

Options for fisherfolk settlement area in Brgy. Tagburos, Puerto Princesa City

Background:

- DENR released mangrove area in Tagburos for fishpond purposes (when? What instrument?)
- BFAR granted FLA covering 38.8 hectares in 1981
- Only 5 hectares were developed; the rest remained undeveloped/ mangrove
- In 2016, BFAR terminated FLA, retroactive effect to 2004 when the FLA expired
- Current status of area: 22.2 hectares intact mangroves; boundaries informally occupied as residential (<5 ha); no fish production
- BFAR recommended to DA to revert 10 hectares mangrove to DENR; the rest for mixed use including proposed BFAR hatchery facilities (10 hectares)
- DA action? Communication to DENR? Who has jurisdiction at this time?
- Presidential Proc 2152 (1981) declared Palawan as mangrove swamp forest reserve, prohibiting disposition or further development for fishpond or other uses. Is this still good law?
- DENR Memo 98-17 (no copy available) banning further zoning of mangrove areas. Is this still good law?

Community desired outcome:

- Allow use of 4 hectares as fisherfolk resettlement area
- Allow use of 1 hectare as high school site

BFAR desired outcome:

- Use 10 hectares for hatchery and other facilities

Utilization of terminated FLA area:

Mangrove conservation

- Revert intact mangroves to DENR; open for any community stewardship tenure instrument

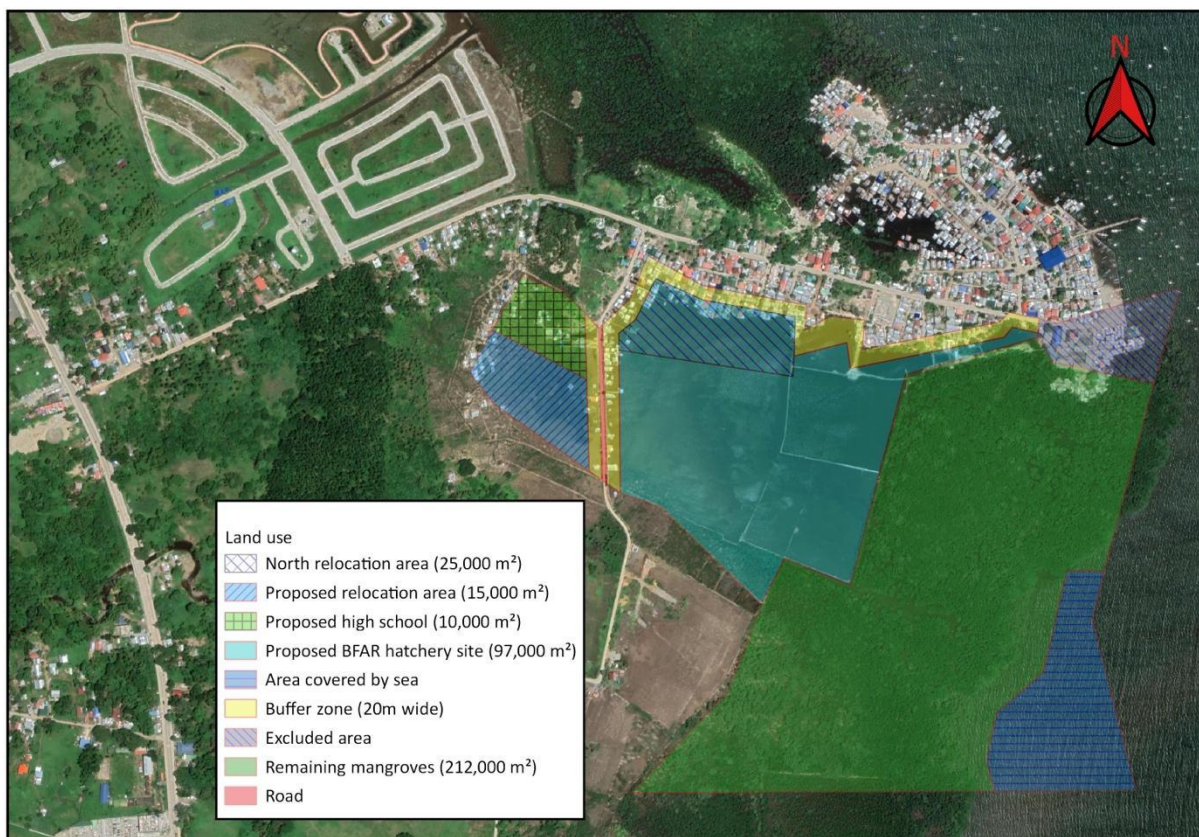
Fishpond/hatchery operation

- BFAR to retain 10 hectares for fish production facilities

Options for fisherfolk resettlement and high school

Option	Legal requirement	Other requirements
1) Release 5 hectares as alienable and disposable for residential and school use	DA formal transfer of jurisdiction to DENR of the 5 hectares for residential/school use and 22 hectares of intact mangrove Override PP2152 either by executive or legislative action	Vulnerability/suitability assessment Land survey in preparation for individual titling Census of informal settlers Mechanism to determine who can apply for title
2) Allow community to avail appropriate tenure instrument over forest land	Override DENR Memo 98-17 to allow: DENR to issue tenure instrument that covers the FLA area – allowing use of 5 hectares for school and fisherfolk resettlement in exchange for community responsibility to protect the intact mangroves Note: this might still need exemption from PP2152	Vulnerability/suitability assessment Census of informal settlers Formation of community organization that will be the holder of the tenure instrument and beneficiary of the resettlement area Management plan for the area

3) Allow community to apply for ASC under FAO 197-1, modified to allow fisherfolk resettlement and school	BFAR to retain jurisdiction over the 10 hectare proposed BFAR facility and 5 hectares for proposed resettlement and school	Vulnerability/suitability assessment Census of informal settlers Formation of community organization that will be the holder of the ASC and beneficiary of the resettlement area (modified) ASC requirements
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Proposed site development plan of FLA 3230
Tagburos, Puerto Princesa Palawan

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