



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, 1100 Quezon City
Tel. Nos. (632) 8929-6626 to 29; (632) 8929-6633; to 35
Email: web@denr.gov.ph Website: www.denr.gov.ph



MEMORANDUM

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

FROM : The Undersecretary for Field Operations-Luzon, Visayas and
Environment

SUBJECT : **UNLAWFUL OCCUPATION OF MR. RODRIGO MOLINO
WITHIN BUSUANGA PASTURE RESERVE (BPR)**

DATE : **AUG 01 2023**

This pertains to the Memorandum dated 08 May 2023 of the OIC-CENRO Calamianes Islands forwarding for information and further instruction the report dated 04 May 2023 of the Busuanga Pasture Reserve Management Office (BPRMO) on the status/updates regarding the unlawful occupation of Mr. Rodrigo Molino within the BPR.

Upon review and evaluation of the submitted documents, the FMB Legal Officer recommended that your Office file the appropriate criminal action against Mr. Molino.

In this regard, you are hereby instructed to file a criminal complaint against Mr. Molino for violation of Sec. 78 of Presidential Decree 705.

FOR INFORMATION AND COMPLIANCE.


ATTY. JUAN MIGUEL T. CUNA, CESO I

cc: DENR Undersecretary for Policy, Planning and International Affairs
DENR Forest Management Bureau



Republic of the Philippines
Department of Environment and Natural Resources
Document Action Tracking System
Document Routing Slip

Document No: DENRCO - AS RMD-2023-018208 Print Date: Friday, July 21, 2023
Sender: ARLEIGH J. ADORABLE
Address: DENR FMB
Subject: MEMO DTD 07/18/2023 UNLAWFUL OCCUPATION OF MR. RODRIGO MOLINO WITHIN BUSUANGA PASTURE RESERVE (BPR) (W/ ATTACHMENTS)
Addressee(s): Office of the Undersecretary for Policy, Planning and International Affairs (DENRCO - OUPPIA)
CC Addressee(s):
Date/Time Received: 07/20/2023 02:35:00 PM

ROUTING AND ACTION INFORMATION				
FROM	DATE/TIME RECEIVED	FOR/TO	DATE/TIME RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
	07/21/2023 09:16:34 AM	DENRCO - AS RMD		
DENRCO - AS RMD		DENRCO - OUPPIA	07/21/2023 09:16:36 AM	Canissa pls

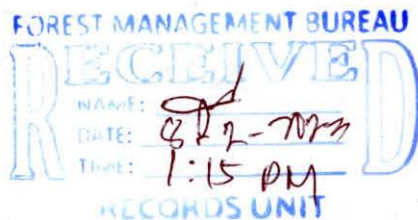
7/21

7/26 for consideration po.
-CANISSA

FMB 7.21.23

RAB / RAB Muehy 7.21

FMB 8/1/23 wait memo 8/1/23
to RAB



For consideration

fore - 508



Republic of the Philippines
Department of Environment and Natural Resources
FOREST MANAGEMENT BUREAU
Visayas Avenue, Diliman, 1100 Quezon City
Tel. No.: (632) 8925-2141 / (632) 8927-4788
E-mail Address: fmb@denr.gov.ph Website: <https://www.forestry.denr.gov.ph>



MEMORANDUM

FOR : The Undersecretary for Field Operations-Luzon, Visayas and Environment

THRU : The Undersecretary for Policy, Planning and International Affairs

FROM : The OIC-Assistant Secretary for Field Operations-Western Mindanao and Director, in concurrent capacity

SUBJECT : **UNLAWFUL OCCUPATION OF MR. RODRIGO MOLINO WITHIN BUSUANGA PASTURE RESERVE (BPR)**



DATE : JUL 18 2023

This pertains to the Memorandum dated 08 May 2023 of the OIC-CENRO Calamianes Islands forwarding for information and further instruction the report dated 04 May 2023 of the Busuanga Pasture Reserve Management Office (BPRMO) on the status/updates regarding the unlawful occupation of Mr. Rodrigo Molino within the BPR.

Based on the report, Mr. Molino did not comply with the instruction indicated in the letter dated 07 November 2022 of the CENRO Calamianes Islands and continued construction of his house, even without pertinent documents to support the legality of their claimed area.

Upon review and evaluation of the submitted documents, the FMB Legal Officer recommended that the DENR MIMAROPA file appropriate criminal action against Mr. Molino for the violation of Sec. 78 of Presidential Decree No. 705.

In this regard, we respectfully endorse for your approval and signature of a draft Memorandum to the Regional Executive Director of DENR-MIMAROPA, with the instruction to file the appropriate criminal action against Mr. Molino.

FOR INFORMATION, CONSIDERATION, AND APPROVAL, PLEASE.


ARLEIGH J. ADORABLE, CESO III



Republic of the Philippines
Department of Environment and Natural Resources
FOREST MANAGEMENT BUREAU
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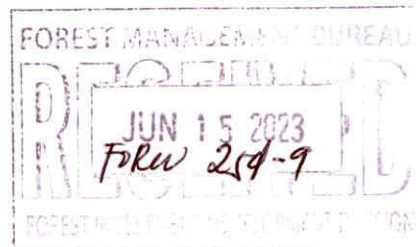
MEMORANDUM

TO : **The Officer-in-Charge**
Forest Investment Development Division

FROM : **The Legal Officer**

SUBJECT : **ALLEGED UNLAWFUL OCCUPATION OF MR. RODRIGO MOLINO WITHIN THE BUSUANGA PASTURE RESERVE**

DATE : **JUN 14 2023**



This has reference to the Memorandum from the Forest Investment Development Division dated May 25, 2023 regarding the abovementioned subject for review and recommendation.

Upon the review of the submitted documents the Legal Officer recommends the filing of appropriate criminal action by the DENR Regional Office against Mr. Rodrigo Molino for the violation of Sec. 78 of the Presidential Decree 705 and there's nothing else to be considered.

FOR THE OFFICER-IN-CHARGE'S INFORMATION.

Ray Thomas F. Kabigting
ATTY. RAY THOMAS F. KABIGTING



**FOREST MANAGEMENT BUREAU
INTERNAL MEMORANDUM**

FOR : The Legal Officer
Office of the Director

FROM : The OIC, Forest Investment Promotion Section
In-Charge, Forest Investment Development Division

SUBJECT : **ALLEGED UNLAWFUL OCCUPATION OF MR. RODRIGO
MOLINO WITHIN THE BUSUANGA PASTURE RESERVE**

DATE : MAY 25 2023

This pertains to the Memorandum dated 08 May 2023 of the OIC-CENRO Calamianes Islands forwarding for information and further instruction the report dated 04 May 2023 of the Busuanga Pasture Reserve Management Office (BPRMO) on the status/updates regarding the unlawful occupation of Mr. Rodrigo Molino within the BPR.

Accordingly, Mr. Molino did not comply with the letter dated 07 November 2022 of the CENRO Calamianes Islands and continued the construction of his house even without pertinent documents to support the legality of their claimed area.

With this, may we refer the matter to your Office, including all related documents, for review and appropriate legal actions to be taken.

FOR INFORMATION, REVIEW, AND APPROPRIATE ACTION, PLEASE.

5/30

Director,
prepare our memo for
F100. Our recommendation
is for the Region to file
appropriate reverse case
for this (unlawful occupation).

Thomas.


ALOYSIUS JAN R. REVILLA





Document No: 35306

Sender : Rodney G. Verian

Address : Coron Palawan

Subject : Memo. dated May 8, 2023 re: Status/Updates Regarding the Unlawful Occupation of Mr. Rodrigo Molino within the BPR.

Addressee (s) Office of the Director
cc Addressee FMB D

ROUTING SLIP				
FROM	DATE/TIME RECEIVE	FOR/TO	TIME RELEASE	ACCEPTANCE REMARKS/ACTION REMARKS
Records	05/10/2023 3:46pm	OD AD/FIDD		5/12/23 For information, reference/record and/or further action, please. Thank you, prohneras

FOREST MANAGEMENT BUREAU
RECEIVED
MAY 12 2023
7/8 11:11 am
OFFICE OF THE DIRECTOR





Republic of the Philippines
Department of Environment and Natural Resources
FOREST MANAGEMENT BUREAU
Visayas Avenue, Diliman, 1100 Quezon City
Tel. No. (632) 927-4788 Fax No. (632) 928-9313
E-mail Address: fmdbdenr@mozcom.com / Website: [http:// forestry.denr.gov.ph](http://forestry.denr.gov.ph)

ACKNOWLEDGEMENT RECEIPT

DATE : 10 MAY 2023

DOCUMENT : D-35306
CODE

NAME : Rodney G. Verian

ADDRESS : Coron Palawan

This is to acknowledge the receipt of:

SUBJECT : Memo. dated May 8, 2023 re: Status/Updates Regarding the Unlawful Occupation of Mr. Rodrogo Molino within the BPR.

The said document was referred to the **Office of the Director** on May 10, 2023. You may follow up further action or development on the matter through contact no. **(63-2) 8928-9313 / 8927-4788.**

Note: This is a computer-generated communication. As such, no signature is required.



Republic of the Philippines
Department of Environment and Natural Resources
Community Environment and Natural Resources Office
Barangay 5, Calamianes Island, Coron, Palawan
Telephone No. +63 917 504 2633
E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

MEMORANDUM

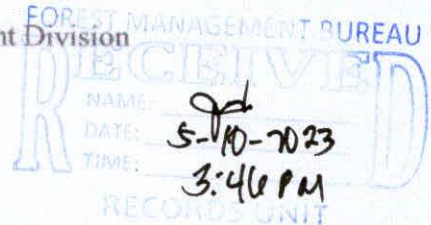
FOR : The OIC-Assistant Secretary for Field Operations Western Mindanao
and Director, in concurrent capacity

THRU : The OIC, Forest Investment Development Division

FROM : The OIC, CENR Officer
CENRO Calamianes Islands
Coron, Palawan

SUBJECT : **STATUS/UPDATES REGARDING THE UNLAWFUL
OCCUPATION OF MR. RODRIGO MOLINO WITHIN THE
BPR**

DATE : MAY 08 2023



Respectfully forwarding herewith is the Memorandum report dated May 4, 2023, of the BPR Management Office pertaining to the status/updates regarding the unlawful occupation of Mr. Rodrigo Molino in Long paddock area, Brgy. Decalachao, Coron, Palawan within the BPR. Report disclosed that Mr. Molino did not comply on the instructions of DENR-CENR Office as per letter dated November 07, 2022. He still continued the construction of his house despite the fact that this office advised him to stop any activities and development in his claimed area.

For the OIC-Assistant Secretary's information and further instruction(s), if any.


RODNEY G. VERIAN



D. 35306



Republic of the Philippines
Department of Environment and Natural Resources
FOREST MANAGEMENT BUREAU
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E-mail Address: fmb@denr.gov.ph Website: <https://www.forestry.denr.gov.ph>



MEMORANDUM

FOR : The OIC, CENR Officer
CENRO Calamianes Islands
Coron, Palawan

FROM : The Undersigned, BPR Management Office

SUBJECT : **STATUS/UPDATES REGARDING THE UNLAWFUL
OCCUPATION OF MR. RODRIGO MOLINO WITHIN THE
BPR**

DOCUMENT
ATTACHED : 1. Photo Documentation

DATE : MAY 04 2023

Forest Management Bureau
BPR MANAGEMENT OFFICE
RELEASED

Date: 05-04-2023

By: ago PP 3 | 200 | 5

Ref. Code: LRO 183

Respectfully submitted herewith is the report pertains to the status/updates on April 12, 2023 by the BPRMO personnel regarding the unlawful occupation of Mr. Rodrigo Molino in Long paddock area, Brgy. Decalachao, Coron, Palawan within the BPR.

Background Information

In reference to the Memorandum dated November 29, 2022, for the OIC, CENRO Coron from the BPRMO personnel pertaining to the status/updates regarding the unlawful occupation of Mr. Darlito Maña and Mr. Rodrigo Molino within the BPR. The report disclosed that on November 11, 2022, Mr. Molino went to the BPR Management Office as response to the letter dated November 07, 2022 of the DENR sent to him in relation to his occupation at his claimed area at Long paddock, Brgy. Decalachao, Coron, Palawan within the BPR. He explained his side to the BPR Management Office that his son named Mr. Emerson Molino acquired the parcel of lot at Long paddock as a member of BUKLOD for the purpose of his retirement house. Moreover, Mr. Molino was advised by this Office to stop any activities and developments on the subject area since he has no pertinent document on the legality of his claimed.

In connection with the recommendations of BPR Management Office on the above reference, please be informed that on April 12, 2023, as per Travel Order No. 2023-068, the BPRMO personnel conducted follow-up documentation at Long paddock, Brgy. Decalachao, Coron, Palawan within the BPR.

Status/Updates

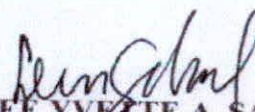
On the conducted field activity on April 12, 2023, onsite, it was observed by the BPRMO personnel that there are significant changes on the house structure on the claimed parcel of lot by Mr. Molino as compared to the last documentation conducted on October 07, 2022. As compared to the last field documentation, the house structure of Mr. Molino was already finished made of a combination of concrete materials, steel bars and sawali. Furthermore, the area is already fenced made of drift woods and barb wire (please see attached photos).

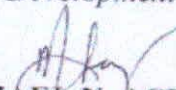
On that note, it is evident that Mr. Molino did not comply on the instructions of DENR as per letter dated November 07, 2022. He still continued the construction of his house despite the fact that this office advised him to stop any activities and development in his claimed area.

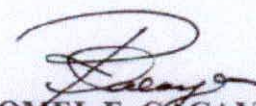
Recommendations

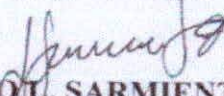
1. To forward this case to FMB Legal Officer for their further evaluation of this report since there are no pertinent documents submitted by Mr. Molino on his claimed area inside the reservation;
2. For issuance of Notice to Vacate on the subject area; and
3. Regular monitoring of the subject area within the BPR to deter illegal activities.

For the OIC, CENRO's information, further instruction/s if any and approval.


DESIREE YVETTE A. SANDOVAL
Project Development Officer


MICHAEL N. ACBANG
Office Support Staff/BG


ROMEL E. GACAYAN
Office Support Staff/BG


DINDOL L. SARMIENTO
Office Support Staff/BG

Noted by:



RICHARD JOHN P. GALAGATE
Project Operations Control Officer

PHOTO DOCUMENTATION

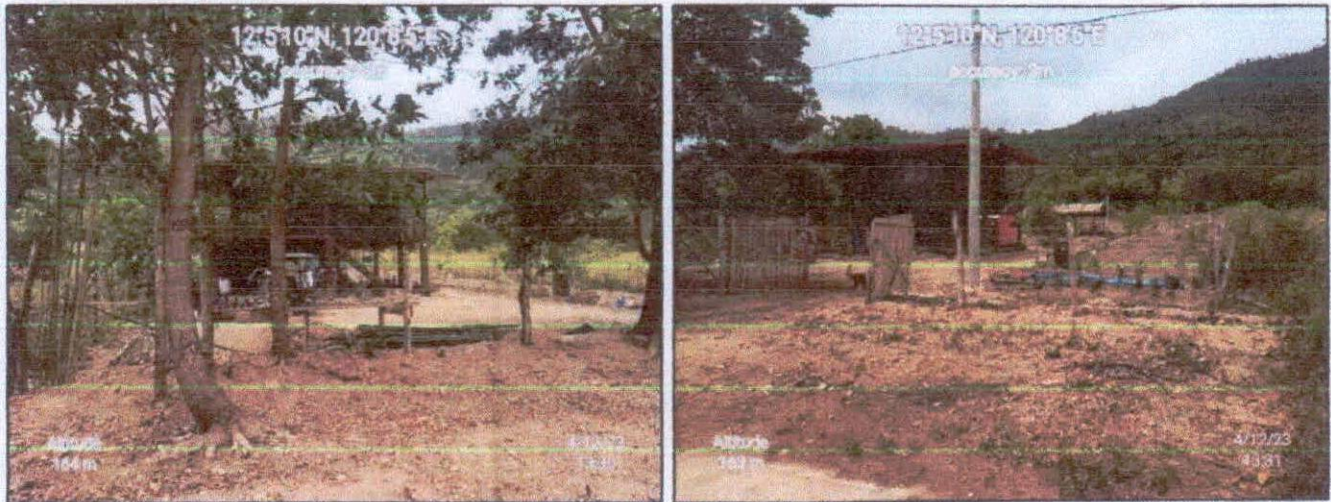


Figure 1. Documentation of the BPRMO personnel on **APRIL 12, 2023**, at the claimed area of Mr. Molino of his finished house structure made of a combination of concrete materials, steel bars and sawali and already fenced made of drift woods and barb wire.



Figure 2. Documentation of the BPRMO personnel on **OCT. 07, 2022** of the ongoing construction of house structure on the claimed area of Mr. Rodrigo Molino

[Handwritten Signature] *[Handwritten Signature]*

COMPLETED STAFF WORK

Case regarding the unlawful occupation of Mr. Rodrigo Molino at Long paddock, Brgy. Decalachao, Coron, Palawan within BPR.

Background Information:

1. On October 06, 2022, the BPRMO personnel observed the activity and occupation in the claimed area of Mr. Rodrigo Molino located at Long paddock, Brgy. Decalachao, Coron, Palawan, however no person was present on that day. With this, a follow up investigation was done by the team on October 7, 2022. The area occupied by Mr. Molino and it was observed and documented by the Team an ongoing construction of house made of concrete materials with steel bars.

Disclosed during the investigation, that the BPRMO personnel advised Mr. Rodrigo Molino to refrain/stop from the construction and development of his house since it was already explained to him that the only purpose of the area of BPR is for pasture purposes only; also, he can visit the BPR Management Office to have clarifications regarding his occupation on the area.

2. Memoranda dated October 28, 2022, for the FMB Director thru the OIC, Forest Investment Development Division, and for the OIC, CENRO Calamianes Islands from the BPRMO Personnel regarding the request for assistance on the illegal occupation and illegal collection of fees within the BAI-NBCRDC area;

Please be informed that the BPR Management Office included the investigation and documentation of the unlawful occupation of Mr. Molino on the above-mentioned report. The report disclosed that Mr. Rodrigo Molino- occupying a parcel of lot in the area of Long paddock, Brgy. Decalachao, Coron, Palawan, within the BPR with an approximate area of 2,689 square meters or 0.27 hectares. In addition on the report it was disclosed that his son named Emerson Molino a registered resident in Brgy. Decalachao, Coron, Palawan acquired the area around June 2022. Currently, Mr. Emerson Molino working and rarely visits the subject area.

3. Letter dated November 07, 2022, addressed to Mr. Rodrigo Molino for information regarding the documentation and investigation of the BPR Management Office on his claimed area.
4. On November 11, 2022, Mr. Molino went to the BPR Management Office as response to the letter dated November 07, 2022 of the DENR-CENRO Calamianes Islands sent to him in relation to his occupation at his claimed area at Long paddock, Brgy. Decalachao, Coron, Palawan within the BPR;
5. Memorandum dated November 29, 2022, for the OIC, CENRO Calamianes Islands from the BPRMO Personnel regarding the status/updates on the unlawful occupation of Mr. Darlito Maña and Mr. Rodrigo Molino within the BPR.

The report disclosed that on November 11, 2022, Mr. Molino went to the BPR Management Office as response to the letter dated November 07, 2022 of the DENR-CENRO Calamianes Islands sent to him in relation to his occupation at his claimed area at Long paddock, Brgy. Decalachao, Coron, Palawan within the BPR. He

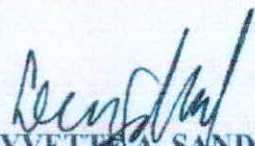
explained his side to the BPR Management Office personnel that his son named Mr. Emerson Molino acquired the parcel of lot at Long paddock as a member of BUKLOD for the purpose of his retirement house. Moreover, Mr. Molino was advised by this Office to stop any activities and developments on the subject area since he has no pertinent document on the legality of his claimed;

6. On April 12, 2023 the BPRMO personnel conducted follow-up documentation at Long paddock, Brgy. Decalachao, Coron, Palawan within the BPR, this is in connection with the recommendations of BPR Management Office on the above reference - Memorandum dated November 29, 2022;
7. Memorandum dated May 4, 2023, for the OIC, CENRO Calamianes Islands from the BPRMO personnel regarding the status/updates on the unlawful occupation of Mr. Rodrigo Molino within the BPR.

The report disclosed that it is evident that Mr. Molino did not comply on the instructions of DENR-CENRO Calamianes Islands as per letter dated November 07, 2022. He still continued the construction of his house despite the fact that this office advised him to stop any activities and development in his claimed area.

Prepared by:


RICHARD JOHN P. GALAGATE
Project Operations Control Officer
BPRMO


DESIREE YVETTE A. SANDOVAL
Project Development Officer
BPRMO



Republic of the Philippines
Department of Environment and Natural Resources
Community Environment and Natural Resources Office
Barangay 5, Calamianes Island, Coron, Palawan
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E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

November 07, 2022

MR. RODRIGO MOLINO

Long paddock, Brgy. Decalachao
Coron, Palawan

Dear Mr. Molino;

This pertains to the investigation/documentation conducted by the BPRMO personnel on October 06 to 07, 2022. During the conduct of an investigation, it was found that you were unlawfully occupying an area inside the Busuanga Pasture Reserve (BPR) located at Long paddock in the said barangay.

In line with this, please be reminded that occupation in the said reservation violates certain laws and regulations of the DENR such as:

- **Presidential Proclamation 1387 issued on 1975** – Reserving and establishing as a Pasture Reserve a certain parcel of land of the public domain situated in the island of Busuanga, Province of Palawan

Whereas, do hereby withdraw from sale, lease, settlement or any other form of disposition, exploration or exploitation, and reserve as a pasture reserve, subject to private rights.

- **Presidential Proclamation No. 663 issued on 2014** – Repealing Proclamation No. 2057 and transferring the administration of Busuanga Pasture Reserve to the Forest Management Bureau (FMB) of the Department of Environment and Natural Resources (DENR)

Whereas, Benigno S. Aquino III - President of the Philippines transferred the administration of the area covered by BPR from the Philippine Forest Corporation (PhilForest) to the Forest Management Bureau of the Department of Environment and Natural Resources (DENR).

- **Section 78 of Presidential Decree 705 as amended** (Revised Forestry Code of the Philippines) - Unlawful Occupation or Destruction 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 or permit, or in any manner destroys such forest land or grazing land or part thereof, or causes any damage to the timber stand and other products and forest growth found therein, or who

assists, 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 pesos (P500.00), nor more than twenty thousand pesos (P20,000.00) and imprisoned for not less than six (6) months nor more than two (2) years for each such offense, 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 permit"

In view of the foregoing, this office advises you to stop/refrain from introducing any activities/development within the subject area/s. Otherwise, you can be charge of the provisions of applicable ENR laws enforce by the DENR.

For future action of this office, **you are directed to provide or submit to this office any legal documents pertaining to your occupation on the said reservation as early as you can.** Failure to comply with said instruction, this Office will pursue the filing of appropriate case against you base on available documents of this office. For inquiries, you may contact us at BPR Management Office at 0917-881-0426/CENRO Coron at 0917-504-2633.

We trust that you are properly informed. Thank you.

Very truly yours,

RODNEY G. VERIAN
OIC, CENRO



(File copy)

RPS
JPM

700

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**FOREST MANAGEMENT BUREAU
INTERNAL MEMORANDUM**

FOR : The Legal Officer

FROM : The OIC, Forest Investment Development Division

SUBJECT : **RECENT REPORTS REGARDING ISSUES AND ACTIVITIES
WITHIN THE BUSUANGA PASTURE RESERVE**

DATE : NOV 16 2022

This pertains to the recent reports of Busuanga Pasture Reserve Management Office (BPRMO) personnel regarding issues and activities within the BPR. Upon review of the documents, it was deemed necessary to refer the recommendations for action indicated in the reports for further review and recommendations, as this is a legal issue that your Office can appropriately act on.

With this, we respectfully refer to your office the following reports/documents with recommendations from BPRMO:

Document	Recommendations
1. Investigation regarding reported surveying activity of the Department of Agrarian Reform (DAR) within the BPR	<ol style="list-style-type: none">1. To send communication letter to J.T. Cadastral Surveying Office and DAR;2. To send a Stoppage Order to J.T. Cadastral Surveying Office and DAR for their operation on surveying the area inside the BPR;3. To communicate with LRA regarding the processing of CLOAs within BPR; and4. To seek legal advice from the DENR-FMB Legal regarding the matter.
2. Status/Updates regarding the documentation on the compliance of Mr. Fon-Tsy-Cheng (P-2021-73655) on the land claim in Sitio Tebatan, Brgy. Guadalupe, Coron, Palawan within the BPR	<ol style="list-style-type: none">1. To seek advice on the possible issuance of a Notice to Vacate to Mr. Fon-Tsy-Cheng
3. Investigation/Documentation Report regarding the request for assistance on the illegal occupation and illegal collection of fees within the BAI-NBCRDC area	<ol style="list-style-type: none">1. To send communication letters to concerned personnel to inform them of existing laws, rules and regulations on BPR;2. Indorsement of this matter to EMB for possible violations of environmental laws; and3. To conduct further investigation.

In line with the reported surveying activity of DAR within BPR, please be informed that this office sent a letter dated 20 October 2021 addressed to DAR Undersecretary for Field Operations Atty. Elmer N. Distor requesting DAR to hold in abeyance the issuance of CLOAs within BPR until the issues surrounding the matter has been resolved.

Further, this Office forwarded a Memorandum dated 04 August 2022 for the DENR Secretary (thru: The Undersecretary for Field Operations-Luzon, Visayas and Environment and The Undersecretary for Policy, Planning and International Affairs) informing them on the recent event on the implementation of EO 75 within BPR and forwarding for approval a draft letter addressed to the DAR Secretary Conrado M. Estrella, reiterating the request to hold in abeyance the issuance of CLOAs within BPR. Attached herein is a copy of the letter dated 20 October 2021 and the Memorandum dated 04 August 2022 (with attached draft letter to DAR Secretary).

FOR REVIEW AND FURTHER RECOMMENDATIONS, PLEASE.

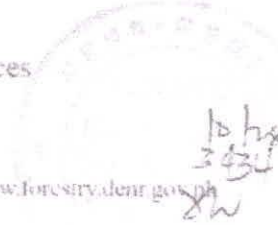


NORLITO P. SARMIENTO





Republic of the Philippines
Department of Environment and Natural Resources
FOREST MANAGEMENT BUREAU
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Tel. No. (632) 8925-2141 / (632) 8927-4788
E-mail Address: fmb@denr.gov.ph Website: <https://www.forestry.denr.gov.ph>



MEMORANDUM

FOR : The OIC, CENR Officer
CENRO Calamianes Islands
Coron, Palawan

FROM : The Undersigned, BPR Management Office

SUBJECT : INVESTIGATION/DOCUMENTATION REPORT REGARDING
THE REQUEST FOR ASSISTANCE ON THE ILLEGAL
OCCUPATION AND ILLEGAL COLLECTION OF FEES
WITHIN THE BAI-NBCRDC AREA

**DOCUMENT
ATTACHED :**

1. Letter dated September 29, 2022
2. Photo Documentation
3. Attendance on the activity
4. Map

DATE : OCT 28 2022

Forest Management Bureau
BPR MANAGEMENT OFFICE
RELEASED

Date 10-28-2022

By ang

PP 27 / 150 / 3

Ref. Code: NB 0052

Respectfully submitted is the report pertains to the investigation/documentation conducted on October 06, 2022, as per Travel Order No. 2022-229 by the BPRMO personnel regarding the unlawful occupation in the area of jurisdiction of BAI-NBCRDC in Brgy. Decalachao, Coron, Palawan within the BPR.

Background Information

In reference to the letter dated September 29, 2022, of Emily Espaldon-Victorio, OIC, Chief, BAI-NBCRDC addressed to the OIC, CENR Officer regarding the request for assistance on the illegal occupation and illegal collection of fees in Gutchie falls within the BAI-NBCRDC AREA. On October 03, 2022, the CENRO Coron, forwarded the matter to the BPR Management Office for the compliance

Please be informed that the BPRMO personnel together with the BAI-NBCRDC personnel and representative from the barangay conducted an investigation/documentation on October 06, 2022, regarding the above-mentioned subject.

The BPRMO personnel first proceeded to Brgy. Decalachao, Coron to ask assistance regarding the conduct of investigation/ documentation in the area of jurisdiction of BAI-NBCRDC. One Barangay Tanod join the team as a representative to accompany the BPRMO personnel in the said activity. Another (3) security guard where from the Office of BAI-NBCRDC as their representative for said investigation.

Field Investigation

1. Mr. Stephen Vingno's claimed and occupied areas ✓

Correspondingly, the Team first proceeded to the area claimed by Mr. Stephen Vingno in Pinagbalatan paddock, Brgy. Decalachao, Coron, Palawan within the BPR. Mr. Vingno according to BAI-NBCRDC has occupied two (2) areas within the area of BAI, first is the parcel of lot on where his concrete houses was built and another parcel of lot he fence on where he release his goat.

At the first parcel of lot on the area where he built his house, according to Mr. Vingno he claimed area is approximately 1000 square meters or 0.1 hectare. Onsite, the BPRMO personnel gathered GPS readings of every corner points of the fenced parcel of land. This will be used for mapping the whole area occupied and further determine the area of coverage. On site it was observed that the area has fence, and he has built concrete house structure (please see photo attached).

The second site it is also located at Pinagbalatan paddock, the team observed/documentated that the whole farm was already fenced and no person was present during the field investigation. Hence, the team gathered GPS readings of the fenced parcel of land for mapping the whole area fenced and further determine the area of coverage.

2. Ms. Meriam Lagrosa in Gutchi Falls

The third site of investigation is the area claimed by Ms. Meriam Lagrosa located at the portion of Gutchi I Paddock, Brgy. Decalachao, Coron within the BPR. Onsite of the investigation, Ms. Meriam Lagrosa was present in the area with her husband. Accordingly, she said that her claimed area is approximately 7 hectares and the area was not acquired by anyone. Her family just decided to occupy the area since 1968. She also stated that they started to collect entrance fees with an amount of PHP 20 per head in Gutchi Falls in 2020 while the rental for their five (5) cottages started in 2021 amounting to PHP 100 per cottage. Ms. Lagrosa explained to the team that they were collecting fees for the maintenance of Gutchi Falls as part of her claimed area.

Onsite, some of the personnel gathered GPS readings of the fenced parcel of land for mapping the whole area occupied and to further determine the area coverage. The BPRMO personnel also clarified to her the current number of structures constructed in her claimed area. Ms. Lagrosa said that currently, they have five (5) cottages for rental of the visitors, one (1) semi-concrete rest room and ongoing construction of one building for their kitchen which started on September 2022. The team documented all the development built on the area claimed of Ms. Lagrosa.

3. Documented concrete house in the area of Short paddock

The BPRMO personnel also documented observed occupation in the other areas within the BPR, one of which is the concrete house in the area of Short paddock, Brgy. Decalachao, Coron, Palawan, since there is no personality to investigate onsite the team recommend to have a follow-up investigation on said observed concrete house structure.

4. Mr. Rodrigo Molino

Team observed the activity and occupation of Mr. Rodrigo Molino on October 6, 2022, however no person was present on that day, on said reason a follow up investigation was done by the team on October 7, 2022. The area occupied by Mr. Molino is located at the Long paddock, Brgy. Decalachao, Coron, Palawan. The BPRMO personnel observed and documented ongoing construction of house made of concrete materials with steel bars.

During investigation on October 7, 2022 Mr. Molino were present on site together with his laborer who is constructing the house structure investigated. During interview according to Mr. Molino he was not aware on the existing laws regarding the BPR. Accordingly, he said that his son, Emerson Molino a registered resident in Brgy. Decalachao, Coron, Palawan acquired the area at around June 2022. Currently, Mr. Emerson Molino is working and rarely visits the subject area. In addition, Mr. Rodrigo Molino also stated that the documents regarding the subject area is kept by his son, Mr. Molino was only asked to manage/supervise the area since there is an on-going construction of house onsite. On the other hand, Mr. Molino mentioned that they were from Nueva Ecija and recently resided to Coron, Palawan at around June 10, 2022. He also stated that they were also a member of BUKLOD Farmers and paid a membership fee of PHP 500. In their acquired area, he said that they were planning to construct another three (3) houses allotted for his children.

Then, the BPRMO personnel briefly explained to Mr. Rodrigo Molino that the YKR/BPR, pursuant to the Presidential Proclamation 1387 s. 1975 that this Proclamation is an established fact that the Busuanga Pasture Reserve is a government property. While it indicates a proviso "subject prior to private rights". The BPR do hereby withdrawn from sale, sale, lease, settlement or any other form of disposition, exploration or exploitation, and reserve as a pasture reserve, subject to private rights. Moreover, it was also explained for the reason that under the Presidential Proclamation 663, the jurisdiction of the BPR was transferred to the Forest Management Bureau of DENR. It was also clarified that any activities within the BPR area should first secure all of the necessary documents including the clearance from the DENR-FMB before it could start.

On that note, the BPRMO personnel also advised Mr. Rodrigo Molino to refrain/stop from the construction and development of his house since it was already explained to him that the only purpose of the area of BPR is for pasture only; also, he can visit the BPR Management Office to have clarifications regarding his occupation on the area. However, he said respectfully that the BPRMO personnel should provide him a letter on the spot, indicating for him to stop construction since he was just new in the area. He also stated that all of his construction workers were hired from Manila and if he were to stop the construction of his house, the labor and expenses will be affected. The PDO-BPRMO said that this Office is not issuing on-the-spot notice to stop operation, since there is still a due process in the office and Mr. Molino was advised that this Office will send him a communication letter regarding his occupation in the subject area.

Further, Mr. Molino asked the contact number of the BPRMO and asked permission to take the ID of the PDO-BPRMO for his future coordination and communication with the DENR regarding his claimed area.

5. Mr. Elbert Tuazon and Mr. Elpidio Tuazon area at So. Tulbuan

On October 06, 2022, for a follow-up investigation the BPRMO personnel documented the semi-concrete house in the area of So. Tulbuan, Brgy. Decalachao, Coron, Palawan within the BPR. Mr. Elbert Tuazon and Mr. Elpidio Tuazon allegedly claims the said area. When plotted to the based map of BPR, the subject area was found to have an approximate area of 14,877 square meters or 1.5 hectares. On site, it was documented that house structures was built onsite, furthermore the area is already fenced. Please see attached photo for reference.

6. New unlawful occupation in the portion of Globe Tower

The team also investigation/documentation the near the Globe Tower inside the area of jurisdiction of BAI-NBCRDC in So. Tulbuan, Brgy. Decalachao, Coron, Palawan within the BPR. According to BAI-NBCRDC personnel, they recently documented around 73 new unlawful occupation on the said area and decided to seek help from the FMB-BPRMO regarding the matter. Moreover, it is observed that most of the areas were already subdivided and most of the newly built houses were made of light materials, while other areas have markings and are already fenced which indicates that there is a new occupant/claimant. During the conduct of the investigation, onsite, only one personality was investigated who constructed the roof of the house during investigation. The person refused to give his identity and any information to the Team, however, the Barangay Tanod and the BAI-NBCRDC personnel said that he is Mr. Darlito Maña, a resident of Brgy. Decalachao, Coron, Palawan.

Mr. Darlito Maña also refused to give the name of the person who instructed him to build a number of houses near the Globe Tower. Mr. Maña also mentioned that he is not aware on the laws of BPR, on the matter he was advised by team to refrain from the construction of other houses without permission from the DENR. Moreover, onsite, the team observed/documentated abandoned logs, which will be possibly used for construction of house.

On the other hand, the Team gathered GPS readings/point locations and documented all of the new unlawful occupations onsite. After the investigation/documentation of the above-mentioned personalities and subject areas, the team went back to the corresponding offices and the BPRMO personnel decided to continue the investigation on one new unlawful occupation on the next day, October 7, 2022, in Long paddock area, Brgy. Decalachao, Coron, Palawan.

Findings

1. During the conduct of field investigation/documentation of the Team and based on the GPS readings gathered when plotted to the based map of BPR, it was found that the above-mentioned claimant/occupant of the subject areas were:

- a. Mr. Stephen Vingno occupying a parcel of lot for his house in the area of Brgy. Decalachao, Coron, Palawan is within the BPR with an **approximate area of 2,462 square meters or 0.25 hectares.**

- The structures in his claimed area is one house made of semi-concrete materials and already fenced made of barb wire and drift woods.
- Below is the Technical descriptions based on the GPS readings gathered when plotted to the based map of BPR:

- 12° 7'55.97"N 120° 4'29.38"E (DSC01726)
- 12° 7'56.96"N 120° 4'29.31"E (DSC01727)
- 12° 7'56.99"N 120° 4'29.34"E (DSC01728)
- 12° 7'57.19"N 120° 4'28.11"E (DSC01729)
- 12° 7'57.01"N 120° 4'28.10"E (DSC01730)
- 12° 7'57.08"N 120° 4'28.11"E (DSC01731)
- 12° 7'55.27"N 120° 4'27.98"E (DSC01732)
- 12° 7'55.29"N 120° 4'28.03"E (DSC01733)
- 12° 7'55.17"N 120° 4'29.30"E (DSC01734)
- 12° 7'55.21"N 120° 4'29.22"E (DSC01735)
- 12° 7'55.25"N 120° 4'29.26"E (DSC01736)
- 12° 7'55.23"N 120° 4'29.23"E (DSC01737)

(*note: the DSC in closed parenthesis is the corresponding file name of photos taken using GPS)

- Mr. Stephen Vingno's farm - occupying a parcel of lot for his farm in the area of So. Sta. Cruz, Brgy. Decalachao, Coron, Palawan is within the BPR with an **approximate area of 41,731 square meters or 4.17 hectares**
- The structure in his claimed area for his farm is already fenced made of barb wire and drift woods and one house made of light materials for his goat;
- Below is the Technical descriptions based on the GPS readings gathered when plotted to the based map of BPR:

- 12° 8'24.36"N 120° 4'15.02"E (DSC01738)
- 12° 8'24.42"N 120° 4'15.02"E (DSC01739)
- 12° 8'23.67"N 120° 4'19.15"E (DSC01740)
- 12° 8'23.64"N 120° 4'19.18"E (DSC01741)
- 12° 8'25.40"N 120° 4'20.98"E (DSC01742)
- 12° 8'25.40"N 120° 4'20.97"E (DSC01743)
- 12° 8'25.15"N 120° 4'20.76"E (DSC01744)
- 12° 8'20.76"N 120° 4'11.67"E (DSC01745)
- 12° 8'20.73"N 120° 4'11.70"E (DSC01746)
- 12° 8'20.81"N 120° 4'11.73"E (DSC01747)
- 12° 8'20.73"N 120° 4'11.72"E (DSC01748)
- 12° 8'20.75"N 120° 4'11.73"E (DSC01749)

(*note: the DSC in closed parenthesis is the corresponding file name of photos taken using GPS)

- b. Ms. Meriam Lagrosa - occupying a parcel of lot in the portion of Gutchi I Paddock, Brgy. Decalachao, Coron, Palawan is within the BPR with an **approximate area of 74,587 square meters or 7.46 hectares.**

- Her family just decided to occupy the area since 1968 and stated that they started to collect entrance fees with an amount of PHP 20 per head in Gutchi Falls on 2020 while the rental for their five (5) cottages started in 2021 amounting to PHP 100 per cottage. Ms. Lagrosa explained to the team that they were collecting fees for the maintenance of Gutchi Falls as part of her claimed area.
- The structures on her claimed area, currently, they have five (5) cottages made of semi-concrete materials for rental of the visitors, one (1) semi-concrete rest room and ongoing construction of one building for their kitchen which started on September 2022.
- Below is the Technical descriptions based on the GPS readings gathered when plotted to the based map of BPR:

- 12° 7'7.48"N 120° 3'15.81"E (DSC01750)
- 12° 7'7.36"N 120° 3'15.96"E (DSC01751)
- 12° 7'7.27"N 120° 3'15.71"E (DSC01752)
- 12° 6'59.05"N 120° 3'17.57"E (DSC01753)
- 12° 6'59.44"N 120° 3'17.70"E (DSC01754)
- 12° 6'59.33"N 120° 3'17.64"E (DSC01755)
- 12° 6'59.64"N 120° 3'17.58"E (DSC01756)
- 12° 6'59.64"N 120° 3'17.58"E (DSC01756)
- 12° 6'59.99"N 120° 3'17.48"E (DSC01757)
- 12° 7'0.09"N 120° 3'17.43"E (DSC01758)
- 12° 7'0.30"N 120° 3'17.22"E (DSC01759)
- 12° 7'8.36"N 120° 3'18.26"E (DSC01760)
- 12° 7'1.90"N 120° 3'9.86"E (DSC01761)

(*note: the DSC in closed parenthesis is the corresponding file name of photos taken using GPS)

- c. Documented concrete house in Short paddock

- The structure documented by the BPRMO personnel in the area of Short paddock is made of concrete and already fenced made of barb wire and drift woods.

- d. Mr. Rodrigo Molino- occupying a parcel of lot in the area of Long paddock, Brgy. Decalachao, Coron, Palawan is within the BPR with an **approximate area of 2,689 square meters or 0.27 hectares.**

- His son named Emerson Molino acquired the area around June 2022 and his son is a registered resident in Brgy. Decalachao, Coron, Palawan. Currently, Mr. Emerson Molino working and rarely visits the subject area.
 - Mr. Molino mentioned that they were from Nueva Ecija and recently resided to Coron, Palawan at around June 10, 2022. He also stated that they were also a member of BUKLOD Farmers and paid a membership fee of PHP 500. In their acquired area, he said that they were planning to construct another three (3) houses allotted for his children.
 - The structure in his claimed area has an ongoing construction of house made of concrete materials and steel bars.
 - Below is the Technical descriptions based on the gathered geotagged when plotted to the based map of BPR:
 - 12° 5'13.85"N 120° 8'9.19"E
 - 12° 5'10.20"N 120° 8'6.83"E
 - 12° 5'14.12"N 120° 8'8.63"E
 - 12° 5'10.64"N 120° 8'6.42"E
 - e. Mr. Elbert Tuazon and Mr. Elpidio Tuazon occupying a parcel of lot in the area of So. Tulbuan, Brgy. Decalachao, Coron, Palawan within the BPR with an **approximate area of 14,877 square meters or 1.4 hectares**. House structure was documented on site and the area is already fenced.
 - f. New unlawful occupation in the portion of Globe Tower -- the Team documented **approximately 73 new unlawful occupations**, and all structures were made of light materials all within the area of jurisdiction of BAI-NBCRDC within the area of BPR.
4. Upon the investigation/documentation of the Team, the claimed areas of the all the above-mentioned claimants/occupants is inside the Busuanga Pasture Reserve (BPR). Pursuant to Presidential Proclamation No. 1387 issued in 1975 or "*Reserving and Establishing as a Pasture Reserve a Certain Parcel of Land of the Public Domain Situated in the Island of Busuanga, Province of Palawan*". The subject area is withdrawn from sale, lease, settlement or any other form of disposition, exploration, or exploitation and reserve as a pasture reserve. This Proclamation is an established fact that the Busuanga Pasture Reserve is government property. While it indicates a proviso "subject prior to private rights".
 5. The said unlawful activity violates Section 78 "*Unlawful Occupation or Destruction 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 or permit, or in any manner*" of P.D.705 as amended.

Recommendations

1. To send communication letters to the above-mentioned personalities to inform them regarding the existing laws and regulations pertaining to the parcel of land they occupied citing Presidential Proclamation 1387 issued in 1975, Presidential Proclamation 663 issued on 2013 and the violation they have committed the unlawful occupation violates Section 78 of P.D. 705. Moreover, inquire about the above personality's legal documents on their activities in the said area;
2. In the case of Ms. Meriam L. Lagrosa occupying an area within the reservation and illegal collection of fees and introduction of structures in Gutchi Falls, it is recommended to forward the matter to EMB for possible violations of environmental laws;
3. To obtain affidavit from the BAI-NBCRDC regarding the unlawful occupation of personalities involved on the investigation within their area of jurisdiction;
4. To conduct further investigation for the investigated/documentated areas without names of the occupant/claimant of the subject areas;
5. Regular monitoring of the subject areas within the BPR to deter illegal activities.

Please be informed that a separate Memorandum report dated October 28, 2022, was submitted to OIC, CENRO regarding the matter with the above-mentioned recommendations and specifically to forward the matter to CENRO Coron for the conduct of Administrative Hearing for unlawful occupation of the personalities involved.

For the Director's information and reference.


RICHARD JOHN P. GALAGATE
Project Operations Control Officer


DESIREE YVETTE A. SANDOVAL
Project Development Officer



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Department of Environment and Natural Resources

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MAR 16 2023

RECORDS UNIT

MEMORANDUM

FOR : **The Undersecretary**
Legal and Administration

FROM : **The Assistant Secretary for Field Operations - Western Mindanao,**
and Director, in concurrent capacity

SUBJECT : **RECENT REPORTS REGARDING ISSUES AND ACTIVITIES WITHIN**
THE BUSUANGA PASTURE RESERVE

DATE : **MAR 15 2023**

This has reference to the various issues within the Busuanga Pasture Reserve reported by the Bureau's Busuanga Pasture Reserve Management Office.

Upon review of the reports, this Office would like to provide the following findings and recommendations:

The survey conducted by the Department of Agrarian Reform within Busuanga Pasture Reserve

On October 25, 2022, the Busuanga Pasture Reserve Management Office investigated the alleged survey activities of the Department of Agrarian Reform within the Busuanga Pasture Reserve. The Department contracted J.T. Cadastral Surveying Office to conduct the surveys, possibly as a basis for issuing Certificates of Land Ownership Award to agrarian reform beneficiaries in the area.

Land Claim of Mr. Fon-Tsy-Cheng-Siao

On September 8, 2022, the Busuanga Pasture Reserved Management Office conducted documentation and investigation of the alleged occupation of a Mr. Fon-Tsy-Cheng-Siao in a parcel of land within the Pasture Reserve. Based on the sign found by the team, Mr. Siao claims that the parcel of land he is occupying is private property.

Again, the Pasture Reserve was removed from disposition in 1975, therefore, the parcel of land occupied by Mr. Siao is inalienable and cannot be disposed of, unless his title over the property was perfected beforehand.

Illegal Occupation within the Parcel of Land designated to the Bureau of Animal Industry

On September 29, 2022, the Bureau of Animal Industry sent a request to the Department, through the Community Environment and Natural Resources Office in

Calamianes Island, to look into alleged illegal occupations within the area designated for the Bureau in the Pasture Reserve.

Upon investigation of the Management Office, it was found out that several persons were occupying parcels of land within the said area with concrete houses and other infrastructures built or are in the process of being built.

Recommendation

Considering the reported acts within the Busuanga Pasture Reserve which may constitute violations of Presidential Decree No. 705, as amended, or may invite the Government to look into the possibility of filing for an action for reversion, this Bureau is recommending that the report be referred to the Department of Justice for their review and recommended actions.

FOR THE UNDERSECRETARY'S INFORMATION AND CONSIDERATION.


ARLEIGH J. ADORABLE, CESO III