

**Tubbataha Protected Area Management Board**  
**TUBBATAHA ADJUDICATION BOARD**  
**Tubbataha Management Office, Manalo Extension, Bgy. Milagrosa**  
**Puerto Princesa City, Palawan**

**TUBBATAHA MANAGEMENT OFFICE**  
**Represented by ANGELIQUE SONGCO,**  
**Complainant,**

**TAB ADMIN CASE No. 23-12**

**- versus-**

**FOR:**

**MR. LAWRENCE CHUA (OWNER), MR.**  
**RODOLFO MUTYANGPILI (BOAT**  
**CAPTAIN), of M/Y STELLA MARIS**  
**EXPLORER**  
**Respondents.**

**Violation of Chapter 4, Rule 21**  
**(Damage to the Reef) of TPAMB**  
**Admin Order No. 1, Series of**  
**2017.**

**x-----x**

**RESOLUTION 23-12-03**

We resolve in this resolution the Administrative Complaint filed by the Tubbataha Management Office (TMO), represented by Ms. Angelique Songco Protected Area Superintendent (PASU) of Tubbataha Reefs Natural Park (TRNP), against the respondents for violation of Chapter 4, Rule 21 (Damage to the Reef) of Tubbataha Protected Area Management Board (TPAMB) Administrative Order No. 1, Series of 2017.

**FACTUAL BACKGROUND**

On March 28, 2023, at around 05:20 AM, Marine Park Ranger (MPR) CGNO Canalon received an urgent communication from M/Y Stella Maris Explorer, reporting a significant incident. The vessel had run aground near Amos Rock in the Tubbataha North Atoll due to an alleged malfunction in its steering system.

Responding promptly, the MPR team arrived at the scene at approximately 5:30 AM to conduct a comprehensive inspection of the grounded vessel. Their primary objective was to assess the extent of damage and the potential environmental impact, with a specific focus on the risk of oil spillage.

During the inspection, the team discovered scratches on the hull of M/Y Stella Maris Explorer. Fortunately, there was no evidence of oil spillage, mitigating the environmental concerns associated with the incident.

At around 6:00 AM, an attempt was made by P/Y Palau Sport to tow the vessel out of the reef. However, due to low tide conditions, their efforts proved unsuccessful. Taking into consideration the situation, the MPR team made a prudent decision to wait for high tide, ensuring safer and more effective extraction of the vessel.

Around 9:06 AM, with the assistance of two accompanying chase boats, the extraction operation commenced. The team diligently worked together and successfully pulled M/Y Stella Maris Explorer free from the reef by approximately 9:15 AM.

Subsequently, at around 10:10 AM, a comprehensive assessment of the coral damage caused by the grounding was conducted by the experienced MPR team. The assessment team, consisting of Segundo Conales Jr., Noel Bundal, Jeffrey David, and M/Y Stella Maris Dive Master Edison Torremacha, meticulously evaluated the impacted area.

Based on their assessment, the team estimated that approximately 79.6 square meters of coral had been damaged as a result of the vessel grounding.

### STATEMENT OF THE CASE

In the case bearing reference number TAB ADMIN CASE NO. 23-12, an administrative complaint was officially filed against the Respondents on April 13, 2023, and duly registered within the records of the Tubbataha Adjudication Board (TAB).

The summons, complaint, and corresponding appendices were duly served to the Respondents. Initial service was effected through electronic mail on April 17, 2023, followed by physical delivery to their business address at Unit D 62 Scout Borromeo, Bgy. South Triangle, Quezon City via LBC on April 18, 2023, and received by a representative of the respondent on April 19, 2023.

Upon review of the TAB's records, it is apparent that the Respondents failed to fulfill their obligation to file an answer within the designated fifteen-day period, as prescribed by Section 19 of the Tubbataha Adjudication Board Rules of Procedure.

Consequently, in light of the Respondents' non-compliance, the Tubbataha Adjudication Board possesses the authority to motu proprio or upon motion decide the case based on the available evidence and the complaint already before it. The Board will consider the information and submissions presented by the complainant in rendering its decision.

### ISSUE

Whether the Respondents can be held liable for violation of Chapter 4, Rule 21 (Damage to the Reef) of Tubbataha Protected Area Management Board (TPAMB) Administrative Order No. 1, Series of 2017, which states that:

*Damage to the reef shall subject the responsible person or entity to the payment of administrative fines set by the TPAMB based on the current valuation standards, which shall not be less than Twelve Thousand Pesos (PhP12,000.00) per square meter. The violators shall also be held liable for the payment of the cost of restoration which shall not be less than PhP12,000.00 per square meter, or as may be determined by the TPAMB.*

### RULING

We rule in the affirmative.



Considering the facts and the evidence presented, it is clear that the Respondents' vessel, M/Y Stella Maris Explorer, ran aground near Amos Rock within the Tubbataha North Atoll. The grounding resulted from an alleged malfunction in its steering system. As a result, an assessment conducted by the MPR team estimated that approximately 79.6 square meters of coral were damaged.

Furthermore, it is established that the Respondents were duly served with the summons, complaint, and corresponding appendices in accordance with the TAB Rules of Procedure. However, they failed to file an answer within the prescribed fifteen-day period, indicating a lack of cooperation and commitment to the administrative process.

### **THE SUBSTANTIAL EVIDENCE REQUIREMENT HAS BEEN FULFILLED**

In administrative cases, the substantial evidence rule serves as the guiding principle in evaluating the evidence presented. This rule demands that the evidence must be *reasonable, credible, and sufficient* to support a finding of guilt.

In the present case, the Respondents' failure to answer the administrative complaint and provide evidence in their defense raises significant concerns. The opportunity to present evidence and arguments is crucial for parties to substantiate their claims and refute allegations. The Respondents' silence and lack of cooperation create a presumption of their guilt, as they have failed to present any evidence to challenge the allegations brought against them.

By not availing themselves of the opportunity to answer the complaint and present evidence, the Respondents have effectively hindered the adjudication process from considering their perspective. As a result, the evidence and information provided by the complainant, including the Affidavit of Noel Bundal - Annex A; Affidavit of Segundo Conales - Annex B; Incident Report - Annex C; Photographs - Annex D; Computation of Coral Damages - Annex E, which are attached to the complaint, remain unchallenged.

Given the Respondents' failure to present their defense, the substantial evidence before the Tubbataha Adjudication Board satisfies the quantum of proof required in administrative proceedings. The evidence, combined with their failure to provide a defense, support the conclusion that the Respondents are accountable for the violation of Chapter 4, Rule 21 (Damage to the Reef) of Tubbataha Protected Area Management Board (TPAMB) Administrative Order No. 1, Series of 2017.

The Tubbataha Adjudication Board recognizes the importance of a fair and impartial adjudication process. However, in the absence of any rebuttal evidence or arguments from the Respondents, the presumption of their guilt becomes stronger. The available evidence, including the affidavits, incident report, photographs, and computation of coral damages, all demonstrate a reasonable basis for finding the Respondents liable for the violation in question.

### **RECOGNIZING THE PRESUMPTION OF REGULARITY IN THE DISCHARGE OF DUTIES**

The presumption of regularity of performance of duty applies to the actions taken by the Marine Park Ranger (MPR) in this case. This presumption holds that public officials, in the regular course of their duties, have acted correctly and in accordance with



the law. It recognizes the trust and confidence placed in the performance of their duties unless there is evidence to the contrary.

In this regard, the incident report, photographs, and computation of coral damages presented by the MPR team carry the presumption of regularity. These pieces of evidence were generated by the MPR team during the course of their duty to assess and document the damage caused by the grounding incident. The incident report provides a detailed account of the events, while the photographs visually depict the condition of the vessel and the surrounding area. The computation of coral damages offers a quantification of the environmental impact.

The TAB recognizes the validity and reliability of these documents based on the presumption of regularity. They were generated by the MPR team, who were entrusted with the responsibility to carry out their duties in a lawful and proper manner. Absent any evidence to the contrary, the TAB upholds the presumption that these documents accurately reflect the findings and observations made by the MPR team during their assessment.

Moreover, the Respondents, by failing to file an answer and present evidence to challenge the incident report, photographs, and computation of coral damages, have not provided substantial evidence to rebut the presumption of regularity. Their non-compliance further strengthens the presumption that the MPR team's actions were carried out in accordance with their duties.

Considering the substantial evidence presented, including the incident report, photographs, and computation of coral damages, and in light of the Respondents' failure to provide a defense or refute the evidence, the TAB concludes that the Respondents are indeed responsible for the violation of Chapter 4, Rule 21 (Damage to the Reef) of TPAMB Administrative Order No. 1, Series of 2017.

## RECOMMENDATION

Wherefore, premises considered, and in accordance with the provisions set forth in Chapter 4, Rule 21 of Admin Order No.1, s 2017, it is hereby recommended that the Respondents be held solidarily liable for the violation and be ordered to make the following payments:

### 1. Administrative Fine:

The Respondents be required to pay an administrative fine amounting to no less than Twelve Thousand Pesos (PhP 12,000) per square meter, as stipulated in the regulation. Considering the total area of coral damage caused, the Respondents shall be held solidarily accountable for the sum of **Nine Hundred Fifty-Five Thousand and Two Hundred Pesos (PhP 955,200.00)**.


### 2. Restoration Expenses:


The Respondents be made responsible for covering the expenses incurred for the restoration of the affected area. The restoration costs shall amount to no less than Twelve Thousand Pesos (PhP 12,000) per square meter, resulting in a total payment obligation of **Nine Hundred Fifty-Five Thousand and Two Hundred Pesos (PhP 955,200.00)**, as mandated by the same regulation.

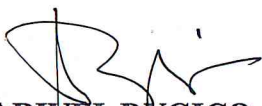
Therefore, it is recommended that the total amount of the imposed fine on the Respondents shall be **One Million Nine Hundred Ten Thousand and Four Hundred Pesos (PhP 1,910,400.00)**, encompassing both the administrative penalty for the incurred coral damage and the restoration expenses as prescribed by the relevant administrative regulations.


Further, it is recommended that the Respondents be ordered to remit to the Tubbataha Protected Area Management Board the specified payment within thirty (30) days from the date of the receipt of the respondent of this Resolution. Failure to comply with this payment obligation may result in further legal consequences and a ban from entering TRNP.

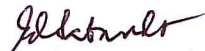
Done this 13<sup>th</sup> day of July 2023 at Puerto Princesa City.


  
**ATTY. JOANNA SARAH DIVA**  
Presiding Officer, Adjudication Board  
Co-Chair, TPAMB


  
**JOSEPH PADUL**  
Member, Adjudication Board  
Member, TPAMB

  
**MARIVEL DYGICO**  
Member, Adjudication Board  
Member, TPAMB

  
**CG CAPT. ANTOLIN R CAYABO**  
Member, Adjudication Board  
Member, TPAMB

  
**MA. ELIZABETH SABANDO**  
Member, Adjudication Board  
Member, TPAMB

  
**LTCOL ISAGANI G NATO (MNSA)**  
Member, Adjudication Board  
Member, TPAMB

  
**CAPT. CHARLES M VILLANUEVA**  
Member, Adjudication Board  
Member, TPAMB

Copy furnished:

MR. LAWRENCE CHUA (OWNER),  
MR. RODOLFO MUTYANGPILI (BOAT CAPTAIN),  
of M/Y STELLA MARIS EXPLORER