officials as these limitations and considerations were clearly communicated to them in a letter dated August 08, 2017 issued by DENR OIC, Regional Director, Natividad Y. Bernadino² stating that: (1) the area being requested is covered by Executive Order No. 67 dated October 15, 1912, which established the Iwahig Penal Colony, hence, the assessment and delineation was not done in the area; (2) the area must be first segregated from the operation of Executive Order No. 67, declaring the same as Resettlement and Agricultural site purposes; (3) advising them to request/solicit from representative in Congress to file a bill supporting the request for land classification; and (4) secure clearance from the Department of Justice since the area is within the supervision of the said department.”

Considering the foregoing, it is submitted that the DENR officials (then CENRO Puerto Princesa City Felizardo B. Cayatoc, PENRO Eriberto B. Santos and OIC RED Natividad Y. Bernardino) involved in the allegations of the Complaint only acted within the scope of their authority. In addition, there were no other allegations pertaining to the DENR officials, except as to the act of adopting the position of DARPO Palawan that the

² This was attached as Annex “L of the Complaint-Affidavit of the SMZSLLP.

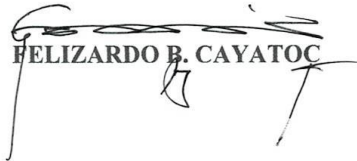
1,150 hectares from Sta. Lucia Sub-Colony of IPPF cannot be covered by CARP and EO No. 75 unless reclassified as alienable and disposable.


For your evaluation and appropriate action.

Copy Furnished:

The Presidential Anti-Corruption Commission
Malacanang Palace, J.P. Laurel St. San Miguel
Manila

Ms. Maria Nerissa A. Molina Carpio
OIC-Assistant Secretary
Department of Justice
P. Faura Street, Ermita, Manila


FELIZARDO B. CAYATOC

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By 
Date: CN 22-2231
07 SEP 2022