



Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

August 17, 2023

GNG. MARILOU I. SOLAS

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Received by:

M. Solas
8-23-2023

Sa iyo Ginang Solas,

Makakalikasang pagbati po.

Ito ay patungkol sa inyong liham na may Document Tracking No. PACE Code No. WIC-RMT-08-04-2023-170.

Ang nasabing liham para sa ating Pangulong Ferdinand R. Marcos Jr, na may petsang Agosto 4, 2023 ay ibinaba sa aming opisina para sa kaukulang aksyon.

Ang inyong liham ay humihiling na:

1. Mapabilis ang "survey" ng Regional Office ng DENR sa mga kinatatayuan ng inyong mga kabahayan na sakop ng R.A. 9145 sa Barangay Sta. Monica, Puerto Princesa City.

Kung inyong matatandaan, ang nasabing usapin tungkol sa Proclamation 9145 ay naging paksa sa pagpupulong ng Committee on Landed Estate and Urban Development ng Sangguniang Panlungsod ng Puerto Princesa noong Agosto 10, 2023 at ikaw ay naroroon din.

Doon ay nagpaliwanag ang representante ng opisina ng DENR-CENRO, Puerto Princesa na si Ginang Norma Cayatoc ng mga sumusunod.

1. Na ang mga lupa na kinatatayuan ng kabahayan ng mga miyembro ng Hugpong Maralita ng Mangingisda ng Barangay Sta. Monica, Coastal Area, Puerto Princesa City ay **labas o hindi kasali sa nasasakop ng Module 2, Cad-800-D**.
2. Na ang R.A. 9145 "An act to reclassify a portion of the land under Cadastral Survey 800-D, Module 2, Project No. I-LC Map 203 in Barangay Sta. Monica, Puerto Princesa City, Province of Palawan as Agricultural Land open for disposition ay para sa mga lupa sa loob ng **module 2 lamang**.
3. Na sapagkat hindi kasali sa module 2, Cad-800-D ang mga lupa na kinatatayuan ng kabahayan ng mga miyembro ng Hugpong Maralita ng Mangingisda ng Barangay Sta. Monica, Coastal Area, Puerto Princesa City, ito ay hindi na "reclassify" bilang "Agricultural land" at hindi maaring ipamahagi o matituluhan.
4. Na ang lupang kinatatayuan ng kabahayan ng Hugpong Maralita ng Mangingisda ng Barangay Sta. Monica, Coastal Area ay napag-alaman ng DENR-CENRO Puerto Princesa GIS na ito ay Mangrove Swamp/Mangrove Forest.

Karagdagan pa, ang mga sumusunod na regulasyon at batas ay kailangan ma kunsidera para sa pagpayag o pagtakda ng mga lupain na maaring ipamahagi para mapatituluhan sa mga tao.

1. Ordinance No. 1168- "An ordinance revising the zoning regulations of the City of Puerto Princesa and providing for the administration, enforcement and amendment thereof and for the repeal of all ordinances in conflict therewith"

Phone call 8-22-2023 @ 1:10 pm
Informed about letter reply
to be pick-up this afternoon



Section 26. The Environmentally Critical Areas Network (ECAN) Zone Boundaries

b. Coastal Marine Component

i. Coastal/Marine Core Zone – Core Zones includes:

- 1.7. Declared marine parks and sanctuaries; primary growth mangrove areas which serve as protection against storm erosion, flood and other similar hazards; primary growth mangroves regardless of location, maintenance of ecological balance, protection against riverbanks erosions, wildlife sanctuaries and use for educational research purposes; and all areas with standing mangrove forest cover except areas allocated for MSA, CBFMA, ISF and FLA;

Section 31. Use Regulations in the Different Zones.

Core Zone – Mangrove Forest

Allowed Activities:

- Traditional/IP's activities (Agriculture, nondestructive extraction).
- Restoration and rehabilitation of degraded mangrove forest as authorized by the DCEPC.
- Ecotourism activities (regulated botanical tours, photography, sight-seeing, bird watching, canoeing and kayaking) in designated areas authorized by the board.

Prohibited Use:

- Co-Management Agreements (FLA)
- Fishpond Development
- All kinds of development detrimental to the environment

Section 46. Coastal Zone Regulations

Any development in coastal zones shall observe an additional twenty (20) meter setback from the easement provide under the Water Code: 10 meters in the Urban area and 5 meters in the rural area.

2. **Ordinance No. 960** – An Ordinance Prohibiting the occupation of the construction and/or development in No-BUILD Zones within the territorial jurisdiction of Puerto Princesa City, providing for summary eviction/ demolition, and for other purposes.

Section 1.b No Build Zones – refers to Land or areas classified as riverbanks, shorelines, mangrove areas, creeks, waterways, esteros, landfills, public cemeteries and other places such as sidewalks, roads, provisions for road right-of-way, bridges, parks, and playgrounds, and other easement areas defined under existing laws and policies, and other areas that are not recommended for human habitation by virtue of the danger that poses to human life and/or property “No-Build” Zones likewise include timberlands not covered by any tenurial instrument and the necessary clearances from appropriate government agencies.



3. **Presidential Decree No. 705 s. 1975** – Revising the Presidential Decree No. 389, otherwise known as the Forestry Reform Code of the Philippines

Section 16. Areas Needed for Forest Purposes – The following lands, even if they are below eighteen percent (18%) in slope, are needed for forest purposes, and may not, therefore, be classified as alienable and disposable land, to wit:

8. Strips of mangrove or swamplands at least twenty (20) meters wide, along shoreline facing oceans, lakes, and other bodies of water, and strips of land at least twenty (20) meters wide facing lakes.

Section 43. Swamplands and Mangrove Forest - Strips of mangrove forest bordering numerous islands which protect the shoreline, the shoreline roads, and even coastal communities from the destructive force of the sea during high winds and typhoons, shall be maintained and shall not be alienated. Such strips, must be kept from the artificial obstruction so that flood water will flow unimpeded to the sea to avoid flooding or inundation of cultivated areas in the upstream.

All mangrove swamps set aside for coast-protection purposes shall not be subject to clear-cutting operation.

Mangrove and other swamps set released to the Bureau of Fisheries and Aquatic Resources for fishpond purposes which are not utilized, or which have been abandoned for five (5) years from the date of such release shall revert to the category of forest land.

Section 78. Unlawful Occupation of Forest Lands and Grazing Lands.- Any person who enters and occupies or possesses, or makes kaingin for his own private use or for others, any forest land or grazing land without authority under a license agreement, lease, license, license or permit, or in any manner destroys such forest land or part thereof, or causes any damages to the timber stand and other products and forest growth found therein, or who assist, aids or abets any other person to do so, or sets a fire, or negligently permits a fire to be set in any forest land or grazing land, or refuses to vacate the area when ordered to do so, pursuant to the provisions of section 53, hereof shall, upon conviction, be fined in an amount of not less than five hundred (P500.00), nor more than twenty (P20,000.00) and imprisoned for not less than six (6) months nor more than two (2) years for each offenses, and be liable to the payment to ten (10) times the rental fees and other charges which would have accrued has the occupational and use of the land been authorized under a license agreement, lease, license or license permit: Provided, that in the case of an offender found guilty of making kaingin, the penalty shall be imprisonment for not less than two (2) nor more than four (4) years and a fine equal to eight (8) times the regular forest charges due on the forest products destroyed, without prejudice to the payment of the full cost of production of the occupied area as determined by the Bureau: Provided, further that the maximum of the penalty prescribed herein shall be imposed upon the offender who repeats the same offense and who commits the same offense and double the maximum of the penalty upon the offender who commits the same offense for the third time.

In all cases the court shall further order the eviction of the offender from the land and the forfeiture to the government of all improvements made and all vehicles, domestic animals and equipment of any kind used in the commission of the offense. If not suitable for use by the Bureau, said vehicles, domestic animals, equipment and improvements shall be sold at public auction, the proceeds of which shall accrue to the Development Fund of the Bureau.

In case the offender is a government official or employee, he/she shall, in addition to the above penalties be deemed automatically dismissed from the office and permanently disqualified from holding any elective or appointive position.



4. Presidential Decree No. 1067 - The Water Code of the Philippines

Article 51. The banks or rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the easement of public use in the interest of recreation, navigation, flotage, fishing and salvage, No. person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, flotage, fishing or salvage or to build structure of any kind.

5. Proclamation 2152 – Declaring the entire province of Palawan and certain parcels of the public domain and/or parts of the country as mangrove swamp forest reserves.

Hereby withdrawing from entry, sale, settlement or other forms of disposition, subject to valid private rights, if any there be, and establish as Mangrove Swamp Forest Reserves the parcels of public domain and/or parts of the country.

Panghuli, ang pamunuan ng lungsod ng Puerto Princesa sa pangunguna ni Punong Lungsod Lucilo R. Bayron ay nag lunsad ng programang SAVE THE PUERTO PRINCESA BAYS. Ito ay inilunsad noong July 15, 2023 at tuloy-tuloy na isasagawa sa lahat ng baybayin ng lungsod.

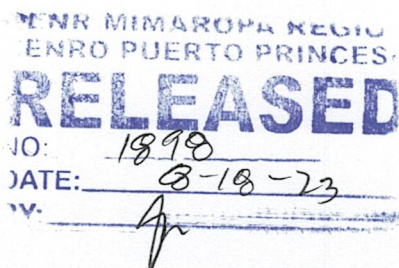
Ang programang SAVE THE PUERTO PRINCESA BAYS ay naglalayun:

1. Mapataas ang kalidad ng tubig sa karagatan (improve water quality of all the bays in the City);
2. Maging malinis at walang basura para matiyak ang isang malusog na baybayin para sa lahat (keep them waste free and ensure healthy bays for all).

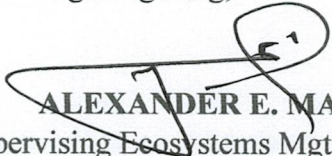
Kung kaya't nararapat lamang na suportahan ang programang ito at lahat ng pagkilos at mga desisyon ay kinakailangan na naka-ayon sa mga nabanggit na layunin.

Kaugnay ng mga nabanggit na mga umiiral na regulasyon, ordinansa at mga batas, ikinalulungkot naming muling ipabatid na ang inyong hinihiling ay hindi ayon sa umiiral na batas at hindi maaring aprubahan.

Marami pong salamat at nawa ay lubos ninyo itong naunawaan.



Lubos na gumagalang,


ALEXANDER E. MANCIO
Supervising Ecosystems Mgt. Specialist
OIC-CENRO

Copy furnished:

DENR action Center
Presidential Action Center
DENR MIMAROPA
DENR PENRO Palawan
Brgy. Council, Sta. Monica, PPC
Atty. Phillip Jerome Hilario, Sec. to the Sanggunian, PPC



This sketch map is not drawn to scale. It cannot be used for any legal action or as basis to claim ownership of the area.

This is for representation only of the area illegally occupied by member of Hugpong Maralita ng Mangingisda ng Barangay Santa Monica Coastal Area, Puerto Princesa City. Versus CAD 800-D, Module 2 which is the subject of RA 9145