

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 163, Coron, Palawan

**BCT TRADING AND
CONSTRUCTION, AND 428 HI-
TECH GROUP, INC.,**

Plaintiffs,

- versus -

Civil Case CRN-1084
For: Injunction & Damages

**ROBERTO B. MAGALLANES
AND JOSE B. MAGALLANES,
JR., ET AL.,**

Defendants.

x-----x

ANSWER WITH COMPULSORY COUNTERCLAIM

*(to the Complaint [With Application for Temporary Restraining Order and
Writ of Preliminary Injunction])*

Defendant, **PHILIPPINE RECLAMATION AUTHORITY**
(PRA), by counsel, respectfully states:

I

TIMELINESS

1. On 22 March 2023, PRA received a copy of the Summons, giving it 30 days from 22 March 2023, or until 21 April 2023, within which to file its Answer in accordance with the Rules of Court.

2. On 20 April 2023, PRA timely filed a Motion for Extension of Time, praying for an additional period of 30 days from 21 April 2023, or until 21 May 2023, within which to file its Answer.

3. Considering that 21 May 2023 falls on a Sunday, this Answer is being filed on the next working day. Hence, this Answer is timely filed.

II ADMISSIONS / DENIALS

A. Under the heading "The Parties"

4. PRA specifically DENIES the allegations in Paragraph 1.01 of the Complaint pertaining to Plaintiffs', as well as their counsel's, profile and circumstances for lack of knowledge or information sufficient to form a belief as to the truth or falsity thereof.

5. PRA specifically DENIES the allegations in Paragraph 1.02 of the Complaint pertaining to Defendants Roberto and Jose B. Magallanes' (Magallanes Brothers) profile and circumstances, as well as that of SAGIP CORON's, for lack of knowledge or information sufficient to form a belief as to the truth or falsity thereof.

6. PRA ADMITS the allegations in Paragraph 1.03 of the Complaint insofar as its office address is concerned. However, PRA DENIES the allegation that it is either a "government agency or instrumentality," the fact of the matter is, it is a government -owned and -controlled corporation (GOCC). For purposes of this case, PRA is being represented by its statutory counsel in the address indicated below.

7. PRA specifically DENIES the allegations in Paragraph 1.04 of the Complaint pertaining to the service of summons on the defendants, for lack of knowledge or information sufficient to form a belief as to the truth or falsity thereof.

B. Under the heading "Statement of Facts"

8. PRA ADMITS the allegations in Paragraphs 2.01 and 2.02 of the Complaint insofar as the existence of the 5 November 2009 Memorandum of Agreement (MOA) with the Defendant Province of

Palawan (Province) pertaining to the Coron Bay Development Project (CBDP) is concerned.

9. PRA ADMITS that the Province was able to reclaim approximately 10 hectares as stated in Paragraph 2.03 of the Complaint, but DENIES the rest of the allegations therein, for lack of sufficient knowledge or information to form a belief as to the truth or falsity thereof.

10. PRA specifically DENIES the allegations in Paragraphs 2.04 and 2.05, as well as their subparagraphs of the Complaint, for lack of knowledge or information sufficient to form a belief as to the truth or falsity thereof, since PRA is not privy to the selection of the Province's joint venture partner.

11. PRA ADMITS the allegations in Paragraphs 2.06 and 2.07 of the Complaint, insofar as the existence of the 1 October 2019 letter of the Province to the PRA and the 11 December 2019 letter of PRA to the Province are concerned, which clearly establish that the Notice to Proceed (NTP) issued by PRA was conditioned on the Province's compliance with certain requirements, as will be discussed in PRA's Special and Affirmative Defenses below.

12. PRA ADMITS Paragraph 2.08, and its subparagraph of the Complaint, pertaining to the payment of regulatory fees under the name of the Province, as evidenced by the 27 December 2019 receipt issued by PRA. However, PRA specifically DENIES that the same was made by the Plaintiffs on behalf of the Province, for lack of lack of knowledge or information sufficient to form a belief as to the truth or falsity thereof.

13. PRA specifically DENIES the allegations in Paragraph 2.09 of the Complaint, the truth of the matter is that the Plaintiffs knew from the beginning that the NTP was conditional and would not make the reclamation legal unless and until all the documentary requirements were complied with by the Province.

14. PRA ADMITS Paragraph 2.10 of the Complaint insofar as it makes it appear that the proper party of the reclamation project

X-----X

subject of the 5 November 2009 MOA is the Province. However, the rest of the allegations therein are specifically DENIED, considering that PRA is not privy to the purported joint venture agreement (JVA) between the Province and the Plaintiffs.

15. PRA specifically DENIES the allegations in Paragraph 2.11, as well as the document attached thereto as Annex "G," of the Complaint, for lack of knowledge or information sufficient to form a belief as to the truth or falsity thereof.

16. PRA ADMITS only its 22 February 2021 letter, containing the requirements for the issuance of the final NTP, mentioned in Paragraph 2.12 of the Complaint. However, the rest of the allegations therein are specifically DENIED, for lack of knowledge or information sufficient to form a belief as to the truth or falsity thereof.

17. PRA specifically DENIES the allegations in Paragraphs 2.13, 2.14, 2.15 2.16 and 2.17, as well as the documents attached as Annexes "J", "K", "L", "M", "N" and "N-1", of the Complaint, which pertain to the alleged communications between the Plaintiffs and Defendant DENR-MIMAROPA or issuances by the latter, for lack of knowledge or information sufficient to form a belief as to the truth or falsity thereof.

18. PRA specifically DENIES the allegations in Paragraph 2.18 of the Complaint, for being erroneous conclusions of fact, the truth of the matter is that the DENR-MIMAROPA had to act on certain complaints against Plaintiffs, which could affect the issuance of the Area Clearance, as will be discussed in PRA's Special and Affirmative Defenses below.

19. PRA specifically DENIES the allegations in Paragraph 2.19 and its subparagraph, as well as the documents attached as Exhibits "O" and "P," of the Complaint, for lack of knowledge or information sufficient to form a belief as to the truth or falsity thereof.

20. PRA specifically DENIES the allegations in Paragraph 2.20, as well as the document attached as Annex "N," of the Complaint, for

X-----X

lack of knowledge or information sufficient to form a belief as to the truth or falsity thereof.

21. PRA specifically DENIES the allegations in Paragraph 2.21 of the Complaint, insofar as they make it appear that PRA issued the Cease and Desist Order (CDO) when the Area Clearance to be issued by the DENR-MIMAROPA was forthcoming. However, PRA ADMITS that it issued the CDO, under the circumstances stated and discussed in PRA's Special and Affirmative Defenses below.

22. PRA ADMITS only the existence of the 29 March 2022 letter of the Province mentioned in paragraph 2.22, but DENIES the rest of the allegations therein for containing conclusions of fact and law.

23. PRA specifically DENIES all the allegations in Paragraphs 2.23 and 2.24 of the Complaint, especially insofar as they make it appear that the Province and Plaintiffs were not notified of PRA's issuance of the Forfeiture Order but merely heard about it through the media. The fact of the matter is that PRA notified the Province as early as 11 December 2019 about the requirements of the conditional NTP and warned it that non-compliance with such requirements would cause the NTP's nullification. Furthermore, PRA sent a 23 February 2023 letter informing the Plaintiffs and the Province of the Forfeiture Order as early as 1 March 2023. Therefore, the claim that the forfeiture came as a "shock," and that the "Forfeiture Order has not yet attained finality," is untrue and baseless.

24. PRA ADMITS the allegations in Paragraph 2.25 of the Complaint only insofar as PRA's issuance of the 23 February 2023 letter informing the Province and the Plaintiffs of the forfeiture of the illegally reclaimed land, as approved by the PRA Board. However, PRA specifically DENIES the rest of the allegations therein for being erroneous conclusions of fact and law.

25. PRA specifically DENIES the allegations in Paragraph 2.26 of the Complaint, especially the statements in plaintiff's alleged 2 March 2023 letter to PRA, the truth of the matter being those contained in PRA's special and affirmative defenses below.

X-----X

26. PRA specifically DENIES the allegations in Paragraph 2.27 of the Complaint, for being self-serving and for being erroneous conclusions of fact and law. As stated earlier, there is no basis for saying that the Forfeiture Order has not attained finality. Further, PRA's 23 February 2023 letter clearly states that the forfeiture is being made in favor of the National Government, and any suggestion to the contrary is purely speculative.

27. PRA specifically DENIES the allegations in Paragraphs 2.28 to 2.41, as well as the documents attached as Exhibits "U" to "X," of the Complaint for lack of knowledge or information sufficient to form a belief as to the truth or falsity thereof and for being mere conjectures, speculations and erroneous conclusions of facts and law, the truth of the matter being those discussed in the Special and Affirmative Defenses below.

C. Under the heading "Causes of Action"

28. PRA specifically DENIES the allegations in ALL the Paragraphs under this heading of the Complaint, for lack of knowledge or information sufficient to form a belief as to the truth or falsity thereof, and for being mere conjectures, speculations and erroneous conclusions of facts and law, the truth of the matter being those stated in the Special and Affirmative Defenses below.

D. Under the heading "Application for Temporary Restraining Order and Writ of Preliminary Injunction"

29. PRA specifically DENIES the allegations contained in ALL the paragraphs under this heading, for being erroneous conclusions of law, the correct conclusions are those stated/discussed in the Special and Affirmative Defenses below.

III
SPECIAL AND AFFIRMATIVE DEFENSES

PRA respectfully adopts and incorporates all the statements in the preceding paragraphs, and further alleges that:

**THE COMPLAINT FAILS TO STATE A
CAUSE OF ACTION; PLAINTIFFS ARE
NOT THE REAL PARTIES IN
INTEREST.**

30. In *Philippine National Bank vs. Abello et al.*¹ (PNB Case), the Supreme Court held that the following elements should be existing in determining whether or not the complaint failed to state a cause of action:

Thus, in "failure to state a cause of action," the examination is limited to the complaint in that whether it contains an *averment* of the three (3) essential elements of a cause of action, namely: (a) a right in favor of the plaintiff by whatever means and under whatever law it arises or is created; (b) an obligation on the part of the named defendant to respect or not to violate such right; and (c) an act or omission on the part of the named defendant violative of the right of the plaintiff or constituting a breach of the obligation of defendant to the plaintiff for which the latter may maintain an action for recovery. The test is whether or not, admitting hypothetically the allegations of fact made in the complaint, a judge may validly grant the relief demanded. (Emphasis supplied)

31. Presidential Decree (PD) 3-A² expressly provides that "the reclamation of areas under water, whether foreshore or inland, shall be limited to the National Government or any person authorized by it under a proper contract."

32. Applying the provisions of PD 3-A in this case, the reclamation and development of the portion of the foreshore and offshore areas of the Municipality of Coron, Palawan was authorized by the National Government through the execution of a proper contract, that is, the 5 November 2009 MOA between PRA and the Province.

33. Significantly, the contracting parties in the MOA are **only** the following: (1) the PRA; and (2) the Province of Palawan. Plain and clear, Plaintiffs are **not parties to the Contract**, but strangers to this MOA.

¹ GR 242570, 18 September 2019.

² Annex "1-PRA", Amending Section 7 of Presidential Decree No. 3 dated September 26, 1972 by providing for the exclusive prosecution by administration or by contract of Reclamation Projects.

X-----X

34. A reading of the Complaint shows that it failed to meet the *second* and *third* elements mentioned in the *PNB case* – "(b) an obligation on the part of the named defendant to respect or not to violate such right; and (c) an act or omission on the part of the named defendant violative of the right of the plaintiff or constituting a breach of the obligation of defendant to the plaintiff for which the latter may maintain an action for recovery."

35. Being strangers to the MOA between PRA and the Province, Plaintiffs failed to state in the Complaint specific PRA's obligation to respect and not violate Plaintiffs' rights, if any. Likewise, the Complaint failed to state the act or omission committed by PRA against them, since they have no right to speak of, insofar as the MOA is concerned.

36. Relative thereto, Section 2, Rule 3 of the Rules of Court lays down the definition of a "*real party in interest*", as follows:

SEC. 2. Parties in interest – A real party in interest is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit. Unless otherwise provided by law or these Rules, every action must be prosecuted or defended in the name of the real party in interest.

(Emphasis supplied)

37. The Supreme Court, in a catena of cases,³ has ruled that "*the parties to a contract are the real parties-in-interest in an action upon it.*" The basic principle of the relativity of contracts provides that a contract is only legally binding for the individuals who have agreed to it. A third person, even if they have knowledge of the contract and have acted accordingly, cannot benefit from or be disadvantaged by it.⁴

38. Therefore, one who is not a party to a contract, and for whose benefit it was not expressly made, cannot maintain an action on

³ *Conchita Gloria and Maria Lourdes Gloria-Payduan, vs. Builders Savings And Loan Association, Inc.*, GR 202324, 4 June 2018, *Home Guaranty Corporation vs. Elvira S. Manlapaz*, GR 202820, 13 January 2021.

⁴ *Asian Terminals, Inc. vs. Padoson Stainless Steel Corp.*, GR 211876, 25 June 2018.

x-----x

it. One cannot do so, even if the contract performed by the contracting parties would incidentally inure to one's benefit.⁵

39. In Andy Ang vs. Pacunio, et al.,⁶ the Supreme Court discussed the requirements of the rule on *real parties-in-interest*, as follows:

The rule on real parties in interest has two (2) requirements, namely: (a) to institute an action, the plaintiff must be the real party in interest; and (b) the action must be prosecuted in the name of the real party in interest. **Interest within the meaning of the Rules of Court means material interest or an interest in issue to be affected by the decree or judgment of the case, as distinguished from mere curiosity about the question involved.** One having no material interest cannot invoke the jurisdiction of the court as the plaintiff in an action. When the plaintiff is not the real party in interest, the case is dismissible on the ground of lack of cause of action. In *Spouses Oco v. Limbaring*, the Court expounded on the purpose of this rule, to wit: Necessarily, the purposes of this provision are 1) to prevent the prosecution of actions by persons without any right, title or interest in the case; 2) to require that the actual party entitled to legal relief be the one to prosecute the action; 3) to avoid multiplicity of suits; and 4) discourage litigation and keep it within certain bounds, pursuant to public policy.

(Emphasis supplied)

40. Further, a *real party-in-interest* is one who has a right or interest to protect in the case.

41. In Rapid City Realty and Development Corporation vs. Lourdes Estudillo Paez-Cline, et al.,⁷ the term "interest" is defined as follows:

"Interest" within the meaning of the rules means material interest, an interest in issue and to be affected by the decree as distinguished from mere interest in the question involved, or a mere incidental interest.

(Emphasis supplied)

⁵ *Juana Vda. De Rojas, Vs. Marcelino Dime*, GR 194548, 10 February 2016.

⁶ GR 208928, dated 08 July 2015.

⁷ GR 217148, dated 07 December 2021.

42. Dina Consumido vs. Hon. Reynaldo G. Ros⁸ further explained that: "a real party-in-interest is one who has a legal right. Since a contract may be violated only by the parties thereto as against each other, in an action upon that contract, the real parties-in-interest, either as plaintiff or as defendant, must be parties to the said contract. The action must be brought by the person who, by substantive law, possesses the right sought to be enforced."

43. In this case, Plaintiffs, not being parties to the MOA, are not privy to it. They are, thus, mere "strangers" to the MOA. Consequently, any breach of the MOA will not affect them. There can be no material interest to speak of on their part which can warrant them as the real parties in interest in this case.

44. In Executive Secretary vs. Forerunner Multi Resources, Inc.,⁹ the Supreme Court explained the requirement of "Clear legal right," viz:

A preliminary injunctive writ under Rule 58 issues only upon a showing of the applicant's "clear legal right" being violated or under threat of violation by the defendant. "Clear legal right," within the meaning of Rule 58, contemplates a right "clearly founded in or granted by law."

(Emphasis supplied)

Clearly, any issuance of a injunctive writ is justified ONLY in cases, where the Applicant's right is free from any doubt or dispute.

45. Corollary, Plaintiffs' alleged rights is founded only on the Contractual Joint Venture Agreement (CJVA) executed between them and the Province. However, it must be emphasized that the subject reclamation project is based on the MOA, which was executed only between PRA and the Province. Plaintiffs are not parties or privy to the MOA which made possible the Reclamation Project.

46. The MOA is the basis of the authority that may be given by PRA to reclaim, and not the CJVA between the Province and the Plaintiffs. Since the Province is one of the contracting parties in the MOA, it is

⁸ GR 166875, dated 31 July 2007.

⁹ GR 199324, dated 07 January 2013.

the proper party who may raise an issue on the validity of the forfeiture.

47. Because of this MOA, authority to reclaim was granted to the Province, subject to the submission of documentary requirements. The authority to reclaim was not granted to the Plaintiffs since, to begin with, they are NOT parties to the MOA. Hence, the forfeiture of the reclaimed land subject of the MOA, will not directly affect the Plaintiffs, but rather the Province. Since Plaintiffs are not directly affected by the forfeiture, their rights as alleged in the Complaint are unclear and doubtful.

**PLAINTIFFS FAILED TO ESTABLISH
THE ELEMENTS FOR THEIR
ENTITLEMENT TO AN INJUNCTIVE
WRIT.**

48. Section 3, Rule 58 of the Rules of Court provides for the grounds for the issuance of an injunctive writ:

Sec. 3. *Grounds for issuance of preliminary injunction.* -A preliminary injunction may be granted when it is established:

(a) That the applicant is entitled to the relief demanded, and the whole or part of such relief consists in restraining the commission or continuance of the act or acts complained of, or in requiring the performance of an act or acts, either for a limited period or perpetually;

(b) That the commission, continuance or non-performance of the act or acts complained of during the litigation would probably work injustice to the applicant; or

(c) That a party, court, agency or a person is doing, threatening, or is attempting to do, or is procuring or suffering to be done, some act or acts probably in violation of the rights of the applicant respecting the subject of the action or proceeding, and tending to render the judgment ineffectual. (Emphasis supplied)

49. In Ermita v. Aldecoa-Delorino,¹⁰ the Supreme Court, citing St. James College of Parañaque v. Equitable PCI Bank,¹¹ enumerated the requisites for issuance of an injunctive writ, to wit:

- (1) The applicant must have a clear and unmistakable right to be protected, that is a right *in esse*;
- (2) There is a material and substantial invasion of such right;
- (3) There is an urgent need for the writ to prevent irreparable injury to the applicant; and
- (4) No other ordinary, speedy, and adequate remedy exists to prevent the infliction of irreparable injury.

50. In similar vein, the Supreme Court, in the case of City of Iloilo v. Honrado,¹² enumerated the grounds for the issuance of a writ of preliminary injunction:

Section 3, Rule 58 of the Rules of Court set the guidelines for when the issuance of a writ of preliminary injunction is justified, namely: (a) when the applicant is entitled to the relief demanded, and the whole or part of such relief consists in restraining the commission or continuance of the act or acts complained of, or in requiring the performance of an act or acts, either for a limited period or perpetually; or (b) when the commission, continuance or non-performance of the act or acts complained of during the litigation would probably work injustice to the applicant; or (c) when a party, court, agency or a person is doing, threatening, or is attempting to do, or is procuring or suffering to be done, some act or acts probably in violation of the rights of the applicant respecting the subject of the action or proceeding, and tending to render the judgment ineffectual.

51. In synthesis, the following requisites must be proved before a writ of preliminary injunction will issue:

- (1) The applicant must have a clear and unmistakable right to be protected, that is, a right *in esse*;

¹⁰ GR 177130, 7 June 2011.

¹¹ GR 179441, 9 August 2010.

¹² GR 160399, 9 December 2015.

X-----X

- (2) There is a material and substantial invasion of such right;
- (3) There is an urgent need for the writ to prevent irreparable injury to the applicant; and
- (4) No other ordinary, speedy, and adequate remedy exists to prevent the infliction of irreparable injury.

52. It bears stressing that to be entitled to an injunctive writ, the right to be protected and the violation against that right must be shown. A writ of preliminary injunction may be issued only upon clear showing of an actual existing right to be protected during the pendency of the principal action. When the complainant's right or title is doubtful or disputed, the complainant does not have a clear legal right and, therefore, the issuance of the injunctive relief is not proper.¹³

53. Hence, in Hon. Secretary Emilia T. Boncodin of the Department of Budget and Management v. National Power Corporation Employees Consolidated Union,¹⁴ the Supreme Court ruled:

The grant of the writ is conditioned on the existence of the movant's clear and positive right, which should be protected. It is an extraordinary peremptory remedy available only on the grounds expressly provided by law, specifically Section 3 of Rule 58.

A clear legal right means one clearly founded in or granted by law or is 'enforceable as a matter of law.'

Absent any clear and unquestioned legal right, the issuance of an injunctive writ would constitute grave abuse of discretion. Injunction is not designed to protect contingent, abstract or future rights whose existence is doubtful or disputed. It cannot be grounded on the possibility of irreparable damage without proof of an actual existing right. Sans that proof, equity will not take cognizance of suits to establish title or lend its preventive aid by injunction.

(Emphasis and underscoring supplied)

¹³ *Incorporators of Mindanao Institute, Inc. v. United Church of Christ in the Philippines*, GR 171765, 21 March 2012.

¹⁴ GR 162716, 27 September 2006.

X-----X

54. Here, Plaintiffs failed to establish the *first element*—“**clear and unmistakable right**”—for their entitlement to an injunctive writ, they are strangers to the MOA between PRA and the Province, thus, are not being the real parties in interest in this case.

55. Since Plaintiffs’ “clear and unmistakable right” is lacking, the *second element* of “**material and substantial invasion of such right**” cannot exist. PRA cannot cause any invasion of a “right” that does not exist; since it is not obligated to perform or respect any right on the part of the Plaintiffs over the reclaimed land.

56. As for the *third element* of “**urgent need to prevent grave and irreparable injury,**” the same is also absent in Plaintiffs’ case.

57. In *Social Security Commission v. Bayona*,¹⁵ “irreparable injury” was defined, as follows:

Damages are irreparable within the meaning of the rule relative to the issuance of injunction where **there is no standard by which their amount can be measured with reasonable accuracy.** “An irreparable injury which a court of equity will enjoin includes that degree of wrong of a repeated and continuing kind which produce hurt, inconvenience, or damage that can be estimated only by conjecture, and not by any accurate standard of measurement.” An irreparable injury to authorize an injunction consists of a serious charge of, or is destructive to, the property it affects, either physically or in the character in which it has been held and enjoined, or when the property has some peculiar quality or use, so that its pecuniary value will not fairly recompense the owner of the loss thereof.

(Emphasis supplied)

58. In this case, the damages that may be suffered by the Plaintiffs by reason of the excavation works are actually easily determinable by using applicable mathematical computation, as the Plaintiffs themselves inferentially admitted in Paragraph 4.01 of their Complaint:

4.01 There is absolutely no doubt, and defendants themselves will not deny, that they cause excavation of approximately

¹⁵ GR L-13555, 30 May 1962.

X-----X

2,300 cubic meters of the reclaimed land xxx. (Emphasis supplied)

59. Furthermore, in Paragraph 4.03 of the Complaint Plaintiffs stated:

By plaintiffs' assessment, immediately restoring the excavated area to its former state will prevent further damage to the reclaimed area. However, such restoration will cost approximately Php 3,000,000.00 for which defendants Magallanes must be made liable to pay. (Emphasis supplied)

60. As gleaned from the Plaintiffs' allegations, there is actually *pecuniary value* in the conduct of the excavation works, thus, negating the concept or presence here of "irreparable injury" as an element of the extraordinary writ of injunction.

61. On the other hand, it is the State and the country's environment as a whole, that would suffer "irreparable injury" if Plaintiffs would be allowed to proceed with the illegal reclamation activities in the area, or if the rehabilitation measures being taken in the illegally reclaimed area would be enjoined.

62. A site inspection of the area revealed that the reclamation had been done illegally and without the monitoring support of the proper government agencies which resulted in the destruction of mangrove colonies and the blockade of the natural flow of sea water in the area causing stagnation and slow death of sea living creatures and organisms within the vicinity. Thus, the excavation of portions of the reclamation works in the area was necessary to create an open canal for the water to flow freely and for the remaining mangroves to be saved and thrive.

63. All told, any injunctive writ that may be granted in favor of Plaintiffs that will stop the proper government agencies PRA included, from implementing the necessary rehabilitation and mitigating measures will cause grave and far-reaching environmental damage.

**THE RECLAMATION OF THE 22-
HECTARE LAND WAS MADE
WITHOUT A VALID PERMIT AND
WAS THEREFORE ILLEGAL.**

64. As a consequence of Plaintiffs’ illegal reclamation, the State’s through PRA’s, forfeiture of the reclaimed land is beyond cavil. In fact, Plaintiffs have not raised any question on the validity of the forfeiture—only that they have not been “notified” by it as they admitted in the Complaint.

65. The applicable rules and regulations in the processing, evaluation, approval and implementation of the CBDP are Executive Order (EO) 543, Series of 2006¹⁶ and its Implementing Rules and PRA Administrative Order (AO) 2007-2¹⁷. Further, the MOA provides, among other things, the requirements to be complied with by the Province before any actual reclamation works could be undertaken.

66. In PRA’s evaluation and assessment, the Province failed to FULLY comply with all the requirements as can be gleaned below:

<i>Documentary Requirements under 2009 MOA (as reiterated in PRA’s Conditional NTP dated 11 December 2019 and PRA’s letter dated 22 February 2021, for issuance of Final NTP)</i>	<i>Documents submitted the Province’s JV Partner (herein Plaintiffs)</i>	<i>STATUS OF COMPLIANCE AS OF APRIL 2023</i>
1. FINAL DESIGN, which includes the following:		
a. Land-form plan with technical description of the metes and bounds of the same;	Project Technical Description	COMPLIANT (Submitted on 18 December 2020)
b. Final Master Development and Land Use Plan for the project;	NONE SUBMITTED	NOT COMPLIANT

¹⁶ Annex “2-PRA”, Delegating to the Philippine Reclamation Authority to Approve Reclamation Projects.

¹⁷ Annex “3-PRA”, Implementing Rules and Regulations (IRR) of Executive Order No. 543 (EO 543) dated June 24, 2006 Delegating to the Philippine Reclamation Authority (PRA) the Power to Approve Reclamation Projects.

X-----X

c.		
(i) Detailed engineering studies	Updated Project Feasibility Study; Geotechnical Report; Preliminary Geotechnical Report; Final Survey Report (Topo and Hydro Survey Report);	COMPLIANT (Submitted on 18 December 2020)
(ii) Detailed engineering design, plans and specifications for reclamation works, reclamation plans	Containment Structure Layout; Longitudinal Profile of Reclamation for each Station; Revetment Types of each Station.	COMPLIANT (Submitted on 18 December 2020)
(iii) reclamation methodology	NONE SUBMITTED	NOT COMPLIANT
(iv) plans for the sources of fill materials.	NONE SUBMITTED	NOT COMPLIANT
d. Drainage plan vis-a-vis the land-form approved by DPWH Regional Office to include a cost-effective and efficient drainage system as may be required based on the result of the studies;	NONE SUBMITTED	NOT COMPLIANT
e. Detailed Project Cost Estimates and Quantity take-off per items of work of the Rawland reclamation components, e.g., reclamation, containment structures and soil consolidation;	NONE SUBMITTED	NOT COMPLIANT
f. Organizational Chart of the construction arm, manning table, equipment schedule of the project;	NONE SUBMITTED	NOT COMPLIANT
g. Project timetable (PERT/CPM) for the entire project construction period; and	NONE SUBMITTED	NOT COMPLIANT

X-----X

2. COMPLIANCE with the conditions of the ECC issued by the DENR-EMB and observe and/or comply with pertinent local and international commitments of the RP to ensure environmental protection; As well as requirement of other concerned agencies such as:	NONE SUBMITTED	NOT COMPLIANT
a. DENR Area Clearance	NONE SUBMITTED	NOT COMPLIANT
b. Preliminary Geohazard Assessment	Engineering Geological and Geohazard Assessment Report	COMPLIANT (Submitted on 18 December 2020)
3. Payment of Initial Regulatory Fee and Social Environment Fund		
Regulatory fee in the amount of P12,633,600.00 (VAT inclusive)	PRA Official Receipt (OR) No. 0016302	COMPLIANT (Paid on 27 December 2019)
Social Environment Fund equivalent to 20% of the P22,560,000.00 or 4,512,000.00.	PRA Acknowledgement Receipt (AR) No. 0000173	COMPLIANT (Paid on 27 December 2019)
The remaining 80% shall be paid upon billing after approval of the final design.		

67. Despite the substantial non-compliance with PRA's requirements and absence of approval or permit from the PRA to undertake actual reclamation works, the Province, through Plaintiffs, nevertheless proceeded with the reclamation, which is a clear violation of existing laws, rules and regulations, and terms and conditions of the MOA.

THE FORFEITURE OF THE SUBJECT ILLEGALLY RECLAIMED LAND IN THIS CASE WAS PURSUANT TO PRA's MANDATE AND POWERS

X-----X

68. The Public Estates Authority (PEA), now PRA, was created on 4 February 1977 through PD 1084,¹⁸ with mandate to reclaim land, acquire reclaimed land, and administer and dispose all forms of real properties of the government. Specifically, Sections 4 and 8 of PD 1084 vests PEA with the following purposes and powers:

Sec. 4. Purpose. The Authority is hereby created for the following purposes:

- (a) To reclaim land, including foreshore and submerged areas, by dredging, filling or other means, or to acquire reclaimed land;
- (b) To develop, improve, acquire, administer, deal in, subdivide, dispose, lease and sell any and all kinds of lands, buildings, estates and other forms of real property, owned, managed, controlled and/ or operated by the government;
- (c) To provide for, operate or administer such service as may be necessary for the efficient, economical and beneficial utilization of the above properties.

Sec. 5. Powers and functions of the Authority. The Authority shall, in carrying out the purposes for which it is created, have the following powers and functions:

- (a) To prescribe its by-laws.

xxx

- (i) To hold lands of the public domain in excess of the area permitted to private corporations by statute.

- j) To reclaim lands and to construct work across, or otherwise, any stream, watercourse, canal, ditch, flume

xxx

- (o) To perform such acts and exercise such functions as may be necessary for the attainment of the purposes and objectives herein specified.

69. PD 1084 authorizes PEA to reclaim both foreshore and submerged areas of the public domain. Foreshore and submerged

¹⁸ Annex "4-PRA", Charter of the Public Estates Authority, Creating the Public Estates Authority, Defining its Power and Functions, Providing Funds Therefore and for Other Purposes.

X-----X

areas indisputably belong to the public domain and are inalienable unless reclaimed, classified as alienable lands open to disposition, and further declared no longer needed for public service.¹⁹ In 1979, Executive Order (EO) 525²⁰ was issued designating PEA as the agency primarily responsible for all reclamation projects. Sections 1 and 3 of EO 525 reads:

Section 1. The Public Estates Authority (PEA) shall be primarily responsible for integrating, directing, and coordinating all reclamation projects for and on behalf of the National Government. All reclamation projects shall be approved by the President upon recommendation of the PEA, and shall be undertaken by the PEA or through a proper contract executed by it with any person or entity; Provided, that, reclamation projects of any national government agency or entity authorized under its charter shall be undertaken in consultation with the PEA upon approval of the President.

xxx

Section 3. All lands reclaimed by PEA shall belong to or be owned by the PEA which shall be responsible for its administration, development, utilization or disposition in accordance with the provisions of Presidential Decree 1084. Any and all income that the PEA may derive from the sale, lease or use of reclaimed lands shall be used in accordance with the provisions of PD 1084.

70. On 11 January 1973, President Ferdinand Marcos issued PD 3-A providing for the exclusive prosecution of reclamation projects by the National Government or any person authorized by it under a proper contract. Section 1 of PD 3-A states:

Section 1. The provisions of any law to the contrary notwithstanding, the reclamation of areas under water, whether foreshore or inland, shall be limited to the National Government or any person authorized by it under a proper contract.

All reclamation made in violation of this provision shall be forfeited to the State without need of judicial action.

¹⁹ *Chavez vs. Public Estates Authority*, GR 133250, 9 July 2002, 384 SCRA 152.

²⁰ Annex "5-PRA", Designating the Public Estate Authority as the agency primarily responsible for all reclamation projects.

x-----x

71. Section 3 of PRA AO 2007-2 states that no reclamation projects shall be undertaken *"without the prior permit and approval thereof by the PRA or the President of the Philippines"*. Further, Section 7 thereof provides that reclamation projects undertaken without the required approval of the PRA or the President of the Philippines shall be considered illegal and *shall be forfeited to the State without need of judicial action* pursuant to PD 3-A:

Section 7. Reclamation projects undertaken **without the required approval of the PRA or the President of the Philippines** contrary to the provisions of Presidential Decree No. 1084 as amended by Executive Order No. 525 and Executive Order No. 543, shall be considered illegal and shall be forfeited to the State pursuant to Presidential Decree No. 3-A. (Emphasis supplied)

72. It will be recalled that pursuant to PD 3-A, the reclamation and development of the portion of the foreshore and offshore areas of the Municipality of Coron, Palawan was authorized by the National Government through the execution of a proper contract, namely, the 5 November 2009 MOA between PRA and the Province, pertaining to the reclamation and development of a portion of the foreshore areas of the Municipality of Coron, Palawan, otherwise known as the CBDP. Notwithstanding the MOA, an NTP had to be issued prior to the commencement of any reclamation works.

73. It must be emphasized that prior to the validity of any NTP, certain requirements need to be complied with. This is clear from the time the MOA between the PRA and the Province was executed. Under Article IV, B.2 (3) of the MOA, the Province undertook, among other things, to:

Submit the following requirements within sixty (60) working days from effectivity of this Agreement, for review and approval by the PRA, as basis for the issuance of the Notice to Proceed [NTP] for Reclamation Works:

- a) Land-form plan with TECHNICAL DESCRIPTION of the metes and bounds of the same;
- b) Final Master Development and Land Use Plan for the Project;

x-----x

c) Detailed engineering design, plans and specification for reclamation works, reclamation plans and methodology, plans for sources of fill materials;

d) Drainage plan vis-à-vis the land form approved by DPWH Regional Office to include a cost effective and efficient drainage system as may be required based on the results of the studies;

e) Detailed Project Cost Estimates and Quantity take-off per items of work of the Rawland Reclamation components, e.g., reclamation, containment structures and soil consolidation;

f) Organizational Chart of the construction arm, manning table, equipment schedule for the Project;

g) Project timetable (PERT/CPM) for entire Project construction period.

74. Furthermore, in its 11 July 2018 letter,²¹ the PRA reiterated the need for the Province's compliance with the above-enumerated pre-construction documents, albeit its intent to implement the remaining 40 hectares of land to be reclaimed through an unsolicited proposal.

75. In its 1 October 2019 letter,²² the Province, through Governor Jose CH. Alvarez, informed PRA that it had successfully selected the Plaintiffs, through unsolicited proposal, as its Joint Venture partners, and requested the issuance of the NTP, submitting documents in support thereof. PRA acknowledged receipt of the letter and documents through a 23 October 2019 letter,²³ informing the Province, among other things, that it would undertake rapid assessment of the submitted documents and would recommend the issuance of the NTP to the PRA Board, should there be no deficiencies.

76. In its 4 November 2019 letter,²⁴ the Province once more requested the issuance of the NTP in favor of the CBDP, to enable its joint venture partner to proceed. The Province manifested that

²¹ Annex "6-PRA".

²² Annex "7-PRA".

²³ Annex "8-PRA".

²⁴ Annex "9-PRA".

x-----x

it was amenable to the issuance of the NTP, with the necessary conditions.

77. Thus, on 10 December 2019, the PRA Board of Directors issued Resolution 5078,²⁵ Series of 2019, approving the issuance of the NTP subject to the following: (a) Requirements prior to Actual Reclamation Works; (b) Land Sharing as computed by PRA; and (c) Requirements for the effectivity of the NTP. The Province was given 180 days to comply with the requirements.

78. In its 11 December 2019 letter,²⁶ PRA informed the Province of the **conditional NTP**, with the proviso that *"Failure to comply with any of such requirements and conditions within the prescribed period as specified x x x shall cause PRA to move for the nullification"* of the NTP.

79. Due to the lockdowns brought about by the COVID-19 pandemic, the Province requested PRA, through a 15 May 2020 letter,²⁷ an additional 120 days from the lifting of the community quarantine to comply with PRA's requirements and conditions. PRA granted the request for extension of 120 days, through a 27 July 2020 letter²⁸ to the Province, to be reckoned from the latter's receipt of the letter.

80. Through its letter dated 23 February 2021, ²⁹ PRA acknowledged receipt of Plaintiffs' submission of technical documents/studies for the CBDP. In summary, the following documents were submitted by the Province/Plaintiffs to PRA pursuant to the latter's requirements:

- a. Project Technical Descriptions;
 - b. Containment Structure Layout;
 - c. Longitudinal Profile of Reclamation for each Station;
 - d. Revetment Types of each Station;
 - e. Updated Project Feasibility Study;
 - f. Geotechnical Report;
 - g. Preliminary Geotechnical Report;
 - h. Final Survey Report (Topo and Hydro Survey Report);
- and

²⁵ Annex "10-PRA".

²⁶ Annex "11-PRA".

²⁷ Annex "12-PRA".

²⁸ Annex "13-PRA".

²⁹ Annex "14-PRA".

X-----X

- i. Engineering Geological and Geohazard Assessment Report.

81. On the other hand, the following additional documents were required by PRA for the issuance of the final NTP, as stated also in the 23 February 2021 letter:

- a. Final Master Development Plan and Land Use Plan for the project;
- b. Reclamation methodology;
- c. Plan for the source/s of fill materials;
- d. Drainage plan vis-@-vis the landform approved by the DPWH;
- e. Detailed project cost estimates and quantity take-off per item of work for the reclamation, containment structure and soil consolidation;
- f. Organizational chart of the construction arm, manning table and equipment schedule;
- g. Project timetable (PERT/CM) for the project construction period; and
- h. Area Clearance from the Department of Environment and Natural Resources (DENR).

82. However, out of the documents listed above, the Province/Plaintiffs did not submit the Area Clearance from the DENR. This fact was judicially admitted by the Plaintiffs in their Complaint.

83. From the circumstances above, it is clear that any NTP issued in favor of the Province pursuant to its MOA with PRA is conditional, and subject to compliance with certain requirements. Otherwise, the NTP will be nullified. Thus, any reclamation conducted on the basis of the conditional NTP necessarily comes with the warning that it will be nullified if the conditions are not complied with. Knowing that the NTP was conditional, the Province should have complied with the requirements, for it ought to know that the reclamation would be considered illegal without a valid permit.

84. The Province or the Plaintiffs in this case, in proceeding with the reclamation without PRA's valid permit or approval, committed an illegal act, resulting to the forfeiture of the reclaimed land in favor of the National Government "without need of judicial action," as mandated in Section 1 of PD 3-A.

X-----X

85. In fact, the reclamation undertaken by the Province was made in bad faith. Plaintiffs even admitted that it proceeded with the actual reclamation works knowing its non-compliance with PRA's requirements.

86. Plaintiffs alleged in Paragraph 2.09 of their Complaint that:

2.09 Thus, believing in good faith that, with the issuance of the NTP and the payment of the regulatory fees, the reclamation project may already proceed while other technical and government requirements are being complied with (such as the DENR Area Clearance), plaintiffs already began reclamation works in January 2020.

(Emphasis supplied)

87. Plaintiffs cannot claim that they were in "good faith" in proceeding with the actual reclamation works. The documentary evidence abundantly proves otherwise, such as the matrix above, which demonstrably shows that the Province did not "substantially comply" with the requirements of the PRA, as more than the required DENR Area Clearance were lacking.

88. Clearly, there was evident bad faith when Plaintiffs proceeded with the questioned reclamation. There was a dishonest purpose, moral deviation, and a conscious commission of a wrong³⁰ made by the Province, through the Plaintiffs herein.

89. Evidence of bad faith can be inferred from the fact that the Conditional NTP issued by the PRA, through its letter dated 11 December 2019,³¹ was subject to compliance with certain requirements. The Province and Plaintiffs, were fully aware of this, as the Conditional NTP expressly stipulated:

Pursuant thereto, the Province is hereby authorized to proceed with the implementation of the Project subject to compliance with the herein Additional Requirements (Annex B) set forth as conditions and requirements enumerated in

³⁰ *Tocom's Philippines vs. Philips Electronics and Lighting, Inc.* G.R. No. 214046, dated 5 February 2020.

³¹ *Supra*, Note 26.

X-----X

the abovementioned resolution. Also, herein as Annex C is the Payment Advise pursuant to the required fees, for consideration.

Failure to comply with any of such requirements and conditions within the prescribed period as specified in the above resolution shall cause PRA to move for the nullification of this NTP.

xxx"

Despite the warning, however, Plaintiffs proceeded with the reclamation works.

90. In reply to the Conditional NTP, the Province, through Hi-Tech Group, submitted to PRA some requirements. The PRA acknowledged the Province's documentary submissions, copy furnished the Hi-Tech Group. In its acknowledgment letter, the PRA clearly conveyed to the Province that the documents submitted would be reviewed and assessed for the issuance of the final NTP. To quote:

xxx

May we respectfully inform the Honorable Governor that the said documents shall be considered in the review and assessment for the issuance of the final Notice to Proceed (NTP).

Please inform your JV partners to also submit to this Office the following documents:

1. Final Master Development Plan and Land Use Plan for the project;
2. Reclamation methodology;
3. Plan for the source/s of fill materials;
4. Drainage plan vis-a-vis the landform approved by the DPWH;
5. Detailed project cost estimates and quantity take-off per item of work for the reclamation, containment structure and soil consolidation;
6. Organizational chart of the construction arm, manning table and equipment schedule;
7. Project timetable (PERT/CM) for the project construction period; and
8. Area Clearance from the Department of Environment and Natural Resources (DENR)

x-----x

91. The following additional circumstances show that there was bad faith in Plaintiffs' conduct of reclamation activities:

- i. The reclamation works were carried out in 2020, during the height of the COVID-19 pandemic, while the entire country was under Community Quarantine.³² The Province, through the Plaintiffs, took advantage of this situation to conduct its reclamation works knowing full well that it had not complied with the requirements, and that the PRA would be unable to monitor the reclamation due to travel restrictions.
- ii. The Plaintiffs admitted in their Complaint that they have reclaimed an area of about 22 hectares *sans* any approval or permit from PRA and a DENR Area Clearance. To quote paragraph 2.19.1 of the complaint:

From the time the plaintiffs began their reclamation activities in January 2020 up to February 2021, plaintiffs have already reclaimed a total area of approximately 22 hectares out of 40-hectare goal under their CJVA with the PROVINCIAL GOVERNMENT OF PALAWAN. xxx

- iii. There was neither a PERMIT, or an APPROVAL from PRA for the Province to proceed with the actual reclamation works.

92. Apart from Plaintiffs' admission that they have not complied with the requirements for a valid reclamation, there is also the circumstance of then President Rodrigo Roa Duterte directing PRA to issue a CDO ³³ and to impose total forfeiture ³⁴ of the unauthorized reclaimed lands because of reports on the adverse environmental impact caused by the reclamation of certain parts of Coron Bay.

93. Thus, pursuant to Sections 3 and 7 of AO 2007-2, PRA can forfeit the illegally reclaimed lands in favor of the National Government, as it did in this case. PRA is within its mandate and power to do it, given the circumstances stated above.

³² Presidential Proclamation No. 929 (DECLARING A STATE OF CALAMITY THROUGH THE PHILIPPINES DUE TO CORONA VIRUS DISEASE 2019).

³³ Annex "15-PRA", 24 March 2022 Letter/Cease and Desist Order.

³⁴ Annex "16-PRA", 23 February 2023 Letter/Forfeiture Order.

X-----X

IV COMPULSORY COUNTERCLAIM FOR DAMAGES

PRA is entitled to damages for this unfounded and baseless suit.

94. PRA incorporates and repleads by reference all the foregoing allegations as may be material and relevant here.

95. This manifestly unfounded and baseless suit compelled PRA to litigate in this case. Considering the necessity of PRA's fulfillment of its mandate, the filing of the Complaint hampered the implementation of the necessary mitigating and environmental rehabilitation measures on account of the TRO issued in this case, thus, warranting the award of exemplary damages in favor of PRA by way of example or correction for public good.

96. Accordingly, PRA is entitled to exemplary damages in the amount of Php500,000.00.

97. Moreover, due to the filing of this manifestly unfounded and baseless, PRA was constrained to engage the services of the Office of the Government Corporate Counsel (OGCC), as a consequence of which, Plaintiffs should be held liable for Attorney's Fees and Litigation Expenses of at least Php500,000.00.

98. Republic Act 6000 expressly contemplates the award of attorney's fees to government-owned and controlled corporations in judicial proceedings handled for such corporations by the OGCC as ruled in Pacific Mills, Inc. vs. Court of Appeals.³⁵

99. Under Section 10, Chapter 3, Title III of Book IV of the Administrative Code, any attorney's fees adjudged in favor of its client-corporations shall form part of the fund for the support of the OGCC, thus:

Sec. 10. Office of the Government Corporate Counsel -
The Office of the Government Corporate Counsel (OGCC)

³⁵ 206 SCRA 317.

X-----X

shall act as the principal law office of all subsidiaries, other corporate offsprings and government acquired asset corporations and shall exercise control and supervision over all legal departments or divisions maintained separately and such powers and functions as are now or may hereafter be provided by law. In the exercise of such control and supervision, the Government Corporate Counsel shall promulgate rules and regulations to effectively implement the objectives of the Office.

The OGCC is authorized to receive the attorney's fees adjudged in favor of their client government-owned or controlled corporations, their subsidiaries/other corporate offsprings and government acquired asset corporations. These attorney's fees shall accrue to a Special Fund of the OGCC, and shall be deposited in an authorized government depository as a trust liability and shall be made available for expenditure without the need for a Cash Disbursement Ceiling, for purposes of upgrading facilities and equipment, granting of employees' incentive pay and other benefits, and defraying such other incentive expenses not provided for in the General Appropriations Act as may be determined by the Government Corporate Counsel. (Underscoring supplied).

V

Names of Witnesses, Summary of Witnesses' Respective Testimonies, and Documentary Evidence

100. In compliance with Rule 7, Section 6 of the 2019 Revised Rules of Civil Procedure, PRA manifests that it will present the following witnesses whose judicial affidavits (JA) are hereto attached and who will testify on the matters set forth:

- a) **Atty. Janilo E. Rubiato** (*General Manager*) – to testify on the requirements of the Conditional NTP; communications made by PRA to the Province; meeting/s held at the Office of the President; directive of Former President Rodrigo Roa Duterte to the PRA to issue a CDO and to implement forfeiture over the reclaimed land.
- b) **Engr. Eduardo Destura** (*Department Manager, Planning and Evaluation Department*) – to testify on the requirements to be submitted to PRA for the approval of the reclamation activity; the requirements actually submitted by the Province; requirements that were not submitted; and meeting/s at the

x-----x

Office of the President pertaining to reports on the environmental damage caused over the area due to the illegal reclamation.

- c) **Engr. Diomedes Tan** (*Department Manager, Reclamation Department*) – to testify on the observations on the reclaimed area after the site investigation; improper reclamation methods performed over the area; and necessity of implementation of mitigating and rehabilitation measures over the area.

101. PRA reserves the right to replace and/or omit the testimony of the witnesses that it intends to present based on its determination during the course of the trial.

102. PRA shall present the following documents, in addition to whatever documents may be necessary to rebut the allegations of Plaintiffs during trial:

- a) Identification Card of Engr. Eduardo Destura;
- b) Secretary's Certificate with PRA Board Resolution 4056, 9 October 2009;
- c) 5 November 2009 Memorandum of Agreement;
- d) PRA's 11 July 2018 letter to the Province;
- e) Province's 1 October 2019 letter to PRA;
- f) PRA's 23 October 2019 letter to the Province;
- g) Province's 4 November 2019 letter to PRA;
- h) Secretary's Certificate with PRA Board Resolution 5078, 10 December 2019;
- i) PRA's 11 December 2019 letter containing the Conditional NTP;
- j) Province's 15 May 2020 letter;
- k) PRA's 23 February 2021 letter to the Province;
- l) 2 December 2021 Memorandum of the DENR-MIMAROPA;
- m) PRA's 24 March 2022 Cease and Desist Order (CDO);
- n) Secretary's Certificate with PRA Board Resolution 5541, 16 June 2022;
- o) PRA's 23 February 2023 letter informing of the forfeiture (Forfeiture Order), addressed to the Province and Plaintiffs;
- p) LBC stamp on the 23 February 2023 Letter/Forfeiture Order;
- q) Identification Card of Engr. Diomedes Tan; and

X-----X

r) Identification Card of Atty. Janilo Rubiato.

PRAYER

WHEREFORE, PRA respectfully prays that the Honorable Court (1) **DISMISS** Plaintiffs' Complaint for lack of merit; (2) **DENY** Plaintiff's application for Temporary Restraining Order (TRO) and Writ of Preliminary Injunction; and (3) **GRANT** PRA's Compulsory Counterclaim for Exemplary Damages, Attorney's Fees and Litigation Expenses.

Other equitable measures of relief are likewise asked for.

Quezon City for Coron, Palawan, 17 May 2023.

OFFICE OF THE GOVERNMENT CORPORATE COUNSEL

Counsel for PRA

3rd Floor MWSS Admin. Building, Katipunan Road, Quezon City

Phone: +63(2)-7587-9803; Mobile: +63(917)-873-5522

records@ogcc.gov.ph

ROGELIO V. QUEVEDO

Government Corporate Counsel

Roll of Attorneys 31495

IBP Life Member Roll 4393; 01/29/2003; Bulacan

MCLE Compliance VII-0023846, 10/13/2022

By:



MARILYN G. ESTARIS

Deputy Government Corporate Counsel

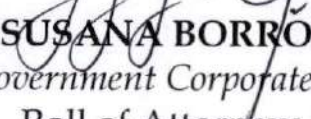
Roll of Attorneys 42624


IBP Life Member Roll 6380; 1/10/07; Quezon City

MCLE Exemption VII-OGCC 002853; 2/16/21

X-----X


JONATHAN C. NICOLAS
Officer-in-Charge
Government Corporate Attorney
Roll of Attorneys 55410
IBP Life Member Roll 7567; Bulacan
MCLE Compliance VII-0006092, 11/23/21


MARIA SUSANA BORRROMEO-GARCIA
Government Corporate Attorney
Roll of Attorneys 36759
IBP Life Member Roll 703220; 1/10/07, Quezon City
MCLE Compliance VII-0004719, 11/12/21


JENNY G. LIBUTAQUE
Government Corporate Attorney
Roll of Attorneys 58594
IBP Life Member Roll 09032; 4/07/10; RSM
MCLE Compliance VII-0006098, 11/23/21

Copy furnished:

ALAMPAY AND TAMASE LAW OFFICE

Counsel for the Plaintiffs

12th Floor, PDCP Bank Centre cor.

Rufino and Leviste Sts., Salcedo Village, Makati City

alampaytamase@gmail.com

SAN DIEGO LAW OFFICE

c/o ATTY. SHEILLA F. SAN DIEGO

Counsel for Messrs. Roberto and Jose Magallanes

Suite 2301, Makati Prime Citadel,

5007 P. Burgos cor. Caceres St.,

Makati City

sheilasandiego@gmail.com

X-----X

ROBERTO B. MAGALLANES
JOSE B. MAGALLANES

Defendants

Nueva Street, Brgy. Poblacion IV,
Coron, Palawan

**DEPARTMENT OF ENVIRONMENT &
NATURAL RESOURCES-MIMAROPA**

Defendant

1515 Roxas Blvd.,

Ermita, Manila

mimaroparegion@denr.gov.ph

**DEPARTMENT OF PUBLIC WORKS & HIGHWAYS-
MIMAROPA**

Defendant

790 Epifanio de Los Santos Avenue,

Diliman, Quezon City

pacanan.gerald@dpwh.gov.ph

LOCAL GOVERNMENT OF CORON, PALAWAN
c/o OFFICE OF THE MAYOR

Defendant

Municipal Hall of Coron, Palawan

EXPLANATION

Due to constraints in time, distance and manpower, copies of the foregoing *Answer* shall be filed and served on the other parties by REGISTERED MAIL and/or private courier³⁶, personal service not being practicable under the circumstances.

In light of the physical limitations brought about by the COVID-19 pandemic and in accordance with par. 4 of Administrative Circular No. 41-2020 dated 29 May 2020, a copy of this pleading is also filed/served via EMAIL.


JENNY G. LIBUTAQUE

³⁶ In accordance with OCA Circular 54-2023, in relation to A.O. No. 242-A-2020.

REPUBLIC OF THE PHILIPPINES)

Taguig

)S.S

VERIFICATION

I, **ATTY. JANILO E. RUBIATO**, of legal age, Filipino, with office address at 7th Floor, Legaspi Towers 200 Bldg., 107 Paseo De Roxas St., Legaspi Village, Makati City, and temporarily located at Building 3, PNOG Compound, Energy Center, Rizal Drive, Bonifacio Global City, Fort Bonifacio, Taguig City, after having been duly sworn in accordance with law, hereby depose and state:

1. I am the General Manager of the Philippine Reclamation Authority (PRA), one of the defendants in the instant case, and I caused the preparation of the foregoing Answer, pursuant to my authority under Board Resolution No. 3318, Series of 2003¹.

2. I have read the Answer and the facts stated in it are true and correct of my personal knowledge and/or based on authentic records available to me.

3. The Answer is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and

4. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.


ATTY. JANILO E. RUBIATO

Affiant

SIGNED AND SWORN to before me this 22nd May 2023 in Taguig. Affiant exhibiting to me his Passport No. P4273219B with expiration on December 26, 2029 and that he is the same person who personally signed before me the foregoing and acknowledged that he executed the same.

Doc. 44 ;
Page 10 ;
Book III ;
Series of 2023.

¹ ANNEX "A" Board Resolution No. 3318, S.2003


CARL PHILIP N. BATUCAN

Appointment No. 56 (2022-2023)

Notary Public for Taguig City

Until 31 December 2023

PNOG Bldg. VI, Energy Center, Rizal Drive

Bonifacio Global City, Taguig

Roll No. 67061

PTR No. A-5701182/Taguig City/01-12-2023

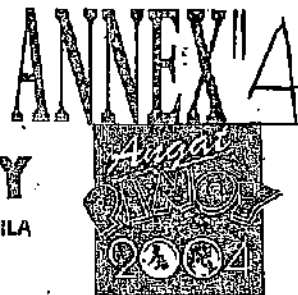
IBP No. 289325/01-17-2023

MCLE Compliance No. VII-0009702



OFFICE OF THE PRESIDENT OF THE PHILIPPINES
PUBLIC ESTATES AUTHORITY

7th FLOOR LEGASPI TOWERS 200, PASEO DE ROXAS, CITY OF MAKATI, METRO MANILA
TELEPHONE NUMBERS: 817-47-11 • 817-47-12 • 817-47-13
817-5017 • 817-5018 • 817-5014 • 813-1441/46
FAX (632) 815-2662 • 815-2660 • 817-3127
ZIP CODE 1226



SECRETARY'S CERTIFICATE

I, **JAIME T. DE VEYRA**, of legal age, Filipino, with office address at the 7th Floor, Legaspi Towers 200, Paseo de Roxas, Makati City, Metro Manila, after having been duly sworn:

Do hereby certify that:

I am the Corporate Secretary of the Public Estates Authority, and that at a meeting of the Board of Directors wherein the undersigned was present, and there was a quorum for the transaction of the business, the following transaction was approved:

*Resolution No. 3318
Series of 2003*

*Authority of the General Manager to
Represent PEA in Court Cases*

RESOLVED, that the grant of authority to the General Manager to sue such person/s, firm/s or entity/ies, both government and private, as well as to defend the PEA in any and all actions against it and that may be brought against it by any person/s, firm/s or entity/ies, both government and private, to protect the interest of the Public Estates Authority (PEA), to sign any complaint, answer, verification, or any other pleadings or execute any other document required to be filed in such cases, including any authority for PEA lawyers and collaborating counsels from the Office of the Government Corporate Counsel (OGCC) or the Office of the Solicitor General (OSG) to represent PEA in all stages of the cases being handled by them, is hereby approved;

RESOLVED further, that in the absence of the General Manager, the Deputy General Manager is likewise authorized to exercise the aforementioned functions.

APPROVED: **BOARD MEETING**
17 March 2003

Signed this 2nd day of April 2003 at Makati City, Metro Manila.

JAIME T. DE VEYRA
Corporate Secretary

REPUBLIC OF THE PHILIPPINES
AFFIDAVIT OF SERVICE

I, **WELGIE C. FLORIA**, of the Office of the Government Corporate Counsel, with office address at 3rd Floor, MWSS Administration Building, Katipunan Avenue, Old Balara, Quezon City, after being duly sworn to, depose and say:

That on 22 May 2023, I served a copy of the following pleading/paper:

NATURE OF PLEADINGS/PAPER
"ANSWER WITH COMPULSORY COUNTERCLAIM"

In Civil Case CRN-1084 entitled "BCT TRADING AND CONSTRUCTION AND 428 HI-TECH GROUP, INC., vs. ROBERTO B. MAGALLANES AND JOSE B. MAGALLANES, JR., ET AL., pursuant to Section 3, 4, 5 and 10, Rule 13 of the Rules of Court, as follows:

By personal service to:

By Ordinary Mail to/Special Delivery to:
By Registered Mail to:

- REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 163, Coron, Palawan
- ALAMPAY AND TAMASE LAW
OFFICE
- SAN DIEGO LAW OFFICE
c/o ATTY. SHEILLA F. SAN DIEGO
- ROBERTO B. MAGALLANES
JOSE B. MAGALLANES
- DEPARTMENT OF ENVIRONMENT
& NATURAL RESOURCES-
MIMAROPA
- DEPARTMENT OF PUBLIC WORKS &
HIGHWAYS-
MIMAROPA
- LOCAL GOVERNMENT OF CORON,
PALAWAN
c/o OFFICE OF THE MAYOR

By delivery personally a copy to the party of
his/her attorney on _____ as shown up
on p. _____.

By leaving a copy of in his/her office with
his/her clerk or with a person having charge
thereof on _____ as
shown on p. _____.

By delivery a copy of the Court/Tribunal/Office
on _____ shown on p. _____.

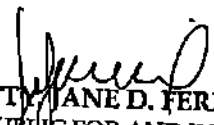
By depositing on _____ a copy in the
post office at _____ in a sealed envelope,
plainly addressed to the party or his/her attorney
at his/her office/residence with postage fully
paid and with instruction to the postmasters to
return the mail to the sender after ten (10) days if
undelivered.

By depositing a copy on _____ in the
post office at _____ as evidences
by Registry Receipts(s) No. (s) _____ of
the addressee(s) and with instructions to the
postmaster to return the mail to sender after ten
(10) days if undelivered.

Quezon City, for Manila, 22 May 2023.


WELGIE C. FLORIA
Affiant

SUBSCRIBED AND SWORN to before me this 22 May 2023, affiant personally appeared
before me and exhibited to me his ID No. 123.


ATTY. JANE D. FERRERIA
NOTARY PUBLIC FOR AND IN QUEZON CITY
3RD FLR. MWSS BLDG., KATIPUNAN AVE., QUEZON CITY
ADM. MATTER NO. NP-356
ROLL NO. 69297
IBP LIFETIME NO. 016602; 05/23/2019; QUEZON CITY
PTR NO. 4401651; 03/21/2023; QUEZON CITY
MCLE COMPLIANCE NO. VI-0006112; 4/14/25
MY COMMISSION EXPIRES ON 31 DECEMBER 2023

Doc. No. 202;
Page No. 42;
Book No. VI;
Series of 2023.

LBC EXPRESS, INC.
U.P. TOWN CENTER, DILIMAN KATIPUNAN, QUEZON CITY
Tel. No : (63) 2 - 75002677
VAT TIN : 000-782-140-01230



1498 3720 7184

Customer's Copy
POD Required
Accepted After Cut-off
THIS SERVES AS AN OFFICIAL RECEIPT
MIN : 1602110084547280
Serial No : BR01230-SGN523P2J7
Official Receipt No : KTN065693

SHIPPER:

DOJ, OGCC

Address: 3RD FLR MWS ADMIN BLDG KATIPUNAN,
QUEZON CITY, NATIONAL CAPITAL REGION (NCR)
Contact No.(s): 75879803 /9178735522
Card Number: TIN: Bus. Style:
Email:

CONSIGNEE:
And or/ care of: /

REGIONAL TRIAL, COURT

Address: REGIONAL TRIAL COURT, FOURTH JUDICIAL REGI
ON, BRANCH 163
CORON, PALAWAN
Contact No.(s): 9065132909

Courier N-Pouch SS

Origin : MMA-KTN06-U.P. TOWN CENTER
Tran. Date : 05/22/2023 05:53:04 PM
Delivery Date : 05/26/2023 - 05/27/2023
Area Dest. : South Luzon
Tran. Type : Delivery
Cut-off : 05:00 PM
Actual Wt (Kg.) : 0.00

VATable(Freight) : 184.82
Supplies Fee : (0.00)
VAT-Exempt : 0.00
VAT Zero-Rated : 0.00
10AM Pickup Fee : 0.00
Total Sales : 184.82
12% VAT : 22.18
Amount Due : 207.00
Discount : 0.00
Mode : CASH

Sold to Contain : DOCUMENTS ONLY

Due to pandemic, delivery date may change without prior notice
LBC Express values your privacy. For more info on our privacy policy
visit www.lbcexpress.com/privacy-policy
SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF CARGO ARE
LIMITED UP TO ACTUAL DECLARED VALUE ONLY
I hereby agree to be bound with the terms and conditions written at the
back hereof by LBC EXPRESS

MONETH BOLANO

Signature of Associate

DOJ, OGCC

Signature of Shipper

OR Serial No : KTN0510000000001 to KTN0699999999999 BIR Final PTIN:FP022016-122-0073532-00000
BIR Accreditation No: 1220007021402015060310 Date Issued: 05/26/2015

Track your padala at:
www.lbcexpress.com
Talk to our Care Representative
www.lbcexpress.com
Tel. : (632) 8858-5899
1-800-10-8585-999
only for PH outside NCR
Let us know of your experience:
survey.lbcexpress.com



149837207114

LBC EXPRESS, INC.
U.P. TOWN CENTER, DILIMAN KATIPUNAN, QUEZON CITY
Tel. No : (63) 2 - 75002677 VAT TIN : 000-782-140-01230

CONSIGNEE

ALAMPAY AND, TAMASE LAW OFFICE

And or/ care of: /

12TH FLR PDCP BANK CENTRE COR. RUFINO AND
LEVISTE STS. SALCEDO VILLAGE

CITY OF MAKATI, NATIONAL CAPITAL REGION
(NCR)
Contact No.(s): 9065132909

DOJ, OGCC
3RD FLR MWS ADMIN BLDG KATIPUNAN

KATIPUNAN
QUEZON CITY, NATIONAL CAPITAL REGION (NCR)
Contact No.(s): 75879803 /9178735522
Email :
TIN : Bus. Style :
Sold to contain: DOCUMENTS ONLY

Accepted After Cut-off
THIS SERVES AS AN OFFICIAL RECEIPT
MIN : 1602110084547280
Serial No : BR01230-SGN523P2J7
Official Receipt No : KTN065687
Accounting Copy

Courier N-Pouch SS

Origin : MMA-KTN06-U.P. TOWN CENTER
Tran. Date : 05/22/2023 05:37:07 PM
Delivery Date : 05/24/2023
Area Dest. : METRO MANILA
Tran. Type : Delivery
Cut-off : 05:00 PM
Actual Wt (Kg.) : 0.00

VATable(Freight) : 142.86
Supplies Fee : (0.00)
VAT-Exempt : 0.00
VAT Zero-Rated : 0.00
10AM Pickup Fee : 0.00
Total Sales : 142.86
12% VAT : 17.14
Amount Due : 160.00
Discount : 0.00
Mode : CASH

MONETH BOLANO

Signature of Associate

DOJ, OGCC

Signature of Shipper

SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF CARGO ARE LIMITED UP TO ACTUAL DECLARED VALUE ONLY.
OR Serial No : KTN0510000000001 to KTN0699999999999 BIR Final PTIN:FP022016-122-0073532-00000
BIR Accreditation No: 1220007021402015060310 Date Issued: 05/26/2015



145837207134

LBC EXPRESS, INC.
U.P. TOWN CENTER, DILIMAN KATIPUNAN, QUEZON CITY
Tel. No : (63) 2 - 75002677 VAT TIN : 000-782-140-01230

CONSIGNEE

SAN DIEGO, LAW OFFICE

And or/ care of: /

C/ ATTY SHEILLA F SAN DIEGO, SUITE 2301 MA
KATI PRIME CITADEL, 5007 P. BURGOS COR. CA
CERES ST.

CITY OF MAKATI, NATIONAL CAPITAL REGION
(NCR)
Contact No.(s): 9065132909

DOJ, OGCC
3RD FLR MWS ADMIN BLDG KATIPUNAN

Courier N-Pouch SS

Origin : MMA-KTN06-U.P. TOWN CENTER
Tran. Date : 05/22/2023 05:39:54 PM
Delivery Date : 05/24/2023
Area Dest. : METRO MANILA
Tran. Type : Delivery
Cut-off : 05:00 PM
Actual Wt (Kg.) : 0.00

VATable(Freight) : 142.86
Supplies Fee : (0.00)
VAT-Exempt : 0.00
VAT Zero-Rated : 0.00
10AM Pickup Fee : 0.00
Total Sales : 142.86
12% VAT : 17.14
Amount Due : 160.00
Discount : 0.00
Mode : CASH



LBC EXPRESS, INC.
U.P. TOWN CENTER, DILIMAN KATIPUNAN, QUEZON CITY
Tel. No : (63) 2 - 75802677 VAT TIN : 000-782-140-01230

MIN : 1602110084547280
Serial No : BR01230-SGH523P2J7
Official Receipt No : KTN065599
Accounting Copy

CONSIGNEE
MAGALLANES, ROBERTO B
And or/ care of :
JOSE MAGALLANES, NUEVA ST

Courier N-Pouch SS
Origin : MMA-KTN06-U.P. TOWN CENTER
Tran. Date : 05/22/2023 05:42:26 PM
Delivery Date : 05/26/2023 - 05/27/2023
Area Dest. : South Luzon
Tran. Type : Delivery
Cut-off : 05:00 PM
Actual Wt (Kg.) : 0.00

BARANGAY IV
CORON, PALAWAN
Contact No.(s) : 9000000000

VATable(Freight) : 184.82
Supplies Fee : (0.00)
VAT-Exempt : 0.00
VAT Zero-Rated : 0.00
10AM Pickup Fee : 0.00
Total Sales : 184.82
12X VAT : 22.18
Amount Due : 207.00
Discount : 0.00
Mode : CASH

DOJ, OGCC
3RD FLR MWSS ADMIN BLDG KATIPUNAN

KATIPUNAN
QUEZON CITY, NATIONAL CAPITAL REGION (NCR)
Contact No.(s) : 75879803 / 9178735522
Email :
TIN : Bus. Style :
Sold to Contain: DOCUMENTS ONLY

JOSEPH BOLAND

DOJ, OGCC

SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF CARGO ARE LIMITED UP TO ACTUAL DECLARED VALUE ONLY.
OR Series No : KTN061000000001 to KTN061000000000 BIR Final PTUS:FPB22016-122-0073532-00000
BIR Accreditation No: 1220007021402015060310 Date Issued: 06/26/2015



Accepted After Cut-off
THIS SERVES AS AN OFFICIAL RECEIPT
MIN : 1602110084547280
Serial No : BR01230-SGH523P2J7
Official Receipt No : KTN065599
Accounting Copy

LBC EXPRESS, INC.
U.P. TOWN CENTER, DILIMAN KATIPUNAN, QUEZON CITY
Tel. No : (63) 2 - 75802677 VAT TIN : 000-782-140-01230

CONSIGNEE
DEPT OF ENVIRONMENT, NATURAL RESOURCE
And or/ care of :
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES - MIMAROPA, 1515 ROXAS BLVD. ERMITA

Courier N-Pouch SS
Origin : MMA-KTN06-U.P. TOWN CENTER
Tran. Date : 05/22/2023 05:45:34 PM
Delivery Date : 05/24/2023
Area Dest. : METRO MANILA
Tran. Type : Delivery
Cut-off : 05:00 PM
Actual Wt (Kg.) : 0.00

CITY OF MANILA, NATIONAL CAPITAL REGION (NCR)
Contact No.(s) : 9065132909

VATable(Freight) : 142.86
Supplies Fee : (0.00)
VAT-Exempt : 0.00
VAT Zero-Rated : 0.00
10AM Pickup Fee : 0.00
Total Sales : 142.86
12X VAT : 17.14
Amount Due : 160.00
Discount : 0.00
Mode : CASH

DOJ, OGCC
3RD FLR MWSS ADMIN BLDG KATIPUNAN

KATIPUNAN
QUEZON CITY, NATIONAL CAPITAL REGION (NCR)
Contact No.(s) : 75879803 / 9178735522
Email :
TIN : Bus. Style :
Sold to Contain: DOCUMENTS ONLY

JOSEPH BOLAND

DOJ, OGCC

SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF CARGO ARE LIMITED UP TO ACTUAL DECLARED VALUE ONLY.
OR Series No : KTN061000000001 to KTN061000000000 BIR Final PTUS:FPB22016-122-0073532-00000
BIR Accreditation No: 1220007021402015060310 Date Issued: 06/26/2015



Accepted After Cut-off
THIS SERVES AS AN OFFICIAL RECEIPT
MIN : 1602110084547280
Serial No : BR01230-SGH523P2J7
Official Receipt No : KTN065592
Accounting Copy

LBC EXPRESS, INC.
U.P. TOWN CENTER, DILIMAN KATIPUNAN, QUEZON CITY
Tel. No : (63) 2 - 75802677 VAT TIN : 000-782-140-01230

CONSIGNEE
DEPARTMENT OF PUBLIC WORKS, HIGHWAYS
And or/ care of :
790 EPIFANIO DELOS SANTOS AVENUE DILIMAN

Courier N-Pouch SS
Origin : MMA-KTN06-U.P. TOWN CENTER
Tran. Date : 05/22/2023 05:49:27 PM
Delivery Date : 05/24/2023
Area Dest. : METRO MANILA
Tran. Type : Delivery
Cut-off : 05:00 PM
Actual Wt (Kg.) : 0.00

QUEZON CITY, NATIONAL CAPITAL REGION (NCR)
Contact No.(s) : 9065132909

VATable(Freight) : 142.86
Supplies Fee : (0.00)
VAT-Exempt : 0.00
VAT Zero-Rated : 0.00
10AM Pickup Fee : 0.00
Total Sales : 142.86
12X VAT : 17.14
Amount Due : 160.00
Discount : 0.00
Mode : CASH

DOJ, OGCC
3RD FLR MWSS ADMIN BLDG KATIPUNAN

KATIPUNAN
QUEZON CITY, NATIONAL CAPITAL REGION (NCR)
Contact No.(s) : 75879803 / 9178735522
Email :
TIN : Bus. Style :
Sold to Contain: DOCUMENTS ONLY

JOSEPH BOLAND

DOJ, OGCC

SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF CARGO ARE LIMITED UP TO ACTUAL DECLARED VALUE ONLY.
OR Series No : KTN061000000001 to KTN061000000000 BIR Final PTUS:FPB22016-122-0073532-00000
BIR Accreditation No: 1220007021402015060310 Date Issued: 06/26/2015



149837207154

Accepted After Cut-off
THIS SERVES AS AN OFFICIAL RECEIPT
MIN : 16021110084547280
Serial No : BR01230-SGH523P2J7
Official Receipt No : KTN055S91
Accounting Copy

LBC EXPRESS, INC.
U.P. TOWN CENTER, DILIMAN KATIPUNAN, QUEZON CITY
Tel. No : (63) 2 - 75002677 VAT TIN : EOB-782-140-01230

CONSIGNEE

LOCAL GOVERNMENT, OF CORON PALAWAN
And or/ care of : /

C/O OFFICE OF THE MAYOR MUNICIPAL HALL OF
CORON

CORON, PALAWAN
Contact No.(s) : 9065132909

DOJ, OGCC
3RD FLR MWSS ADMIN BLDG KATIPUNAN

KATIPUNAN
QUEZON CITY, NATIONAL CAPITAL REGION (NCR)
Contact No.(s) : 75079003 / 9170735522
Email :
TIN : Bus. Style :
Sold to Contain: DOCUMENTS ONLY

Courier N-Pouch SS

Origin : MAA-KTN06-U.P. TOWN CENTER
Tran. Date : 05/22/2023 05:47:52 PM
Delivery Date : 05/26/2023 - 05/27/2023
Area Dest. : South Luzon
Tran. Type : Delivery
Cut-Off : 05:00 PM
Actual Wt (Kg.) : 0.00

VATable(Freight) : 184.82
Supplies Fee : (0.00)
VAT-Exempt : 0.00
VAT Zero-Rated : 0.00
10AM Pickup Fee : 0.00
Total Sales : 184.82
12% VAT : 22.18
Amount Due : 207.00
Discount : 0.00
Mode : CASH

ROBERTO BOLAND
Signature of Associate

DOJ, OGCC
Signature of Shipper

SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF CARGO ARE LIMITED UP TO ACTUAL DECLARED VALUE ONLY.
OR Series No : KTN061000000001 to KTN060000000000 Final FTU01:FP022016-122-0373532-00000
BIR Accreditation No: 1220007021402015060310 Date Issued: 06/26/2015

MALACAÑANG
MANILA

PRESIDENTIAL DECREE NO. 3-A

AMENDING SECTION 7 OF PRESIDENTIAL DECREE NO. 3,
DATED SEPTEMBER 26, 1972, BY PROVIDING FOR
THE EXCLUSIVE PROSECUTION BY ADMINISTRATION
OR BY CONTRACT OF RECLAMATION PROJECTS.

I, FERDINAND E. MARCOS, President of the Philip-
pines, by virtue of the powers in me vested by the Constitution
as Commander-in-Chief of all the Armed Forces of the Philip-
pines, and pursuant to Proclamation No. 1081, dated September
21, 1973, and General Order No. 1, dated September 22, 1972,
as amended, do hereby order and decree:

SECTION 1. Section 7 of Presidential Decree No. 3,
dated September 26, 1972, is hereby amended by the addition
of the following paragraphs:

"The provisions of any law to the contrary
notwithstanding, the reclamation of areas under
water, whether foreshore or inland, shall be limited
to the National Government or any person authorized
by it under a proper contract.

"All reclamations made in violation of this
provision shall be forfeited to the State without need
of judicial action.

"Contracts for reclamation still legally
existing or whose validity has been accepted by
the National Government shall be taken over by
the National Government on the basis of quantum
meruit, for proper prosecution of the project
involved by administration."

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

SECTION 2. This Decree shall take effect immediately

Done in the City of Manila, this 11th day of January, in the year of Our Lord nineteen hundred and seventy-three.

By the President:

Robert V. Reyes

ROBERTO V. REYES
stant Executive Secretary

CERTIFIED COPY:

Luciana D. Samarro
LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023

DELEGATING TO THE PHILIPPINE RECLAMATION AUTHORITY THE POWER TO APPROVE RECLAMATION PROJECTS

WHEREAS, Executive Order No. 525 dated 14 February 1979 designated the Public Estates Authority (PEA), now the Philippine Reclamation Authority (PRA), as the agency primarily responsible for all reclamation projects;

WHEREAS, Executive Order No. 525 provided that all reclamation projects shall be approved by the President upon recommendation of the PEA (now PRA), and shall be undertaken by the PEA (now PRA) or through a proper contract executed by it with any person or entity; Provided, that, reclamation projects of any national government agency or entity authorized under its charter shall be undertaken in consultation with the PEA (now PRA) upon approval of the President;

WHEREAS, Paragraph 2 of Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987 provides that: "The President... in order to achieve simplicity, economy and efficiency" may "transfer any function under the Office of the President to any Department or agency."

NOW, THEREFORE, I GLORIA M. ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The power of the President to approve reclamation projects is hereby delegated to the Philippine Reclamation Authority, through its governing board, subject to compliance with existing laws and rules and subject to the condition that reclamation contracts to be executed with any person or entity shall go through public bidding.

SECTION 2. Nothing in this Order shall be construed as diminishing the President's authority to modify, amend or nullify PRA's action.

SECTION 3. All executive issuances inconsistent with this Executive Order are hereby repealed or amended accordingly.

SECTION 4. This Executive Order shall take effect immediately.

DONE in the City of Manila, this 24th day of June, in the year of Our Lord, Two Thousand and Six.

By the President:

Gloria Arroyo



Eduardo R. Ermita
EDUARDO R. ERMITA
Executive Secretary



CERTIFIED COPY:

Luciana D. Samarro
LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2003

**PHILIPPINE RECLAMATION AUTHORITY (PRA)
[formerly Public Estates Authority (PEA)]
ADMINISTRATIVE ORDER NO. 2007-2**

**SUBJECT: IMPLEMENTING RULES AND REGULATIONS (IRR)
OF EXECUTIVE ORDER NO. 543 (EO 543) DATED
JUNE 24, 2006 DELEGATING TO THE PHILIPPINE
RECLAMATION AUTHORITY (PRA) THE POWER TO
APPROVE RECLAMATION PROJECTS**

WHEREAS, it is the President's objective to achieve simplicity, economy and efficiency in the approval of all reclamation projects.

Section 1. Scope and Application: This IRR shall apply to all reclamation and shall specify and enumerate the requirements and procedures for the approval of all reclamation projects nationwide.

Section 2. Coverage: This IRR shall cover the following:

2.1 Reclamation undertaken by persons or entities with original authority to reclaim under existing laws:


(a) Cities and provinces using their own funds authorized under Republic Act No. 7160 otherwise known as the 1991 Local Government Code of 1991;

(b) Government agencies and instrumentalities and government owned and/or controlled corporations authorized to reclaim under their charters or other existing laws (e.g. PPA, LLDA, DOT, BCDA, DPWH)

2.2. Reclamation Projects of persons or entities authorized to reclaim through a proper contract with PRA.

Section 3. No reclamation projects shall be undertaken by all the entities covered under Section 2 hereof without the prior permit and approval thereof by the PRA or the President of the Philippines (President). Other than the PRA or the President, there is no other government agency or local government units which is authorized to approve reclamation projects.

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

Section 4. Approval Process And Procedures:

In the application and approval of the reclamation projects, the following process and procedures shall apply:

4.1. The applicant shall file with the PRA a letter of intent or application to undertake a reclamation project together with the following requirements:

(a) Legal documents to be submitted by applicants, as follows:

a.1. *Individual Filipino Citizens*

Proof of Philippine citizenship as follows:

a. Original or duly authenticated copy of Birth certificate issued by the Local Civil Registrar or NSO

b. Certificate of Naturalization

c. Any other legally acceptable document to prove Filipino citizenship

a.2. *Partnership/ Corporation/ Association*

i. Certificate of Registration from DTI or SEC

ii. Proof that the corporation is 60% owned by Filipino citizens

iii. Certification of Corporate Secretary on the current membership of the Board of Directors and Authority of the Person filing the application to the PRA.

a.3. *Local Government Unit (LGU) /Other Government Agency (OGA)*

i. Board/Council Resolution authorizing LGU/OGA to file an application with PRA

ii. Certified true copy of the charter or other incorporation documents.

(b) Reclamation Project Description indicating the following:

b.1. Proposed area, location and sketch plan

2

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023

- b.2. Description of the Reclamation Site - (average depth, boundaries, immediate vicinity, distance from shoreline, existing roads/access/egress and ingress, available infrastructure facilities/utilities, e.g., sources of power, water and telecommunication)
- b.3. Reclamation methodology - estimated volume/quantity and types of the fill materials, for the containment/retention wall and consolidation as well as reclamation procedures/techniques
- b.4. Identified sources of filling materials and location vis-à-vis the project site
- b.5. Estimated cost of reclamation including supporting data (e.g., labor, available equipment and average unit cost/rental rates)
- b.6. Proposed funding/financing of the project and mode of implementation
- b.7. Proposed project timetable

(c) DENR Requirements (for Area Clearance)

- c.1. Preliminary Geo-Hazard Assessment of the Area
- c.2. CENRO Certification on the status of the area and land classification of adjacent land

(d) Requirements of other concerned government agencies as may be necessary and applicable.

4.2 The applicant shall pay the following fees:

Filing Fee - P500.00 per hectare but not less than P20,000.00 plus VAT to be paid upon filing of the application.

Processing Fee - P1,000.00 per hectare but not less than P100,000.00 plus VAT payable upon submission of all the requirements.

4.3 After determination of completeness of application, the PRA shall refer the same to the DENR and other relevant government agencies for issuance of clearance as necessary.

4.4 Upon receipt of the area clearance from DENR and other concerned government agencies/instrumentalities, PRA shall process, evaluate and approve the reclamation project within sixty (60) calendar days from the date of receipt of the area clearance. After the PRA Board approval of the reclamation project, the PRA shall notify the

4/ 3

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

applicant of the approval or disapproval thereof within seven (7) days from the date of the said PRA Board approval.

Section 5. Approved reclamation projects may be implemented under any business arrangements allowed under existing laws, provided however that all the reclamation contracts shall be awarded through public bidding subject to exceptions provided under existing laws.

Implementation of reclamation projects by persons or entities without original authority to reclaim shall be covered by a contract with PRA subject to the condition that all such contracts of PRA be awarded only through public bidding under existing laws.

Section 6. The implementation of all reclamation projects shall be subject to monitoring and regulation by PRA and a corresponding regulatory fee of at least 2.5% of the estimated reclamation costs shall be charged therefor.

Section 7. Reclamation projects undertaken without the required approval of the PRA or the President of the Philippines contrary to the provisions of Presidential Decree No. 1084 as amended by Executive Order No. 525 and Executive Order No. 543, shall be considered illegal and shall be forfeited to the State pursuant to Presidential Decree No. 3-A.

Section 8. The approval of the reclamation project granted by PRA pursuant to EO 543 and this IRR shall not be construed as diminishing the President's authority to modify, amend or nullify PRA's action.

Section 9. If any provision of this IRR is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

Section 10. This IRR shall take effect immediately.

Done in Makati City this 31st day of January 2007.

PHILIPPINE RECLAMATION AUTHORITY

Date published/transmitted:

BY:


ANDREA D. DOMINGO
General Manager and CEO


Feb. 11, 2007 - Phil. Daily Inquirer

Feb. 14, 2007 - Phil. Star

Feb. 12, 2007 - Office of the National Administration Register

4

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

F **Flowchart of the Approval Process and Issuance of Reclamation Permits**

Applicant	Approval Stage	Other Government Agencies
Applicant initiates application and completes all required forms.	PRA	
	1. Application is reviewed and approved or disapproved. If disapproved, applicant is notified of reasons for disapproval.	
	2. PRA issues a permit or denial of permit.	3. PRA issues a permit or denial of permit. If denied, applicant is notified of reasons for denial.
	3. PRA issues a permit or denial of permit. If denied, applicant is notified of reasons for denial.	4. PRA issues a permit or denial of permit. If denied, applicant is notified of reasons for denial.
Applicant submits PRA application to the PRA.		
	4. PRA issues a permit or denial of permit. If denied, applicant is notified of reasons for denial.	
Applicant submits PRA application to the PRA.		
	5. PRA issues a permit or denial of permit. If denied, applicant is notified of reasons for denial.	
	6. PRA issues a permit or denial of permit. If denied, applicant is notified of reasons for denial.	
	7. PRA issues a permit or denial of permit. If denied, applicant is notified of reasons for denial.	

[illegible]

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023

MALACAÑANG
MANILA

PRESIDENTIAL DECREE NO. 1084

CREATING THE PUBLIC ESTATES AUTHORITY, DEFINING
ITS POWERS AND FUNCTIONS, PROVIDING FUNDS
THEREFOR AND FOR OTHER PURPOSES

WHEREAS, there is a need to provide for a
coordinated, economical and efficient administration of lands
and real estate, especially reclaimed lands, belonging to,
managed and/or operated by the government;

WHEREAS, a government-owned and/or -controlled
entity organized for the purpose is necessary;

NOW, THEREFORE, I, FERDINAND E. MARCOS,
President of the Philippines, by virtue of the powers vested in
me by the Constitution, do hereby decree and order:

SECTION 1. Short title. - This decree shall be known
as the Charter of the Public Estates Authority.

SEC. 2. Declaration of policy. - It is the declared
policy of the State to provide for a coordinated, economical and
efficient reclamation of lands, and the administration and
operation of lands belonging to, managed and/or operated by
the government, with the object of maximizing their utilization
and hastening their development consistent with the public interest.

SEC. 3. Creation, name, domicile and term. -
There is hereby created a body corporate to be known as the
Public Estates Authority, hereinafter referred to as the
"Authority", which shall have the attribute of perpetual success-
ion and possessed of the powers of corporations, to be exer-
cised in conformity with the provisions of this charter.

The principal office of the Authority shall be deter-
mined by its Board of Directors. It may establish such offices,
agencies or branches in the Philippines as its business operations
would require.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

The Authority shall have a term of fifty (50) years from the issuance hereof, which shall be deemed for an equal period unless sooner dissolved by law.

SEC. 4. Purposes. - The Authority is hereby created for the following purposes:

a. To reclaim land, including foreshore and submerged areas, by dredging, filling or other means, or to acquire reclaimed land;

b. To develop, improve, acquire, administer, deal in, subdivide, dispose, lease and sell any and all kinds of lands, buildings, estates and other forms of real property, owned, managed, controlled and/or operated by the government;

c. To provide for, operate or administer such services as may be necessary for the efficient, economical and beneficial utilization of the above properties.

SEC. 5. Powers and functions of the Authority. - The Authority shall, in carrying out the purposes for which it is created, have the following powers and functions:

a. To prescribe its by-laws.

b. To sue and be sued in its corporate name.

c. To adopt and use a seal and alter it at its pleasure.

d. To purchase, lease, build, alter, construct, erect, enlarge, occupy, manage, sell, mortgage, dispose of, or otherwise deal in, buildings of every kind and character whatsoever, whether belonging to, or to be acquired by the Authority.

e. To construct, maintain and operate mains, pipes, machinery, water reservoirs, artesian wells as may be reasonably and necessarily required for the transaction of the lawful business of the Authority.

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023

f. To own or operate railroads, tramways and other kinds of land transportation, vessels and pipelines, power house, hotels, restaurants, terminals, warehouses and to manufacture, produce, purchase, sell, dispose, encumber or otherwise deal in, rolling stock, equipment, tools and other appliances; to construct and operate in connection with its railroad lines toll viaducts, toll bridges and toll tunnels.

g. To construct, maintain and operate such systems of sanitary sewers as may be necessary for the proper sanitation of its areas of operation; to charge and collect such sums for construction and rates for this service as may be determined by the Board to be equitable and just; and to process waste materials obtained in the sewers for fertilizing purposes.

h. To construct, maintain and operate such storm drains as may be necessary.

i. To hold lands of the public domain in excess of the area permitted to private corporations by statute.

j. To reclaim lands and to construct work across, or otherwise, any stream, watercourse, canal, ditch, flume, street, avenue, highway or railway of private or public ownership, as the location of said works may require, provided that said works be constructed in such a manner as not to endanger life or property or in a manner not to impair unnecessarily their usefulness. Every person or entity whose property is crossed or intersected by said works shall not obstruct any such crossings or intersections and shall grant the Authority or its representatives, the proper authority for the execution of such work. The Authority is hereby given the right-of-way to locate, construct and maintain such works over and throughout the lands owned by the Republic of the Philippines or

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

any of its branches and political subdivisions. The Authority or its representatives may also enter upon private property in the lawful performance or prosecution of its business and purposes; provided that the owner of such private property shall be indemnified for any actual damage caused thereby.

k. To issue such regulations as may be necessary for the proper use by private parties of any or all of the highways, roads, utilities, buildings and/or any of its properties and to impose or collect fees or tolls for their use provided that all receipts by the Authority from fees, tolls and other charges are automatically appropriated for its use.

l. To organize subsidiary companies to undertake any of the activities mentioned herein. The capital stock of such subsidiary companies shall be subscribed in whole or in part by the Authority.

m. To enter into, make, perform and carry out contracts of every class and description, including loan agreements, mortgages and other types of security arrangements, necessary or incidental to the realization of its purposes with any person, firm or corporation, private or public, and with any foreign government or entity.

n. To exercise the right of eminent domain in the name of the Republic of the Philippines, and in the acquisition of real estate by condemnation proceedings, the title to such real estate shall be taken in the name of the Republic of the Philippines, and thereupon all such real estate shall be entrusted to the Authority as the agent of the Republic of the Philippines to accomplish the aims and purposes of this decree.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

o. To perform such acts and exercise such functions as may be necessary for the attainment of the purposes and objectives herein specified.

p. To promulgate such rules and regulations as may be necessary to carry out its purposes and to provide penalties for the violation thereof, which penalties shall be a fine of not more than five hundred pesos or imprisonment for not more than six months, or both such fine and imprisonment in the discretion of the court.

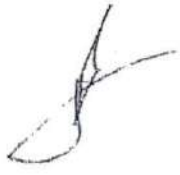
q. To perform such other functions as may be provided by law.

SEC. 6. Governing Body. - The Authority shall be governed by a Board of Directors, hereinafter referred to as the "Board" which shall be composed of a Chairman and four (4) members, to be appointed by the President of the Philippines. The Chairman and members of the Board shall serve for a term of three (3) years or until their successors shall have been appointed and qualified. In case of any vacancy in the Board the same shall be filled by the President of the Philippines for the unexpired term.

The Chief Executive of the Authority shall be a General Manager who shall be appointed by the President of the Philippines for the same term.

No person shall be appointed as Chairman or member of the Board, or as General Manager, unless he is a natural-born citizen of the Philippines, at least thirty (30) years of age and of established integrity.

SEC. 7. Capital Stock. - The Authority shall have an authorized capital stock divided into THREE MILLION (3,000,000) no par value shares to be subscribed and paid for as follows:



CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

a. TWO MILLION (2,000,000) shares shall be originally subscribed and paid for by the Republic of the Philippines by the transfer, conveyance and assignment of all the rights and interest of the Republic of the Philippines in that contract executed by and between the Construction and Development Corporation of the Philippines and the Bureau of Public Highways on November 20, 1973, the fair value of such rights and interests to be determined by the Board of Directors and approved by the President of the Philippines and the amount of FIVE MILLION (P5,000,000.00) PESOS in cash;

b. The remaining ONE MILLION (1,000,000) shares of stock may be subscribed and paid for by the Republic of the Philippines or by government financial institutions at values to be determined by the Board and approved by the President of the Philippines.

The fair value of the interests hereby transferred shall, for all intents and purposes, be considered as paid-up capital pertaining to the government of the Republic of the Philippines in the Authority.

The voting power pertaining to the shares of stock subscribed by the government of the Republic of the Philippines shall be vested in the President of the Philippines or in such person or persons as he may designate.

SEC. 8. Duties and Responsibilities of the General Manager. - The General Manager shall have the following duties and responsibilities:

- a. To act as Chief Executive of the Authority.
- b. To execute, administer and implement the policies and measures approved by the Board.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023

c. To direct and supervise the operations and administration of the Authority.

d. To represent the Authority in all dealings with offices, agencies and instrumentalities of the government and with all persons and other entities, public or private, domestic or foreign.

e. To prepare the agenda for the meetings of the Board, and to submit for the consideration of the Board such policies and measures as he believes necessary to carry out the purposes and objectives of this Decree.

f. To exercise such other powers and perform such other duties provided in the by-laws and as may be vested in him by the Board.

SEC. 9. Issuance of bonds. - The Authority, upon the recommendation of the Secretary of Finance, the Monetary Board and the National Economic and Development Authority and with the approval of the President, is hereby authorized to issue bonds or other securities, whether tax-exempt or not, which may be guaranteed by the government, to finance its operations.

SEC. 10. Auditor. - The Commission on Audit shall appoint, subject to the approval of the Board, a representative who shall be the Auditor of the Authority and such personnel as may be necessary to assist said representative in the performance of his duties.

SEC. 11. Appointment, control and discipline of personnel. - The Board, upon recommendation of the General Manager of the Authority, shall appoint the officers and employees of the Authority and its subsidiaries; fix their compensation, allowances and benefits, their working hours and such other conditions of employment as it may deem proper; grant them leaves of absence under such regulations as it may promulgate; dis-

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

cipline and/or remove them for cause; and establish and maintain a recruitment and merit system for the Authority and its affiliates and subsidiaries.

SEC. 12. Loans. - The Authority, as well as any affiliate corporation in which it holds, owns and/or controls by itself or jointly with one or more government-owned or -controlled corporations at least seventy-five per cent (75%) of the issued and outstanding shares of stock entitled to vote, when specifically authorized by the President of the Philippines, is hereby authorized to contract loans, credits, in any convertible foreign currency or capital goods, and indebtedness from time to time from foreign governments, or any international financial institutions or fund sources, or any entities, on such terms and conditions as it shall deem appropriate for the accomplishment of its purposes and to enter into and execute agreements and other documents specifying such terms and conditions.


SEC. 13. Government financial institutions guarantees. - The provision of any law to the contrary notwithstanding, any financial institution owned or controlled by the government of the Republic of the Philippines, other than the Central Bank, Government Service and Insurance System and the Social Security System, is hereby empowered to guarantee acceptance credits, loans, transactions, undertakings or obligations of any kind which may be incurred by the Authority, whether directly or indirectly, in favor of any person, association or entity, whether domestic or foreign.

SEC. 14. Reports. - The Authority shall, within three months after the end of every fiscal year submit its annual report to the President. It shall likewise submit such periodic or other reports as may be required of it from time to time.

SEC. 15. Appropriation. - The amount of FIVE MILLION (P5,000,000.00) PESOS which shall constitute partial payment of the subscription of the Republic of the Philippines in the capital stock of the corporation as provided in

JD

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

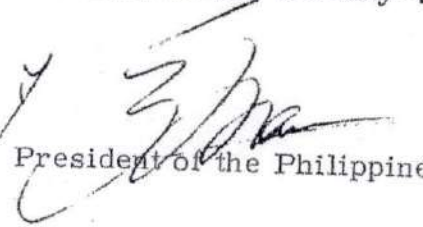
Section 7 of this charter is hereby appropriated out of any funds in the National Treasury not otherwise appropriated.

SEC. 16. Separability clause. - Should any provision of this Decree be held unconstitutional, no other provision hereof shall be affected thereby.

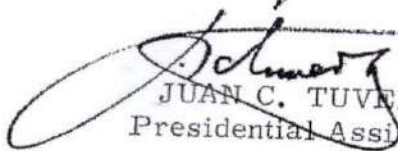
SEC. 17. Repealing clause. - All laws, decrees, executive orders, administrative orders, rules and regulations or parts thereof inconsistent herewith are hereby repealed, amended or modified accordingly.

SEC. 18. Effectivity. - This Decree shall take effect immediately.

Done in the City of Manila, this 4th day of February in the year of Our Lord nineteen hundred and seventy-seven.


President of the Philippines

By the President:


JUAN C. TAVERA
Presidential Assistant


/ps0

COPIED COPY

11-25-2014

MALACANAPON RECORDS

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

EXECUTIVE ORDER NO. 525

DESIGNATING THE PUBLIC ESTATES AUTHORITY AS THE AGENCY
PRIMARILY RESPONSIBLE FOR ALL RECLAMATION PROJECTS

WHEREAS, there are several reclamation projects which are on-going or being proposed to be undertaken in various parts of the country which need to be evaluated for consistency with national programs;

WHEREAS, there is a need to give further institutional support to the Government's declared policy to provide for a coordinated, economical and efficient reclamation of lands;

WHEREAS, Presidential Decree No. 3-A requires that all reclamation of areas shall be limited to the National Government or any person authorized by it under a proper contract;

WHEREAS, a central authority is needed to act on behalf of the National Government which shall ensure a coordinated and integrated approach in the reclamation of lands;

WHEREAS, Presidential Decree No. 1084 creates the Public Estates Authority as a government corporation to undertake reclamation of lands and ensure their maximum utilization in promoting public welfare and interests; and

WHEREAS, Presidential Decree No. 1416 provides the President with continuing authority to reorganize the National Government including the transfer, abolition, or merger of functions and offices.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution and pursuant to Presidential Decree No. 1416, do hereby order and direct the following:

SECTION 1. - The Public Estates Authority (PEA) shall be primarily responsible for integrating, directing, and coordinating all reclamation projects for and on behalf of the National Government. All reclamation projects shall be approved by the President upon recommendation of the PEA, and shall be undertaken by the PEA or through a proper contract executed by it with any person or entity; provided, that, reclamation projects of any National Government agency or entity authorized under its Charter shall be undertaken in consultation with the PEA upon approval of the President.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

E.O. No. 525...../page -2-

SEC. 2. - The PEA, in addition to the provisions of Presidential Decree No. 1084, shall exercise the following powers and functions:

- a. Provide advice and assistance to the President in the formulation, implementation, and evaluation of plans or policies relative to all reclamation projects as would maximize their contribution to national development;
- b. Issue such rules and regulations including the identification of such requirements as may be necessary for the evaluation and sound administration of all reclamation projects;
- c. Establish and implement a system of coordination with all concerned government agencies including monitoring of the progress of all reclamation projects; and
- d. Perform such other functions as may be directed by the President.

SEC. 3. - All lands reclaimed by PEA shall belong to or be owned by the PEA which shall be responsible for its administration, development, utilization or disposition in accordance with the provisions of Presidential Decree No. 1084. Any and all income that the PEA may derive from the sale, lease or use of reclaimed lands shall be used in accordance with the provisions of Presidential Decree No. 1084.

DONE in the City of Manila, this 14th day of February, in the year of Our Lord, nineteen hundred and seventy-nine.

(SGD.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(SGD.) JACOBO C. CLAVE
Presidential Executive Assistant

A TRUE COPY:
lmm/6-28-90

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

EXECUTIVE ORDER NO. 525

DESIGNATING THE PUBLIC ESTATES AUTHORITY AS THE AGENCY
PRIMARILY RESPONSIBLE FOR ALL RECLAMATION PROJECTS

WHEREAS, there are several reclamation projects which are on-going or being proposed to be undertaken in various parts of the country which need to be evaluated for consistency with national programs;

WHEREAS, there is a need to give further institutional support to the Government's declared policy to provide for a coordinated, economical and efficient reclamation of lands;

WHEREAS, Presidential Decree No. 3-A requires that all reclamation of areas shall be limited to the National Government or any person authorized by it under a proper contract;

WHEREAS, a central authority is needed to act on behalf of the National Government which shall ensure a coordinated and integrated approach in the reclamation of lands;

WHEREAS, Presidential Decree No. 1094 creates the Public Estates Authority as a government corporation to undertake the reclamation of lands and ensure their maximum utilization for promoting public welfare and interests; and

WHEREAS, Presidential Decree No. 1416 provides the President with continuing authority to reorganize the national government including the transfer, abolition, or merger of functions and offices.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution and pursuant to Presidential Decree No. 1416, do hereby order and direct the following:

Section 1. - The Public Estates Authority (PEA) shall be primarily responsible for integrating, directing, and coordinating all reclamation projects for and on behalf of the National Government.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

ment. All reclamation projects shall be approved by the President upon recommendation of the PEA, and shall be undertaken by the PEA or through a proper contract executed by it with any person or entity; Provided, that, reclamation projects of any national government agency or entity authorized under its charter shall be undertaken in consultation with the PEA upon approval of the President.

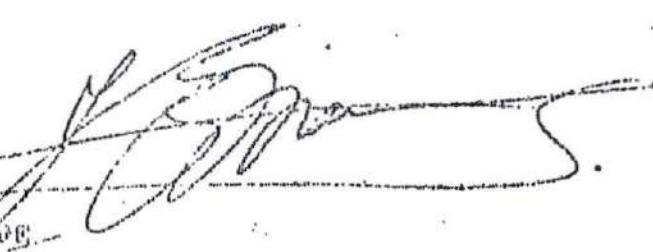
Sec. 2. - The PEA, in addition to the provisions of Presidential Decree No. 1084, shall exercise the following powers and functions:

- a. Provide advice and assistance to the President in the formulation, implementation, and evaluation of plans or policies relative to all reclamation projects as would maximize their contribution to national development;
- b. Issue such rules and regulations including the identification of such requirements as may be necessary for the evaluation and sound administration of all reclamation projects;
- c. Establish and implement a system of coordination with all concerned government agencies including monitoring of the progress of all reclamation projects; and
- d. Perform such other function as may be directed by the President.

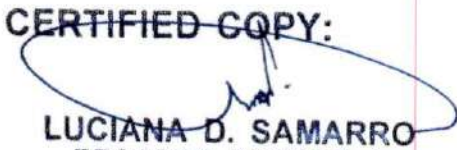
Sec. 3. - All lands reclaimed by PEA shall belong to or be owned by the PEA which shall be responsible for its administration, development, utilization or disposition in accordance with the provisions of Presidential Decree No. 1084. Any and all income that the PEA may derive from the sale, lease or use of reclaimed lands shall be used in accordance with the provisions of Presidential Decree No. 1084.

DONE in the City of Manila, this 14th day of February, in the year of Our Lord, nineteen hundred and seventy-nine.

By the President:


Francisco C. Chaves
Presidential Executive Assistant

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



150.0

FILE COPY
PRA-R01

Republic of the Philippines
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 459-5000 • Facsimile No.: (02) 815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph



ANNEX 6

July 11, 2018

HON. JOSE CHAVES ALVAREZ

Governor
Province of Palawan
Office of the Governor
Capitol Complex, Puerto Princesa City

Dear Governor Alvarez:

This refers to your letter dated April 16, 2018, received on June 21, 2018, requesting for PRA confirmation that the Coron Bay Reclamation Project is not covered by Executive Order (E.O.) No. 146 and its Implementing Rules and Regulations (IRR) under NEDA-PRA Joint Order No. 01-2015. Please note that a Memorandum of Agreement (MOA) for said project has been executed between PRA and the Provincial Government of Palawan dated November 5, 2009 for the implementation of the fifty (50) hectares Coron Bay Reclamation Project.

In this regard, please be informed that the abovementioned project falls under Section 5 (Transitory Provision) of Executive Order (E.O.) No. 146 and its Implementing Rules and Regulations (IRR) under NEDA-PRA Joint Order No. 01-2015; hence, shall no longer require the NEDA Board approval.

We take note of the Province's intention to implement the remaining unreclaimed portion of the project with an area of about forty (40) hectares utilizing private funds through the processing of an unsolicited proposal.

Relative thereto, please be advised to submit the following required pre-construction documents as stipulated in Article IV – Section B.2.3 of the abovementioned MOA:

1. Land-form plan with technical description of the metes and bounds of the same;
2. Final Master Development and Land Use Plan for the project;
3. Detailed engineering studies, detailed engineering design, plans and specification for reclamation works, reclamation plans and methodology, plans for the sources of fill materials;
4. Drainage plan vis-à-vis the land form approved by DPWH Regional Office to include a cost effective and efficient drainage system as maybe required based on the result of the studies;

*read by
Jose Chaves Alvarez 7/12/18*



07-073-2018.0169

939852364985

July 12, 2018 13:59:11

CERTIFIED COPY:

[Signature]
LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

5. Detailed Project Cost Estimates and Quantity take-off per items of work of the rawland reclamation components, e.g., reclamation, containment structures and soil consolidation;
6. Organizational Chart of the construction arm, manning table, equipment schedule of the project;
7. Project timetable (PERT/CPM) for entire project construction period; and
8. Updated Detailed Feasibility Study prepared as per PRA Guidelines in the Preparation of Feasibility Study (Annex A) including the modeling studies on coastal hydraulic, sediment transport, storm surge, and flushing.

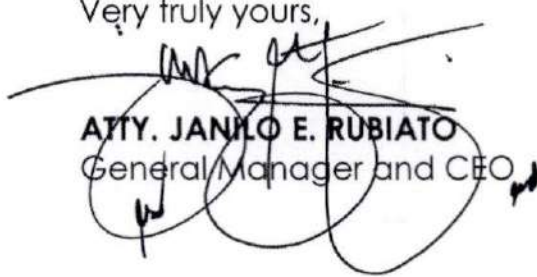
The above documents are vital for this Agency to be able to process the issuance of Reclamation Permit and Notice to Proceed (NTP) for the actual reclamation works of the remaining unreclaimed portion of the project.

May we also take this opportunity to remind you regarding the seeming constraints brought about by different appreciations and opinions of the DENR Region Office IV-B and the DENR Head Office on the titling of lands in Palawan Province as it may have negative implications on the above project. This may require from the Province to liaise with concerned government agencies to resolve such issue early on.

For information and proper guidance.

Thank you.

Very truly yours,


ATTY. JANILO E. RUBIATO
General Manager and CEO

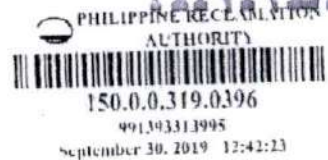
CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023





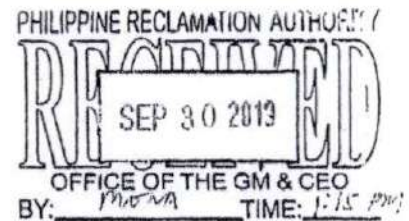
Republic of the Philippines
Provincial Government of Palawan
Puerto Princesa City, Palawan



ANNEX 7

October 1, 2019

ATTY. JANILO E. RUBIATO
General Manager
Philippine Reclamation Authority



Sir:

This refers to the remaining unreclaimed portion of the Coron Bay Development and Reclamation Project in Coron, Palawan.

After subjecting the unsolicited proposal submitted to the Provincial Government of Palawan to the selection process pursuant to Provincial Ordinance No. 1971 entitled "Pursuing a Public-Private Partnership for the People (4P) Approach Towards Development, Providing for the Procedure in Selecting the Private Sector proponent, Adopting a Contract Management Framework, and Providing Appropriations and for other Purposes", the Provincial Government of Palawan awarded the project to the joint venture between BCT Trading and Construction and 428 Hi-Tech Group, Inc. The agreement between the Province and the said entities have already been signed.

In view hereof, Palawan Province hereby requests the issuance of Notice to Proceed (NTP) to enable the parties to commence the development works.

Herewith are copies of the following, for your reference:

- Annex A – Palawan Provincial Board Resolution No. 1971 series of 2018
- Annex B – Joint Venture Agreement between BCT Trading and Construction and 428 Hi-Tech Group, Inc.
- Annex C – Copy of Public Invitation to Submit Competing Proposals
- Annex D – Notice of Award
- Annex E – Land Form (Land Configuration) Plan
- Annex F – Reclamation and Development Schedule
- Annex G – Financial Updating of the Feasibility Study
- Annex H – Geotechnical Study
- Annex I – Topographic and Hydrographic Survey
- Annex J – Bid Security
- Annex K – Performance Security

Your expeditious action on this request is highly appreciated.

Very truly yours,

JOSE CH. ALVAREZ
Governor

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
Provincial Government of Palawan
P4-Selection Committee
Puerto Princesa City, Palawan



- Letter of PGP to PRA requesting for Notice to Proceed
- Palawan Provincial Board Resolution No. 1971 series of 2018
- Joint Venture Agreement between Provincial Government of Palawan and Private Sector Proponent
- Copy of Public Invitation to Submit Competing Proposals
- Financial Updating of the Feasibility Study
- Geotechnical Study
- Bid Security
- Performance Security

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 11 4 2022



FILE COPY

(PRA-RO)

Sb.1

Republic of the Philippines
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 459-5000 • Facsimile No.: (02) 815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph



23 October 2019

HON. JOSE CH. ALVAREZ

Palawan Provincial Governor

Capitol Complex, Puerto Princesa City

1268 4928 6020 / 10-29-19

Subject : **Coron Bay Development Project (CBDP)**

Dear **Governor Alvarez**:

This is to acknowledge receipt of the Honorable Governor's letter dated 01 October 2019 transmitting to this Office copies of the following documents in support of the request for the issuance by PRA of the Notice to Proceed (NTP) for the above-mentioned project:

1. Palawan Provincial Board Resolution No. 1971 s2018;
2. Joint Venture Agreement (JVA) between BCT Trading and Construction and 428 Hi-Tech Group, Inc.;
3. Copy of Public Invitation to Submit Competing Proposals;
4. Notice of Award;
5. Land Form (Land Configuration) Plan;
6. Reclamation and Development Schedule;
7. Financial Updating of the Feasibility Study; and
8. Geotechnical Study.

Relative thereto, please be informed that we shall undertake rapid assessment of the above documents the results of which shall be communicated to you the soonest. Should there be no deficiencies, we shall review and evaluate the above documents and submit recommendations to the PRA Governing for the issuance of Notice to Proceed (NTP) to the Province for the implementation of said project.

Regarding the JVA, it appears that the PRA land share is maintained at 12% of the area as agreed upon by the Province of Palawan and PRA in the Memorandum of Agreement (MOA) dated 05 November 2009. However, the total land sharing arrangement between the government and the private developer shall be comprehensively assessed during the detailed review and evaluation of the documents.

We shall be working closely with the Provincial Government of Palawan for the implementation of the above project.

Thank you.

Very truly yours,

ATTY. JANILLO E. RUBIATO
General Manager and CEO

CERTIFIED COPY:

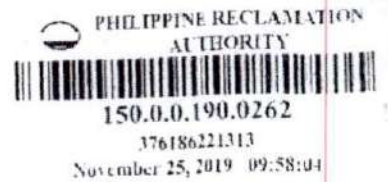
LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023





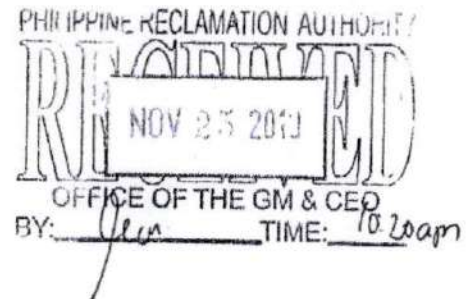
Republic of the Philippines
Province of Palawan
Office of the Governor



ANNEX 9

04 November 2019

Atty. JANILO E. RUBIATO
General Manager and CEO
Philippine Reclamation Authority
8th Floor Legaspi Towers 200 No. 107
Paseo de Roxas Street, Legaspi Village
Makati City



Subject: **CORON BAY DEVELOPMENT PROJECT**

Dear Atty. Rubiato:

Thank you for your acknowledgment letter dated 23 October 2019, pertaining to our submission to PRA dated 01 October 2019, of various documents regarding the result of the competitive selection conducted by the Province for the above-captioned project.

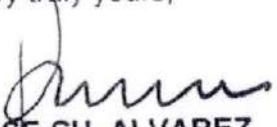
Unlike the completed portion already for titling, the reclamation and development of Phase 2 of this project shall be funded fully by our private sector partner. The actual construction works shall be undertaken by a qualified and eligible contractor that would also be required to submit a final design after a by-invitation bidding.

Given the premise earlier cited, the Province would like to request the issuance of **Notice to Proceed (NTP)** in favor of the project to enable our joint venture partner to pursue with the simplified bidding process. We are amenable to receive the NTP with necessary conditions for our private sector partner to commence.

We look forward to your favorable response as we are keen to pursue this project with your support.

Thank you very much.

Very truly yours,


JOSE CH. ALVAREZ
Provincial Governor

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 459-5000 • Facsimile No.: (02) 815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph



SECRETARY'S CERTIFICATE

SO THE PUBLIC MAY KNOW:

I, **BAI SAUDIA SHAHARA B. AMPATUAN**, of legal age, Filipino, with office address at 8th Floor, Legaspi Towers 200 Building, 107 Paseo de Roxas, Legaspi Village, Makati City, after having been duly sworn to in accordance with law, do hereby certify that:

1. I am the Board Secretary V of the Philippine Reclamation Authority (PRA);
and
2. At the 574th Regular Meeting of the PRA Board of Directors on 10 December 2019 duly called for the purpose, a quorum being present and acted throughout, with General Manager and CEO Atty. Janilo E. Rubiato voluntarily inhibiting himself from the discussion and voting, the following resolution was adopted unanimously with the concurrence of the Chairman, and is now in full force and effect, to wit:

RESOLUTION NO. 5078
Series of 2019

**APPROVAL OF THE ISSUANCE OF NOTICE TO PROCEED IN
FAVOR OF THE PROVINCIAL GOVERNMENT OF PALAWAN FOR
THE RECLAMATION AND LAND DEVELOPMENT OF THE CORON
BAY DEVELOPMENT PROJECT**

***RESOLVED**, That the issuance of the Notice to Proceed (NTP) by Philippine Reclamation Authority (PRA) to the Provincial Government of Palawan for the reclamation and land development of the Coron Bay Development Project (CBDP) located within the municipal waters of the Municipality of Coron, Palawan is hereby **APPROVED**, subject to compliance with the following terms and conditions:*

A. Requirements Prior to Actual Reclamation Works:

- i. That the basis of project implementation shall be the final design for the above reclamation project by the Provincial Government of Palawan;*
- ii. That the Provincial Government of Palawan shall submit to PRA the final design not later than one hundred eighty (180) calendar days from the date of issuance of NTP. Failure to comply with such period as required shall be a valid cause for PRA to move for nullification of the NTP and termination of the Memorandum of Agreement (MOA) by PRA as stipulated under Section VIII of the MOA;*

Page 1 of 3

CERTIFIED COPY

DATE: 04 APR 2023


ATTY. MARK ARTHUR M. CATABONA
Board Secretary V

- iii. That the PRA shall approve the final design and compliance with the conditions and/or requirements by the concerned government agencies including the DENR as enumerated in the pertinent ECC;
- iv. That the Provincial Government of Palawan shall submit the Final assessment of the following, namely:
 - a) the location of the respective land shares of the parties;
 - b) administrative and operational details;
 - c) project implementation management;
 - d) compliance with regulatory requirements by other government agencies vis-à-vis the final design.

B. The land sharing shall be as follows:

PRA Standard Sharing Computation			PRA (all saleable)	Net Saleable for LGUs	Palawan and Coron Share	
					Province	Coron
Gross Project Area, Has.	40.00	(Has)	12%		60%	40%
ROS (Gov), hectares	30%	12.00				
Government, hectares	21%	8.40	4.80	3.60	2.16	1.44
Private, hectares	49%	19.60				
Totals	100%	40.00	4.80	3.60	2.16	1.44

C. Requirements for the Effectivity of the NTP:

- i. That the Provincial Government of Palawan shall pay PRA the 20% initial amount concerning the following fees in the total amount of Php 17,145,600.00 as basis for the effectivity of the NTP within a period not later than fifteen (15) working days:
 - a) Regulatory fee in the amount of P12,633,600.00 (VAT inclusive); and
 - b) Social Environment Fund (SEF) equivalent to 20% of the P22,560,000.00 or P4,512,000.00. The remaining 80% shall be paid upon billing after approval of the final design.



CERTIFIED COPY

DATE: 04 APR 2023

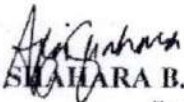
ATTY. MARK ARTHUR M. CATABONA
Board Secretary V

PROVIDED FURTHER. That failure of the Provincial Government of Palawan to pay the above-mentioned fees within the prescribed period shall be a valid cause for PRA to declare the NTP null and void;

RESOLVED FINALLY, That the PRA General Manager and CEO is hereby **AUTHORIZED** to issue the NTP to the Provincial Government of Palawan subject to full compliance with the terms and conditions set forth therein.

3. The foregoing resolution has not been repealed, amended nor modified, and remains to be valid and subsisting as of date hereof.

Signed on 10 December 2019 at Makati City, Metro Manila.


BAI SAUDIA SHAHARA B. AMPATUAN
Board Secretary V



CERTIFIED COPY

DATE: **04 APR 2023**


ATTY. MARK ARTHUR M. CATABONA
Board Secretary V



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo De Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph

11 December 2019

HON. JOSE CH. ALVAREZ
Palawan Provincial Governor
Capitol Complex, Puerto Princesa City

Subject : **NOTICE TO PROCEED**

Dear **Governor Alvarez**:

This refers to the Coron Bay Development Project (CBDP) of the Provincial Government of Palawan.

Please be informed that in its 10 December 2019 Meeting, the PRA Governing Board has approved the issuance of the Notice to Proceed (NTP) through PRA Board Resolution No. 5078, series of 2019 (**Annex A**).

Pursuant thereto, the Province is hereby authorized to proceed with the implementation of the Project subject to compliance with the herein Additional Requirements (**Annex B**) set forth as conditions and requirements enumerated in the abovementioned resolution. Also herein as **Annex C** is the Payment Advise pursuant to the required fees, for consideration.

Failure to comply with any of such requirements and conditions within the prescribed period as specified in the above resolution shall cause PRA to move for the nullification of this NTP.

Thank you.

Very truly yours,

ATTY. JANILO E. RUBIATO
General Manager and CEO

Received by:

NAME: Karla Mercado
Designation: _____
Company: _____
Date: Dec 29, 2019

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A



12-077-2019.0152

193160669050

December 13, 2019 14:09:23

APR 04 2023



Republic of the Philippines
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 459-5000 • Facsimile No.: (02) 815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph



SECRETARY'S CERTIFICATE

SO THE PUBLIC MAY KNOW:

I, **BAI SAUDIA SHAHARA B. AMPATUAN**, of legal age, Filipino, with office address at 8th Floor, Legaspi Towers 200 Building, 107 Paseo de Roxas, Legaspi Village, Makati City, after having been duly sworn to in accordance with law, do hereby certify that:

1. I am the Board Secretary V of the Philippine Reclamation Authority (PRA); and
2. At the 574th Regular Meeting of the PRA Board of Directors on 10 December 2019 duly called for the purpose, a quorum being present and acted throughout, with General Manager and CEO Atty. Janilo E. Rubiato voluntarily inhibiting himself from the discussion and voting, the following resolution was adopted unanimously with the concurrence of the Chairman, and is now in full force and effect, to wit:

RESOLUTION NO. 5078
Series of 2019

APPROVAL OF THE ISSUANCE OF NOTICE TO PROCEED IN FAVOR OF THE PROVINCIAL GOVERNMENT OF PALAWAN FOR THE RECLAMATION AND LAND DEVELOPMENT OF THE CORON BAY DEVELOPMENT PROJECT

RESOLVED, That the issuance of the Notice to Proceed (NTP) by Philippine Reclamation Authority (PRA) to the Provincial Government of Palawan for the reclamation and land development of the Coron Bay Development Project (CBDP) located within the municipal waters of the Municipality of Coron, Palawan is hereby **APPROVED**, subject to compliance with the following terms and conditions:

A. Requirements Prior to Actual Reclamation Works:

- i. That the basis of project implementation shall be the final design for the above reclamation project by the Provincial Government of Palawan;
- ii. That the Provincial Government of Palawan shall submit to PRA the final design not later than one hundred eighty (180) calendar days from the date of issuance of NTP. Failure to comply with such period as required shall be a valid cause for PRA to move for nullification of the NTP and termination of the Memorandum of Agreement (MOA) by PRA as stipulated under Section VIII of the MOA;



CERTIFIED TRUE COPY

ATTY. BAI SAUDIA SHAHARA AMPATUAN
Corporate Secretary

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

iii. That the PRA shall approve the final design and compliance with the conditions and/or requirements by the concerned government agencies including the DENR as enumerated in the pertinent ECC;

iv. That the Provincial Government of Palawan shall submit the Final assessment of the following, namely:

- the location of the respective land shares of the parties;
- administrative and operational details;
- project implementation management;
- compliance with regulatory requirements by other government agencies vis-à-vis the final design.

B. The land sharing shall be as follows:

PRA Standard Sharing Computation			PRA (all saleable)	Net Saleable for LGUs	Palawan and Coron Share	
					Province	Coron
Gross Project Area, Has.	40.00	(Has)	12%		60%	40%
ROS (Gov), hectares	30%	12.00				
Government, hectares	21%	8.40	4.80	3.60	2.16	1.44
Private, hectares	49%	19.60				
Totals	100%	40.00	4.80	3.60	2.16	1.44

C. Requirements for the Effectivity of the NTP:

i. That the Provincial Government of Palawan shall pay PRA the 20% initial amount concerning the following fees in the total amount of Php 17,145,600.00 as basis for the effectivity of the NTP within a period not later than fifteen (15) working days:

a) Regulatory fee in the amount of P12,633,600.00 (VAT inclusive); and

b) Social Environment Fund (SEF) equivalent to 20% of the P22,560,000.00 or P4,512,000.00. The remaining 80% shall be paid upon billing after approval of the final design.



CERTIFIED TRUE COPY

ATTY. BAI SAUDIA SHAHARA AMPATUAN
Corporate Secretary



CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023


PROVIDED FURTHER. That failure of the Provincial Government of Palawan to pay the above-mentioned fees within the prescribed period shall be a valid cause for PRA to declare the NTP null and void;

RESOLVED FINALLY, That the PRA General Manager and CEO is hereby **AUTHORIZED** to issue the NTP to the Provincial Government of Palawan subject to full compliance with the terms and conditions set forth therein.

3. The foregoing resolution has not been repealed, amended nor modified, and remains to be valid and subsisting as of date hereof.


Signed on 10 December 2019 at Makati City, Metro Manila.


BAI SAUDIA SHAMARA B. AMPATUAN
Board Secretary V

 **CERTIFIED TRUE COPY**


ATTY. BAI SAUDIA SHAMARA AMPATUAN
Corporate Secretary

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2020



Annex B

LIST OF ADDITIONAL REQUIREMENTS

In accordance with PRA Board Resolution No. 5078, series of 2019 issued on 10 December 2019, the Province of Palawan is required to comply with the terms and conditions in the approval of the Notice to Proceed (NTP) for the Coron Bay Development Project, to wit:

A. Requirements Prior to Actual Reclamation Works

1. That the basis of project implementation shall be the final design for the above reclamation project by Palawan Province as required herein no. 2 below;
2. Submission of the final design to PRA by Palawan Province shall not be later than one hundred eighty (180) calendar days from the date of issuance of NTP. Failure to comply within such period as required shall be a valid cause for PRA to move for nullification of the NTP and termination of the MOA by PRA as stipulated under Section Article VIII of the MOA;
3. Approval by PRA Board of the final design and compliance with conditions and/or requirements of concerned government agencies including the DENR as enumerated in the ECC issued for the project.
4. Final assessment of certain matters of concern as follows:
 - a) the location of the respective land shares of the parties;
 - b) administrative and operational details;
 - c) project implementation management;
 - d) compliance with regulatory requirements by other government agencies vis-à-vis the final design.

B. The land sharing for this project shall be as per the matrix, as follows:

PRA Standard Sharing Computation			PRA (all saleable)	Net Saleable for LGUs	Palawan and Coron Share	
					Province	Coron
Gross Project Area, Has.	40.00	(Has)	12%		60%	40%
ROS (Gov), hectares	30%	12.00				
Government, hectares	21%	8.40	4.80	3.60	2.16	1.44
Private, hectares	49%	19.60				
Totals	100%	40.00	4.80	3.60	2.16	1.44

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

C. Requirements for the Effectivity of the NTP

Payment by the Palawan Province to PRA of the 20% initial amount concerning the following fees as basis for the effectivity of the NTP within a period not later than fifteen (15) working days from the date of receipt of the NTP:

- a) Regulatory fee in the amount of **Php12,633,600.00** (VAT inclusive); and,
- b) SEF equivalent to 20% of the P22,560,000 or **Php4,512,000.00**.
Payment of the 80% balance shall be upon PRA advise after approval of the VEA or the final design.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo De Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph

ORDER OF PAYMENT

PAYEE : PROVINCIAL GOVERNMENT OF PALAWAN
PROJECT : Coron Bay Development Project
ADDRESS : Puerto Princesa City, Palawan
DATE : 11 December 2019

For the following charges:

Particulars: **20% INITIAL PAYMENT OF SOCIAL ENVIRONMENT FUND (SEF)**

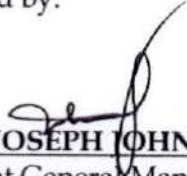
Details:

Est. Reclamation Cost	2,256,000,000.00
SEF (1% of Est. Reclamation Cost)	22,560,000.00
20% Required Initial Payment	4,512,000.00

TOTAL AMOUNT PAYABLE	₱ 4,512,000.00
-----------------------------	-----------------------

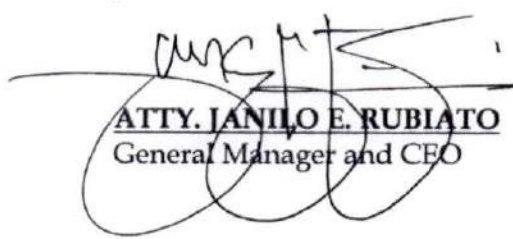
Note: PRA shall issue Acknowledgment Receipt in lieu of the Official Receipt.

Prepared by:


ATTY. JOSEPH JOHN M. LITERAL
Assistant General Manager
Reclamation & Regulation Office

MP

Approved by:


ATTY. JANILO E. RUBIATO
General Manager and CEO

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo De Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph

ORDER OF PAYMENT

PAYEE : PROVINCIAL GOVERNMENT OF PALAWAN
PROJECT : Coron Bay Development Project
ADDRESS : Puerto Princesa City, Palawan
DATE : 11 December 2019

For the following charges:

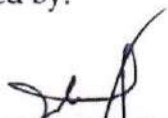
Particulars: 20% INITIAL PAYMENT OF REGULATORY FEE

Details:

Est. Reclamation Cost	2,256,000,000.00
Regulatory Fee (2.5% of Est. Reclamation Cost)	56,400,000.00
20% Required Initial Payment	11,280,000.00
Plus: 12% VAT	1,353,600.00
Total Cost	₱ 12,633,600.00
Less: EWHT (2%)	225,600.00
TOTAL AMOUNT PAYABLE	₱12,408,000.00

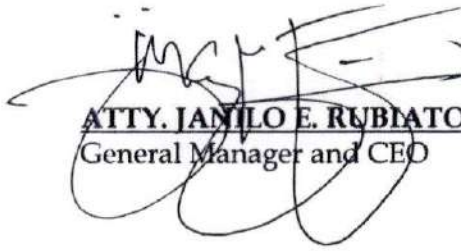
Please provide PRA Certificate of Creditable Tax Withheld at Source - BIR Form No. 2307

Prepared by:



ATTY. JOSEPH JOHN M. LITERAL
Assistant General Manager
Reclamation & Regulation Office



Approved by:


ATTY. JANILO E. RUBIATO
General Manager and CEO

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
Provincial Government of Palawan
OFFICE OF THE GOVERNOR
Puerto Princesa City, Palawan

May 15, 2020

ATTY. JANILO E. RUBIATO

General Manager and CEO
Philippine Reclamation Authority
8th Floor Legaspi Towers 200, Paseo de Roxas St.
Legaspi Village, Makati City

Dear Atty. Rubiato:

This refers to your letter dated December 11, 2019 to the undersigned pertaining to the Notice to Proceed with the implementation of the Coron Bay Development Project by the Provincial Government of Palawan subject to the compliance with the submission of additional requirements within a period of One Hundred Eighty (180) days. However, given the present circumstances brought about by the Covid-19 Pandemic, and the resulting declaration of the State of Emergency by His Excellency President Rodrigo R. Duterte, we have encountered numerous delays in the process of completion of the additional requirements due to supervening events and other concerns that needed our immediate attention.

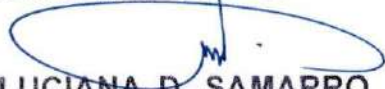
We respectfully request your good office for an extension of One Hundred Twenty (120) days within which to comply with your directive to submit the additional requirements, to be reckoned from the date of listing of the community quarantine.

We sincerely hope that this request will merit a favorable response.

Very truly yours,


JOSE CH. ALVAREZ
Governor

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo De Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 459-5000 • Facsimile No.: (02) 815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph

ANNEX 13

27 July 2020

HON. JOSE CHAVES ALVAREZ
Palawan Provincial Governor
Fernandez Street, Puerto Princesa City
Palawan

Subject : **CORON BAY RECLAMATION PROJECT**

Dear Governor Alvarez:

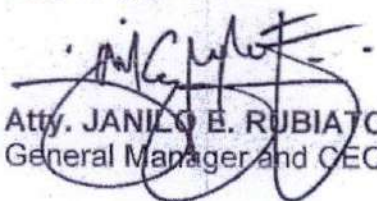
In response to the request of the Honorable Provincial Governor per letter to this Agency dated 15 May 2020, please be informed that under Resolution No. 5130 s2020 (**Annex A**) the PRA Governing Board has approved the 120-day additional period requested by Palawan Province within which to prepare and submit and/or comply with the conditions set forth by PRA in the Notice to Proceed (NTP) for the above project.

The above period of extension shall commence upon receipt of this letter by the Palawan Province.

For the guidance of the Provincial Governor.

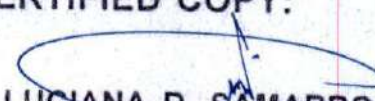
Thank you.

Very truly yours,


Atty. JANILO E. RUBIATO
General Manager and CEO



CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 03 2023



M-1

Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo De Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph

SECRETARY'S CERTIFICATE

SO THE PUBLIC MAY KNOW:

I, **BAI SAUDIA SHAHARA B. AMPATUAN**, of legal age, Filipino, with office address at 8th Floor, Legaspi Towers 200 Building, 107 Paseo de Roxas, Legaspi Village, Makati City, after having been duly sworn to in accordance with law, do hereby certify that:

1. I am the Board Secretary V of the Philippine Reclamation Authority (PRA);
and
2. At the Special Meeting of the PRA Board of Directors on 03 July 2020 via teleconference in accordance with Section 2.2.1 (a) of GCG Memorandum Circular No. 2014-06 duly called for the purpose, a quorum being present and acted throughout, the following resolution was unanimously adopted with the concurrence of the Chairman, and is now in full force and effect, to wit:

RESOLUTION NO. 5130

Series of 2020

**APPROVAL OF THE REQUEST OF THE OFFICE OF GOVERNOR
OF THE PROVINCIAL GOVERNMENT OF PALAWAN FOR AN
EXTENTION OF ONE HUNDRED TWENTY DAYS TO COMPLY
WITH THE SUBMISSION OF ADDITIONAL REQUIREMENTS
CONTAINED IN PHILIPPINE RECLAMATION AUTHORITY
LETTER DATED 11 DECEMBER 2019**

***RESOLVED**, That the request of the Office of Governor of the Provincial Government of Palawan, through Letter dated 15 May 2020, for an extension of one hundred twenty (120) days from receipt of notice hereof to comply with the submission of additional requirements set forth in Philippine Reclamation Authority (PRA) Letter dated 11 December 2019 is hereby APPROVED.*


The foregoing resolution has not been repealed, amended nor modified, and remains to be valid and subsisting as of date hereof.

Signed on 01 September 2020 at Makati City, Metro Manila.


BAI SAUDIA SHAHARA B. AMPATUAN
Board Secretary V

Page 1 of 1

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 03 2023

Request for extension

PEA info <info@pea.gov.ph>

Wed 19 Aug 2020 10:40 AM

To: palawan.governor@gmail.com <palawan.governor@gmail.com>

Cc: PEA records <records@pea.gov.ph>

2 attachments (837 KB)

BR 5130 - Extension for Province of Palawan (2).pdf; CORON-BR5130.pdf;


Greetings.

Please refer to the attached document. For your acknowledgement, please.

Thank you.

Philippine Reclamation Authority

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 03 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo De Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph

23 February 2021

HON. JOSE CH. ALVAREZ

Governor

Province of Palawan

Capitol Complex, Puerto Princesa City

166 # 1270 0847 3441 / 02.26. 2021

Dear **Gov. Alvarez**:

This is to acknowledge receipt of the following technical documents/studies submitted by Ms. Myraflor Gonzalez, for and in behalf of your Joint Venture (JV) Partners, 428 Hi-Tech Group, Inc. and BCT Construction and Trading, on 18 December 2020 for the Coron Bay Development Project (CBDP), to wit:

7. Landform Plan with technical descriptions;
8. Design plans and details of the reclamation and the containment structure/s;
9. Updated Project Feasibility Study;
10. Geotechnical Reports;
11. Final Survey Report; and
12. Engineering Geological and Geohazard Assessment Report (EGGAR).

May we respectfully inform the Honorable Governor that the said documents shall be considered in the review and assessment for the issuance of the final Notice to Proceed (NTP).

Please inform your JV Partners to also submit to this Office the following documents:

9. Final Master Development Plan and Land Use Plan for the project;
10. Reclamation methodology;
11. Plan for the source/s of fill materials;
12. Drainage plan vis-à-vis the landform approved by the DPWH;
13. Detailed project cost estimates and quantity take-off per item of work for the reclamation, containment structure and soil consolidation;
14. Organizational chart of the construction arm, manning table and equipment schedule;
15. Project timetable (PERT/CPM) for the project construction period; and
16. Area Clearance from the Department of Environment and Natural Resources (DENR).

Thank you.

Very truly yours,

ATTY. JANILO E. RUBIATO

General Manager and CEO

Cf: **Myraflor Gonzales**

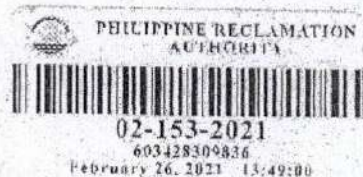
Finance Manager, 428 Hi-Tech Group, Inc.

San Pedro National Highway

Puerto Princesa City, Palawan

8463-0260

166 # 1270 0847 3451 / 02.26. 2021



CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 03 2023

LBC EXPRESS, INC.
9/F DELA ROSA 2, CARPARK BLDG., LEGASPI
VILLAGE, MAKATI CITY
Tel. No. (63) 2 - 75069137
VAT TIN : 000-702-140-00334

Customer's Copy



1270 0867 3451

THIS SERVES AS AN OFFICIAL RECEIPT
MIN : 15000621513015628
Serial No : 56130755MH
Official Receipt No : SL20210000264040

SHIPPER:

PHILIPPINE RECLAMATION AUTHORITY
Address: 7F LEGASPI TOWER 200, PASEO DE ROXA
S, LEGASPI VILL, MAKATI CITY, METRO MANILA
Contact No.(s): 9253014219 / 9253014219
Card Number: TIN
Email:

CONSIGNEE:
And or/ care of:

GONZALES, MYRAFLOR
Address: SAN PEDRO NATIONAL HIGHWAY
PUERTO PRINCESA, PALAWAN
Contact No.(s): 9800000000

Courier N-Pouch Regular

Origin	: MMA-SL202-CARPARK DELA ROSA	VATable(Freight)	: 104.46
Transit Date	: 02/26/2021 03:25:02 PM	VAT-Exempt	: 0.00
Delivery Date	: 03/01/2021 - 03/03/2021	VAT Zero-Rated	: 0.00
Area Dest	: South Luzon	IRAM Pickup Fee	: 0.00
Transit Type	: Delivery	Discount	: 0.00
Cut-Off	: 07:00 PM	Total Sales	: 104.46
Actual Wt (Kg.)	: 0.00	12% VAT	: 12.54
		Amount Due	: 117.00
		Mode	: CASH

Said to Contain : CONTAINING OF DOCUMENTS ONLY

Due to pandemic, delivery date may change without prior notice
LBC Express values your privacy. For more info on our privacy policy
visit www.lbcexpress.com/privacy-policy
SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE CLAMS OF CARGO ARE
LIMITED UP TO ACTUAL DECLARED VALUE ONLY
I hereby agree to be bound with the terms and conditions written at the
back set forth by LBC EXPRESS

PAUL DOMINIQUE GERELLANO
Signature of Associate

PHILIPPINE RECLAMATION AUTHORITY
Signature of Shipper

OR Service No : SL20210000000001 to SL20209999999999 AIR Final PTUN:FP002015-132-0047001-00334
BIR Accreditation No: 1220007021402015060310 Date Issued: 06/25/2015 valid until 07/31/2025
THIS INVOICE/RECEIPT SHALL BE VALID FOR FIVE(5) YEARS FROM THE DATE OF THE PERMIT TO USE.

Track your padala at:
www.lbcexpress.com
Talk to our Care Representative
www.lbcexpress.com
Tel. (632) 8858-5999
1-800-10-8585-999
*Only for PH outside NCR
Let us know of your experience
survey.lbcexpress.com

02-153-2021

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 03 2023

LBC EXPRESS, INC.
6/F DELA ROSA 2, CARPARK BLDG., LEGASPI
VILLAGE, MAKATI CITY
Tel. No : (63) 2 - 75068137
VAT TIN : 008-702-140-08334

Customer's Copy



1270 0867 3441

THIS SERVES AS AN OFFICIAL RECEIPT
MSN : 15000021530015628
Serial No : 50H307550H
Official Receipt No : SL20210000204047

SHIPPER:

PHILIPPINE RECLAMATION, AUTHORITY
Address: 7F LEGASPI TOWER 200, PASO DE ROXA
S, LEGASPI VILL, MAKATI CITY, METRO MANILA
Contact No.(s): 9253014219 / 9253014219
Card Number: TIN:
Email:

CONSIGNEE:
And or / care of:

ALVAREZ, JOSE
Address: PROVINCE OF PALAWAN CAPITOL COMPLEX
PUERTO PRINCESA, PALAWAN
Contact No.(s): 9000000000

Courier N-Pouch Regular

Origin : MAN-SL202-CARPARK DELA ROSA
Trans. Date : 02/26/2021 03:25:00 PM
Delivery Date : 03/01/2021 - 03/03/2021
Area Dest. : South Luzon
Trans. Type : Delivery
Cut-off : 07:00 PM
Actual Ht (Kg.) : 0.00

VATable(Freight) : 184.46
VAT-Exempt : 0.00
VAT Zero-Rated : 0.00
100% Pickup Fee : 0.00
Discount : 0.00
Total Sales : 184.46
12% VAT : 22.14

Amount Due : 117.00
Mode : CASH

Said to Contain : CONTAINING OF DOCUMENTS ONE

Due to pandemic, delivery date may change without prior notice
LBC EXPRESS values your privacy. For more info on our privacy policy
visit www.lbcexpress.com/privacy-policy
SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE CLAIMS OF CARGO ARE
LIMITED UP TO ACTUAL DECLARED VALUE ONLY
I hereby agree to be bound with the terms and conditions written at the
back and forth by LBC EXPRESS

Track your padaia at:
www.lbcexpress.com
Talk to our Care Representative
www.lbcexpress.com
Tel. (632) 8858-5999
1-800-10-8585-999
*Only for PH outside NCR
Let us know of your experience
survey.lbcexpress.com

PAUL DOMINIQUE CERELLANA
Signature of Associate

PHILIPPINE RECLAMATION, AUTHORITY
Signature of Shipper

OR Series No : SL20210000000001 to SL2020999999999999 BIR Final PTUN:FP002015-122-0047091-00334
BIR Accreditation No: 1220007021402015060310 Date Issued: 06/26/2015 valid until 07/31/2025
THIS INVOICE/RECEIPT SHALL BE VALID FOR FIVE(5) YEARS FROM THE DATE OF THE PERMIT TO USE.

62-153-2021

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 03 2023

- (3) **PGen DIONARDO B. CARLOS**
Chief, Philippine National Police
Camp Rafael Crame, EDSA, Quezon City
- (4) **DIR. ERIC. B. DISTOR**
Director, National Bureau of Investigation
United Nations Avenue, Manila City
director@nbi.gov.ph
- (5) **PBGen SIDNEY S. HERNIA**
Regional Director, Philippine National Police
Police Regional Office MIMAROPA
Camp BGen Efigenio C Navarro
Barangay Suqui, Calapan City, Oriental Mindoro
pro4b@pnp.gov.ph
Ltr # 1271 0060 4935 / 03. 25. 2022
- (6) **MR. ROMMEL VALLEJO**
Acting Director, National Bureau of Investigation
MIMAROPA Regional Office
Barangay Sta. Isabel
Calapan City, Oriental Mindoro
mimaropa@nbi.gov.ph
Ltr # 1271 0060 4925 / 03. 25. 2022
- (7) **HON. MARIO T. REYES, JR.**
Coron Municipal Mayor
Real Street, Coron, Palawan
tanggapanngpunongbayancoron@gmail.com
Ltr # 1271 0060 4945 / 03. 25. 2022
- (8) **MR. TEODORO JOSE S. MATTA**
Executive Director III
Palawan Council for Sustainable Development
PCSD Building, Sports Complex Road
Sta. Monica, Puerto Princesa City, Palawan
Ltr # 1271 0060 4955 / 03. 25. 2022



Office of the President
REPUBLIC OF THE PHILIPPINES

Sender's Copy



3-28-22
✓

032822-MRO-101451



CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati

Tel.No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662

Website: www.pea.gov.ph • Email: info@pea.gov.ph

24 March 2022

HON. JOSE CH. ALVAREZ

Governor

Province of Palawan

Capitol Complex, Puerto Princesa City

1271 DOGO 4915 / 03. 25. 2022

Dear Gov. Alvarez:

This refers to the complaint filed by the *Sagip-Coron, Palawan* group to the Office of the President (OP) and this Office relative to the reclamation of the Coron Bay Reclamation and Development Project (CBRDP) of the Provincial Government of Palawan.

The complaint alleges that the Provincial Government and its private joint venture partners have undertaken reclamation activity sans compliance with the conditions set forth by the PRA.

Relative thereto, you are hereby ordered to immediately CEASE AND DESIST from further undertaking reclamation activities until all governmental requirements and conditions have been fully complied with including but not limited to the conditions of the Notice to Proceed (NTP) issued by PRA, foremost of which is the requirement of an Area Clearance from the Department of Environment and Natural Resources (DENR).

The Philippine National Police (PNP) and National Bureau of Investigation (NBI) are hereby enjoined to assist the PRA in the enforcement of this Cease and Desist Order (CDO) and other regulatory orders.

For strict compliance.

Very truly yours,

ATTY. JANILO E. RUBIATO
General Manager and CEO

Office of the Chief
Philippine National Police

MAK 28 2022
RECEIVED
By: NUP ML VICTORIA 2:40 PM

Cf: **(1) HON. SALVADOR C. MEDIALDEA**

Executive Secretary
Office of the President
Malacañang, Manila

(2) Sec. JIM O. SAMPULNA, CESO I

Acting Secretary, Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
osec@denr.gov.ph

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023

DEPT. OF ENVIRONMENT AND NATURAL RESOURCES
RECORDS MANAGEMENT DIVISION

RECEIVED
MAR 28 2022
TIME 12:30 SIG: JHO

PHILIPPINE RECLAMATION
AUTHORITY



03-160-2022
961936246486
March 28, 2022 10:22:00

FW: Complaint filed relative to the Coron Bay Reclamation and Development Project of the Provincial Government of Palawan

PEA Info <info@pea.gov.ph>

Mon 28 Mar 2022 11:43 AM

To: Records Section <records@pea.gov.ph>



PHILIPPINE RECLAMATION AUTHORITY

Email: info@pea.gov.ph
Website: www.pea.gov.ph
Telephone: (02) 8459-5000
Address: 7th Floor Legaspi Towers 200 Bldg.,
107 Paseo De Roxas St. Legaspi Village, 1226
Makati City

This email message is confidential and may also be privileged. If you are not the intended recipient, please notify the sender immediately and delete this email from your system. You should not copy or use it, or any portion of it, for any purpose, nor disclose its contents to any other person.

From: Office of the Director <director@nbi.gov.ph>

Sent: Monday, 28 March 2022 11:40 AM

To: PEA Info <info@pea.gov.ph>

Subject: Re: Complaint filed relative to the Coron Bay Reclamation and Development Project of the Provincial Government of Palawan

Good day! Confirming receipt of your email. We will forward this matter to the proper Service for appropriate action. Thank you

From: PEA Info <info@pea.gov.ph>

To: "palawan.governor@gmail.com" <palawan.governor@gmail.com>

Cc: Malacanang Records Office <mro@malacanang.gov.ph>, Office of the Secretary <osec@denr.gov.ph>, "director@nbi.gov.ph" <director@nbi.gov.ph>, "pro4b@pnp.gov.ph" <pro4b@pnp.gov.ph>, "mimaropa@nbi.gov.ph" <mimaropa@nbi.gov.ph>, "tanggapanngpunongbayancoron@gmail.com" <tanggapanngpunongbayancoron@gmail.com>, "oed@pcsd.gov.ph" <oed@pcsd.gov.ph>

Date: Sun, 27 Mar 2022 23:39:11 +0000

Subject: Complaint filed relative to the Coron Bay Reclamation and Development Project of the Provincial Government of Palawan

Dear Sir/Ma'am,

For your acknowledgment, please. Thank you.



PHILIPPINE RECLAMATION AUTHORITY

Email: info@pea.gov.ph
Website: www.pea.gov.ph
Telephone: (02) 8459-5000
Address: 7th Floor Legaspi Towers 200 Bldg.,
107 Paseo De Roxas St. Legaspi Village, 1226
Makati City

This email message is confidential and may also be privileged. If you are not the intended recipient, please notify the sender immediately and delete this email from your system. You should not copy or use it, or any portion of it, for any purpose, nor disclose its contents to any other person.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati

Tel. No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662

Website: www.pea.gov.ph • Email: info@pea.gov.ph

February 23, 2023

VICTORINO DENNIS M. SOCRATES
THE PROVINCIAL GOVERNOR
PROVINCIAL GOVERNMENT OF PALAWAN

Capitol Bldg. Rizal. Cor. Fernandez St.

Bgy. Tanglaw, Puerto Princesa City

LBC # 1272 0046 7461 / 02.27.2023

MS. BELLA C. TIOTANGCO
BCT TRADING AND CONSTRUCTION

National Highway, Brgy. San Pedro

Puerto Princesa City

LBC # 1272 0046 7451 / 02.27.2023

MR. ERNESTO MERCADO

428 HI-TECH GROUP, INC.

Reclamation Area, Bgy. Poblacion V

Coron, Palawan

LBC # 1272 0046 7481 / 02.27.2023

Dear **Sirs/Madame**:

Please be informed that pursuant to the Directive of the President on 22 March 2022 to the Philippine Reclamation Authority (PRA) to totally forfeit the unauthorized reclamation undertaken by the Provincial Government of Palawan and its joint venture partner, the PRA Governing Board has approved the total forfeiture in favor of the National Government of the incomplete Coron Phase 2 Reclamation Project situated in the Municipality of Coron, Palawan with a total area of about twenty-two (22) hectares, more or less, subject to final survey.

As discussed during the meetings of the concerned government agencies and different stakeholders, there is a need to implement the rehabilitation of Coron, specifically the mitigating actions over the forfeited reclaimed land which will involve the excavation of the portion of land that blocks the water circulation in the mangrove forest, the opening of the waterway for the dumped/trapped mangroves, and installation of the sea wall on the excavated sites. Said measures are important undertakings as they will lessen the adverse environmental impact caused by the reclamation project on Coron's wetlands and marine biodiversity.

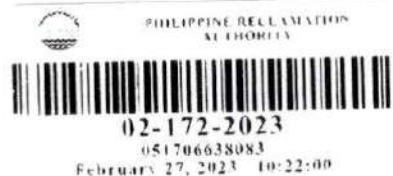
Moreover, during the meeting of the Inter-Agency Task Force (IATF) for the Rehabilitation of Coron held at the Luxent Hotel, Quezon City on February 9, 2023, the IATF agreed to implement the mitigation measures on February 27, 2023.

In this regard, we need your assistance in making available the backhoe and other equipment, silt curtains/silt traps and other materials necessary to implement the above mitigating measures.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

MAY 03 2023



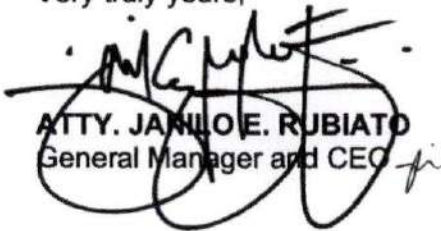
February 27, 2023 10:22:00

This undertaking will be under the supervision of the PRA, the Department of Public Works and Highways (DPWH), the Department of Environment and Natural Resources (DENR) and Coron LGU.

Your kind assistance on this worthy undertaking is highly appreciated.

Thank you.

Very truly yours,


ATTY. JANILOE E. RUBIATO
General Manager and CEO

Copy furnished:


Hon. MANUEL M. BONOAN
Secretary
Department of Public Works and Highways
Bonifacio Drive, Port Area, Manila
bonoan.manuel@dpwh.gov.ph

Dir. LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director
Department of Environment and Natural Resources – MIMAROPA
3rd flr., 1515 DENR by the Bay Bldg.
Roxas Boulevard, Brgy. 668
Ermita, Manila
mimaroparegion@denr.gov.ph

MR. FELIZARDO B. CAYATOC
PENRO Palawan
Brgy. Sta. Monica, Puerto Princesa City
Palawan
penropalawan@denr.gov.ph

MR. RODNEY G. VERIAN
OIC-CENRO
CENRO, Coron, Palawan
Brgy. Poblacion 6, Coron
Palawan
cenrocoron@denr.gov.ph

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A
MAY 03 2023



LBC EXPRESS, INC.
SPACE 2ND FLOOR MARKET MARKET, GLOBE
L CITY, TAGUIG
Tel. No : (63) 2 - 88084978
VAT TIN : 000-782-140-00420

Customer's Copy



1272 0046 7451

THIS SERVES AS AN OFFICIAL RECEIPT
BIN : 10002917010320420
Serial No : 5003500200
Official Receipt No : BGC016899

SHIPPER:

PHILIPPINE RECLAMATION AUTHORITY
Address: BLDG3 PNOG COMPOUND ENERGY CENTER R
IZAL DRIVE FORT, TAGUIG CITY, METRO MANILA
Contact No.(s): 9168915971 / 9168915971
Card Number: TIN: Bus. Style:
Email:

CONSIGNEE:
And or/ care of:

TIOTANGO, BELLA
Address: BCT TRADING AND CORPORATION. NATIONAL HIGHWAY
Y BRGY.
SAN PEDRO, PUERTO PRINCESA, PALANAN
Contact No.(s): 4334455 / 9000000000

Courier N-Pouch Regular

Origin : NVA-BGC01-MARKET MARKET
Tran. Date : 02/27/2023 06:33:50 PM
Delivery Date : 03/01/2023 - 03/02/2023
Area Dest. : South Luzon
Tran. Type : Delivery
Cut-off : 07:30 PM
Actual Wt (Kg.) : 0.00

VATable(Freight) : 104.46
Supplies Fee : (0.00)
VAT-Exempt : 0.00
VAT Zero-Rated : 0.00
100M Pickup Fee : 0.00
Total Sales : 104.46
12% VAT : 12.54
Amount Due : 117.00
Discount : 0.00
Mode : CASH

Said to Contain : DOCUMENTS ONLY

Due to pandemic, delivery date may change without prior notice
LBC EXPRESS VALUES YOUR PRIVACY. FOR MORE INFO ON OUR PRIVACY POLICY
VISIT WWW.LBCEXPRESS.COM/PRIVACY-POLICY
SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF CARGO ARE
LIMITED UP TO ACTUAL DECLARED VALUE ONLY
I hereby agree to be bound with the terms and conditions written at the
back set forth by LBC EXPRESS

Track your padala at:
www.lbcexpress.com
Talk to our Care Representative
www.lbcexpress.com
Tel. (632) 8858-5999
1-800-10-8585-999
*Only for PH outside NCR

Let us know of your experience:
survey.lbcexpress.com

JENNIFER COSTILLAS
Signature of Associate

PHILIPPINE RECLAMATION AUTHORITY
Signature of Shipper

OR Series No : BGC010000000001 to BGC0109999999999 BIN Final PTUN:FP002015-122-0051302-00420
BIN Accreditation No: 1220007621402015000310 Date Issued: 06/26/2015

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

MAY 03 2023

Customer's Copy



SHIPPER:

PHILIPPINE RECLAMATION AUTHORITY
Address: BLDG 3 PNOG COMPOUND, SUBICAY, ZAMBALSA

CONSIGNEE:
And or/ care of: /

Address: BLDG 3 PIOC COMPOUND ENERGY CENTER R
IZAL DRIVE FORT, TAGUIG CITY, METRO MANILA
Contact No.(s): 9168915971 /9168915971
Card Number: TIN: Bus. Style:
Email:

SOCRATES, VICTORINO DENNIS B
Address: THE PROVINCIAL GOVERNMENT OF PALAWAN CAPIT
OL BLDG. RIZAL COR. FERNANDEZ ST. BRGY,
TANGLAW, PUERTO PRINCESA, PALAWAN
Contact No.(s): 1234567 / 9000000000

Courier N-Pouch Regular

Origin : HAN-BGC01-MARKET MARKET
 Tran. Date : 02/27/2023 06:30:23 PM
 Delivery Date : 03/01/2023 - 03/02/2023
 Area Dist. : South Luzon
 Tran. Type : Delivery
 Cut-Off : 07:30 PM
 Actual Wt (Kg.) : 0.00

VRTable(Freight)	:	184.46
Supplier Fee	:	(8.00)
VRT-Exempt	:	0.00
VRT Zero-Rated	:	0.00
180R Pickup Fee	:	0.00
Total Sales	:	184.46
12% VRT	:	12.54
Amount Due :	:	117.00
Discount	:	0.00
Mode	:	CASH

Track your padala at:
www.lbcexpress.com
Talk to our Care Representative
www.lbcexpress.com

Tel. (632) 8858-5999
1-800-10-8585-999
*Only for PH outside NCR

Let us know of your experience:
survey.1bcexpress.com

Sold to Contain : DOCUMENTS ONLY

Due to pandemic, delivery date may change without prior notice
LBC Express values your privacy, for more info on our privacy policy
visit www.lbcexpress.com/privacy-policy
RITOSH KUMAR

SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF CARGO ARE LIMITED UP TO ACTUAL DECLARED VALUE ONLY
I hereby agree to be bound with the terms and conditions written at the back set forth by LBC EXPRESS

JENNIFER COSTILLAS
Signature of Associate

PHILIPPINE RECLAMATION AUTHORITY
Signature of Shipper

ON Series No : 06C010000000001 to 06C010000000000 BIR Final PTUN:FP062015-122-0051302-00420
BIR Accreditation No: 122000702140210000310 Date Issued: 06/26/2015

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

MAY 03 2023

LBC EXPRESS, INC.
SPACE #252 2ND FLR. MARKET MARKET, GLOBE
L CITY, TAGUIG
Tel. No : (63) 2 - 88894878
VAT TIN : 888-782-148-88428

Customer's Copy



THIS SERVES AS AN OFFICIAL RECEIPT
MIN : 15882917015328428
Serial No : 58H3508280
Official Receipt No : 86CB16888

SHIPPER:

PHILIPPINE RECLAMATION AUTHORITY
Address: BLDG3 PNOC COMPOUND ENERGY CENTER R
IZAL DRIVE FORT, TAGUIG CITY, METRO MANILA
Contact No.(s): 9168915971 / 9168915971
Card Number: TIN: Bus. Style:
Email:

CONSIGNEE:
And or/ care of:

MERCADO, ERNESTO
Address: 428 HI-TECH GROUP INC. RECLAMATION AREA BR
GY. POBLACION V
CORON, PALAWAN
Contact No.(s): 9097479368

Courier N-Pouch Regular

Origin : MNA-88CB1-MARKET MARKET
Trans. Date : 82/27/2023 06:28:05 PM
Delivery Date : 83/02/2023 - 83/03/2023
Area Dest. : South Luzon
Trans. Type : Delivery
Cut-off : 82:38 PM
Actual Wt (Kg.) : 0.88

VATable(Freight) : 122.32
Supplier Fee : (8.88)
VAT-Exempt : 0.00
VAT Zero-Rated : 0.00
180M Pickup Fee : 0.00
Total Sales : 122.32
12% VAT : 14.60
Amount Due : 137.00
Discount : 0.00
Mode : CASH

Said to Contain : DOCUMENTS ONLY

Due to pandemic, delivery date may change without prior notice
LBC Express values your privacy. For more info on our privacy policy
visit www.lbcexpress.com/privacy-policy
SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF CARGO ARE
LIMITED UP TO ACTUAL DECLARED VALUE ONLY
I hereby agree to be bound with the terms and conditions written at the
back set forth by LBC EXPRESS

Track your package at:
www.lbcexpress.com
Talk to our Care Representative
www.lbcexpress.com
Tel. (632) 8858-5999
1-800-10-8585-999
sOnly for PH outside NCR
Let us know of your experience:
survey.lbcexpress.com

JENNIFER COSTILLAS
Signature of Associate

F. Allen
PHILIPPINE RECLAMATION AUTHORITY
Signature of Shipper

OR Series No : 86CB10888888881 to 86CB10888888889 BIR Final PTUE:FP882015-122-8851382-88428
BIR Accreditation No: 1228887821482818868318 Date Issued: 06/26/2015

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
MAY 03 2023

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 163, Coron, Palawan

BCT TRADING AND
CONSTRUCTION AND 428 HI-
TECH GROUP, INC.,

Plaintiffs,

- versus -

Civil Case CRN-1084
For: Injunction & Damages

ROBERTO B. MAGALLANES
AND JOSE B. MAGALLANES,
JR., ET AL.

Defendants.

x-----x

**JUDICIAL AFFIDAVIT OF
ENGR. EDUARDO DESTURA**

I, Engr. Eduardo Destura, Filipino, of legal age, married, with address at Philippine Reclamation Authority, 7th Floor Legaspi Towers 200 Bldg., Paseo De Roxas, Legaspi Village, Brgy. San Lorenzo, Makati City, and at present temporarily holding office at PNOC Bldg. No. 3, Department of Energy Compound, Rizal Drive, Bonifacio Global City, Taguig City.

Preliminary Statement

The person examining me is Atty. Marc Gregory Solano, at the temporary office address of PRA at PNOC Bldg. No. 3, Department of Energy Compound, Rizal Drive, Bonifacio Global City, Taguig City. The examination is being held in person, at the said office.

I am answering his questions fully conscious that I do so under oath and that I may face criminal liability for false testimony and perjury.

OFFER OF TESTIMONY

In lieu of the witness' direct testimony, this judicial affidavit is being offered to prove that:

1. He holds the position of Department Manager of the Planning and Evaluation Department (PED) of the PRA;
2. As the Department Manager of the PED, he is knowledgeable of the documentary requirements prior to the approval of any proposed reclamation;
3. The PRA entered into a 5 November 2009 Memorandum of Agreement (MOA) with the Province of Palawan;
4. The Province of Palawan was required to submit documents prior to proceeding with the actual reclamation involving the Coron Bay Development Project (CBDP);
5. Being the Department Manager of the PED, he also knows the requirements of the Conditional Notice to Proceed (NTP) granted by PRA in favor of the Province of Palawan;
6. Not all the required documents for the validity of the NTP were submitted by the Province of Palawan or its joint venture partners;
7. Following reports of adverse environmental effects of the reclamation in Coron Bay, PRA issued a Cease and Desist Order and then later on, a Forfeiture Order;
8. To identify and authenticate documents related to his testimony; and
9. Such other matters analogous to the foregoing.

Q1:

Please state your name and personal circumstances

A1:	I am Engr. Eduardo Destura, of legal age, married, with office address at the 7 th Floor, Legaspi Towers 200, No. 107 Paseo de Roxas Street, Legaspi Village, Makati City, and at present temporarily holding office at PNOCC Bldg. No. 3, Department of Energy Compound, Rizal Drive, Bonifacio Global City, Taguig City.
Q2:	What is your present employment?
A2:	I am currently employed as the Department Manager of the Planning and Evaluation Department (PED) of the PRA.
Q3:	How long have you occupied your current position?
A3:	I have been occupying my current position for twenty-seven (27) years now.
Q4:	What is your proof that you are employed with the PRA?
A4:	I have my Identification Card (ID) issued to me. <i>The Identification Card with No. 096224 is identified and requested to be marked as Exhibit "1-PRA".</i>
Q5:	What are your duties and responsibilities as Department Manager of the PED?
A5:	My duties and responsibilities include the following: <ul style="list-style-type: none">- Formulates and reviews policies, rules and procedures in approving and implementing reclamation projects.- Supervises the assessment of applicant's compliance with requirements as well as the review and evaluation to determine the viability of proposed reclamation projects in terms of technical, financial, socio-economic, market demand and legal aspects.- Directs the research and data gathering and conducts

	<p>ocular inspection/investigation of the proposed site of reclamation projects.</p> <ul style="list-style-type: none">- Submits recommendation to the Assistant General Manager based on the results of the detailed review and evaluation of reclamation projects.- Submits to the Assistant General Manager the results of the detailed review and evaluation of the pre-construction documents/plans and specifications/financial proposals for implementation of approved reclamation projects.- Coordinates and consults with government entities prior to approval of reclamation projects.- Undertakes studies on technical standards /parameters and reviews existing guidelines pertaining to reclamation specifications/methodology appropriate to specific cases.- Supervises the preparation of the terms of reference and reclamation contract documents and submits the same to the Assistant General Manager.- Reviews and evaluates work accomplishments and institutes control to meet specific targets.- Exercises administrative control and manages the performance of the Division Managers.- Prepares and submits reports to the Assistant General Manager on the status of assigned projects.- Attends meetings with concerned parties/entities that aim to thresh-out issues encountered during evaluation of project.- Perform other functions, tasks and services as may be assigned by the Assistant General Manager.
Q6:	What is the basis for seeking the approval of PRA prior to proceeding to any valid reclamation, if you know?
A6:	Following are the legal bases in the processing of applications to reclaim:

	<ol style="list-style-type: none"> 1. Presidential Decree No. 1084 2. Executive Order No. 525 3. Executive Order No. 543 4. PRA Administrative Order No. 2007-2 5. Executive Order No. 74 6. PRA Administrative Order No. 2019-4 <p><i>Requesting that PD 1084, EO 525 (s. 1979), EO 543 (s. 2006), and PRA AO 2007-2, EO 74 (s. 2019) and PRA AO 2019-4 be put on Judicial Notice, the same being existing law/administrative issuances.</i></p>																		
Q7:	What are the requirements to be submitted prior to the grant of the authority to reclaim, if you know?																		
A7:	<p>The following are the requirements in the approval of applications to reclaim:</p> <p>Under <u>Executive Order No. 543 (s. 2007)</u> and <u>PRA AO 2007-2</u>, following are the documentary requirements:</p> <ol style="list-style-type: none"> 1. Legal Documents 2. Project Description 3. DENR Requirement for Area Clearance 4. Requirements of other government agencies as maybe necessary and applicable 5. Payment of Filing and Processing Fees <p>Under <u>Executive Order No. 74 (s. 2019)</u> and <u>PRA AO 2019-4</u>, following are the documentary requirements:</p> <p>1. Documentary Requirements.</p> <table border="1" data-bbox="423 1714 1377 2178"> <thead> <tr> <th data-bbox="423 1714 964 1888">Mandatory Requirements</th> <th data-bbox="964 1714 1166 1888">Case 1 Less than five (5) hectares (<5 has)</th> <th data-bbox="1166 1714 1377 1888">Case 2 Five (5) hectares or more (≥ 5 has)</th> </tr> </thead> <tbody> <tr> <td data-bbox="423 1888 964 1963">Feasibility Study and Final Environmental Impact Study (EIS) or equivalent studies</td> <td data-bbox="964 1888 1166 1963"></td> <td data-bbox="1166 1888 1377 1963">√</td> </tr> <tr> <td data-bbox="423 1963 964 2063">Project Description and Initial Environmental Examination (IEE) Checklist</td> <td data-bbox="964 1963 1166 2063">√</td> <td data-bbox="1166 1963 1377 2063"></td> </tr> <tr> <td data-bbox="423 2063 964 2100">Area Clearance and ECC</td> <td data-bbox="964 2063 1166 2100">√</td> <td data-bbox="1166 2063 1377 2100">√</td> </tr> <tr> <td data-bbox="423 2100 964 2138">Hydrodynamic Modeling</td> <td data-bbox="964 2100 1166 2138"></td> <td data-bbox="1166 2100 1377 2138">√</td> </tr> <tr> <td data-bbox="423 2138 964 2178">Detailed Engineering Design</td> <td data-bbox="964 2138 1166 2178">√</td> <td data-bbox="1166 2138 1377 2178">√</td> </tr> </tbody> </table>	Mandatory Requirements	Case 1 Less than five (5) hectares (<5 has)	Case 2 Five (5) hectares or more (≥ 5 has)	Feasibility Study and Final Environmental Impact Study (EIS) or equivalent studies		√	Project Description and Initial Environmental Examination (IEE) Checklist	√		Area Clearance and ECC	√	√	Hydrodynamic Modeling		√	Detailed Engineering Design	√	√
Mandatory Requirements	Case 1 Less than five (5) hectares (<5 has)	Case 2 Five (5) hectares or more (≥ 5 has)																	
Feasibility Study and Final Environmental Impact Study (EIS) or equivalent studies		√																	
Project Description and Initial Environmental Examination (IEE) Checklist	√																		
Area Clearance and ECC	√	√																	
Hydrodynamic Modeling		√																	
Detailed Engineering Design	√	√																	

	2. Payment of Filing and Processing Fees.
Q8:	What are the requirements for the issuance of a Notice to Proceed (NTP), if you know?
A8:	<p>Below are the requirements under EO 543:</p> <ul style="list-style-type: none">▪ Final Landform plan with technical description of the metes and bounds of the same;▪ Final Master Development Plan, Land Use and Land Allocation Plan for the Project;▪ Detailed Feasibility Study for the Project;▪ Detailed engineering studies, detailed engineering design, plans and specification for reclamation works, reclamation plans and methodology, plans for the sources of fill materials;▪ Environmental Compliance Certificate (ECC) and Area Clearance and/or compliance with the conditions thereof;▪ Drainage plan vis-à-vis the landform plan approved by DPWH Regional Office to include a cost effective and efficient drainage system as maybe required based on the results of the studies;▪ Detailed project cost estimates and quantity take off per items of work of the Rawland Reclamation components, e.g., reclamation, containment structures and soil consolidation;▪ Organizational Chart of the construction arm, manning table, equipment schedule for the Project;▪ Project timetable (PERT/CPM) for entire Project construction period. <p>Requirements under EO 74:</p> <ul style="list-style-type: none">▪ Final Site Development Plan, Land Use Plan and Land Allocation Plan▪ Final Landform Plan with Technical Descriptions▪ Detailed Reclamation and Land Development Schedules; Project Phasing and PERT/CPM;▪ Drainage Plan vis-à-vis the Landform Plan and in relation to the existing drainage system for submission to DPWH, City Engineer and/or MMDA subject to modifications, if any.

Q9:	What was the necessity of securing an NTP, when an authority was already granted by the PRA?
A9:	The Notice to Proceed (NTP) or a Final Notice to Proceed, as the case maybe, is necessary as it is the stage of the project planning whereby PRA reviews and evaluates pertinent plans and documents prior to the actual reclamation works.
Q10:	Are you familiar with the instant case?
A10:	Yes.
Q11:	Why are you familiar with the instant case?
A11:	I am familiar with the instant case because I was privy to the circumstances surrounding the 5 November 2009 Memorandum of Agreement (MOA) between PRA and the Province of Palawan, involving the Coron Bay Development Project (CBDP) as well as the issuance of the Notice to Proceed (NTP) in relation thereto.
Q12:	What is this MOA that you mentioned between PRA and Province of Palawan?
A12:	The MOA involves the terms and conditions agreed upon by the PRA and Province of Palawan for the implementation of the project over portions of the foreshore and offshore areas of the Municipality of Coron, Palawan, otherwise known as the CBDP.
Q13:	What is the proof, if any, that PRA granted such authority?
A13:	There is a Resolution by the PRA Board granting the reclamation.
Q14:	I am showing you a Secretary's Certificate containing Resolution No. 4056, Series of 2009. What is the relation of this document to the resolution that you mentioned?

A14:	It is the one that I was referring to. <i>The Secretary's Certificate with Board Resolution No. 4056, Series of 2009 is identified and requested to be marked as Exhibit "2-PRA".</i>
Q15:	On the bottom portion of the second page of the said document, there is a name and signature of a "Hunter E. Ibarra." Are you familiar with this name and signature?
A15:	Yes, that is the name and signature of our Corporate Secretary at the time.
Q16:	Why are you familiar with his name and signature?
A16:	I am familiar with his name and signature because I have seen it in several other resolutions that I have encountered during my employment with PRA. <i>The Name and Signature of "Hunter E. Ibarra" is requested to be bracketed and sub-marked as Exhibit 2-PRA-A".</i>
Q17:	You mentioned that the approved reclamation was in favor of the Province of Palawan. Do you have proof in saying so?
A17:	Yes, this can be seen from the MOA itself.
Q18:	I am showing you a copy of 5 November 2009 MOA between PRA and the Province of Palawan. What is the relation of this document to the one that you earlier mentioned?
A18:	That was the MOA that I was referring to. <i>The 5 November 2009 Memorandum of Agreement between PRA and the Province of Palawan is identified and requested to be marked as Exhibit "3-PRA"</i>
Q19:	What happened next, if any, after the MOA was executed?
A19:	After the MOA was executed, certain documents had to be submitted by the Province of Palawan prior to the

	issuance of the NTP.
Q20:	What are these documents, if you know?
A20:	These documents are the (a) Land-form plan with TECHNICAL DESCRIPTION of the metes and bounds of the same; (b) Final Master Development and Land Use Plan for the Project; (c) Detailed engineering design plans and specification for reclamation works, reclamation plans and methodology; plans for sources of fill materials; (d) Drainage plan vis-a-vis the land form approved by DPWH Regional Office to include a cost effective and efficient drainage system as may be required based on the results of the studies; (e) Detailed Project Cost Estimates and Quantity take-off per items of work of the Rawland Reclamation components, e.g., reclamation, containment structures and soil consolidation; (f) Organizational Chart of the construction arm, manning table, equipment schedule for the Project; and (g) Project timetable (PERT/CPM) for entire Project construction period.
Q21:	What is your basis for saying so?
A21:	These are the documents enumerated in Article IV, B.2 (3) of the MOA. <i>Article IV, B.2 (3) found on page 4 of the MOA is requested to be bracketed and sub-marked as Exhibit "3-PRA-A".</i>
Q22:	What is the reason for the requirement of an NTP in spite the authority already granted by the MOA, if you know?
A22:	The NTP is required to ensure that the construction plans, reclamation works schedule and other preconstruction requirements including permits and licenses are complied with by the applicant/reclaimer.
Q23:	What happened next, if any, after the execution of the MOA?
A23:	After PRA was informed that the Province of Palawan

	intends to pursue the reclamation of the 40 hectares of land using private funds through an unsolicited proposal, PRA wrote a letter on 11 July 2018 reminding the Province of the submission of pre-construction requirements as stated in the MOA.
Q24:	Do you have proof in saying so?
A24:	Yes, we have a copy of the said letter.
Q25:	I am showing you a letter dated 11 July 2018 addressed to Gov. Jose Chaves Alvarez. What is the relation of this letter to the one that you mentioned earlier?
A25:	This is the same letter that I was referring to. <i>The 11 July 2018 PRA letter to the Province of Palawan is identified and requested to be marked as Exhibit "4-PRA".</i>
Q26:	On the bottom portion of the second page of said letter, there is a name and signature of an "Atty. Janilo E. Rubiato." Are you familiar with this name and signature?
A26:	Yes, that is the name and signature of our General Manager, Atty. Rubiato.
Q27:	Why are you familiar with his name and signature?
A27:	I saw him sign several documents during my employment with PRA and I recognize that as his signature. <i>The Name and Signature of "Atty. Janilo E. Rubiato" on the 2nd page of the 11 July 2018 PRA letter to the Province of Palawan is requested to be bracketed and sub-marked as Exhibit "4-PRA-A".</i>
Q28:	What happened next, if any, after the 11 July 2018 letter

	was issued by PRA?
A28:	The Province of Palawan wrote PRA informing it that they have successfully selected their joint venture partners, the Plaintiffs in this case, and requested the issuance of the NTP.
Q29:	What is your basis for saying so?
A29:	We have a copy of the letter of the Province of Palawan.
Q30:	I am showing you a 1 October 2019 letter by Gov. Jose CH. Alvarez. What is the relation of this letter to the one that you just mentioned?
A30:	This is the same letter that I was referring to. <i>The 1 October 2019 letter by the Province of Palawan to PRA is identified and requested to be marked as Exhibit "5-PRA".</i>
Q31:	What was PRA's response, if any, to this letter?
A31:	PRA acknowledged receipt of the letter and additional documents submitted and undertook to expedite the assessment and recommendation to the PRA Board, should there be no deficiencies.
Q32:	What is your proof for saying so?
A32:	There is a letter by PRA to such effect.
Q33:	I am showing you a 23 October 2019 letter signed by Atty. Janilo E. Rubiato for PRA addressed to Gov. Jose CH. Alvarez. What is the relation of this document to the letter that you just mentioned?
A33:	This is the same letter that I was referring to.

	<i>The 23 October 2019 letter by PRA to the Province of Palawan is identified and requested to be marked as Exhibit "6-PRA".</i>
Q34:	On the bottom portion of said letter, there is a name and signature of an "Atty. Janilo E. Rubiato." Are you familiar with this name and signature?
A34:	Yes, that is the name and signature of our General Manager.
Q35:	Why are you familiar with his name and signature?
A35:	I saw him sign several documents during my employment with PRA and I recognize that as his signature. <i>The Name and Signature of "Atty. Janilo E. Rubiato" found on the 23 October 2019 PRA letter to the Province of Palawan is requested to be bracketed and sub-marked as Exhibit "6-PRA-A".</i>
Q36:	What happened next, if any, in relation to the issuance of the NTP?
A36:	PRA received another request from the Province of Palawan, signifying their assent to the issuance of the NTP, subject to conditions.
Q37:	What is your proof for saying so?
A37:	There was a letter sent to PRA to such effect.
Q38:	I am showing you a 4 November 2019 letter by the Province of Palawan to PRA, through Gov. Jose CH Alvarez. What is the relation of this document to the one that you mentioned?
A38:	This is the same letter. <i>The 4 November 2019 letter by the Province of Palawan to PRA is identified and requested to be marked as</i>

	<i>Exhibit "7-PRA."</i>
Q39:	What was PRA's response, if any, to said request?
A39:	The PRA Board of Directors approved and determined the conditions for the issuance of the Conditional NTP.
Q40:	Do you have proof to support your statement?
A40:	Yes, there is a Secretary's Certificate containing the Board Resolution I was referring to.
Q41:	I am showing you Secretary's Certificate containing Resolution No. 5078, Series of 2009. What is the relation of this document to the board resolution that you mentioned?
A41:	This is the one that I was referring to. <i>The Secretary's Certificate containing Resolution No. 5078, Series of 2009 is identified and requested to be marked as Exhibit "8-PRA."</i>
Q42:	On the third and last page of the document there is a name and signature of a "Bai Saudia Shahara B. Ampatuan." Do you recognize this name and signature?
A42:	Yes, that is the name and signature of our Corporate Secretary at the time.
Q43:	Why are you familiar with this name and signature?
A43:	I recognize the same name and signature in other corporate documents that my department has encountered. <i>The Name and Signature of "Bai Saudia Shahara B. Ampatuan" on the last page of Secretary's Certificate containing Resolution No. 5078, Series of 2009 is</i>

	<i>requested to be bracketed and sub-marked as Exhibit "8-PRA-A."</i>
Q44:	Based on the Board Resolution, what are the conditions for the approval of the NTP, if you know?
A44:	The NTP was conditioned on the Province of Palawan's compliance to the following prior to reclamation as stated in the resolution: (A) Requirements prior to Actual Reclamation Works; (B) Land Sharing as computed by PRA; and (C) Requirements for the effectivity of the NTP. Moreover, the Province of Palawan was given 180 days to comply with the requirements.
Q45:	What happened next, if any, after the PRA Board approved the issuance of the Conditional NTP?
A45:	PRA informed the Province of Palawan of the Conditional NTP and warned them that failure to comply with the requirements shall cause PRA to move for the nullification of the NTP.
Q46:	Do you have proof for saying so?
A46:	Yes, there is a letter by PRA to said effect.
Q47:	I am showing you an 11 December 2019 letter of PRA to the Province of Palawan signed by Atty. Janilo E. Rubiato. What is the relation of this document to the letter you just mentioned?
A47:	This is the same letter that I was referring to. <i>The 11 December 2019 letter of PRA to the Province of Palawan is identified and requested to be marked as Exhibit "9-PRA."</i>
Q48:	On the bottom portion of said letter, there is a name and

	signature of an "Atty. Janilo E. Rubiato." Are you familiar with this name and signature?
A48:	Yes, that is the name and signature of PRA's General Manager.
Q49:	Why are you familiar with his name and signature?
A49:	<p>I saw him sign several documents during my employment with PRA and I recognize that as his signature.</p> <p><i>The Name and Signature of "Atty. Janilo E. Rubiato" found on the 11 December 2019 PRA letter to the Province of Palawan is requested to be bracketed and sub-marked as Exhibit "9-PRA-A".</i></p>
Q50:	Did the Province of Palawan complied with said requirements, if you know?
A50:	Due to the COVID-19 lockdowns at the time, the Province of Palawan was not able to comply and asked PRA for an extension to do so.
Q51:	Do you have proof for saying so?
A51:	Yes, we have a letter from the Province of Palawan saying so.
Q52:	I am showing you a 15 May 2020 letter addressed to PRA through Gov. Jose CH. Alvarez of the Province of Palawan. What is the relation of this document to the letter you mentioned?
A52:	<p>That is the same letter I was referring to:</p> <p><i>The 15 May 2020 letter of the Province of Palawan to PRA is identified and requested to be marked as Exhibit "10-PRA."</i></p>
Q53:	Did PRA grant this request, if you know?

A53:	Yes. PRA granted an extension of 120 days, reckoned from the time of receipt of the said letter.
Q54:	What is your proof in saying so?
A54:	There is a letter by PRA stating that.
Q55:	I am showing you a 27 July 2020 letter to the Province of Palawan by PRA, through Atty. Janilo E. Rubiato. What is the relation of this document to the letter that you mentioned?
A55:	<p>This is the same letter that I was referring to.</p> <p><i>The 27 July 2020 letter of PRA to the Province of Palawan is identified and requested to be marked as Exhibit "11-PRA."</i></p>
Q56:	On the bottom portion of said letter, there is a name and signature of an "Atty. Janilo E. Rubiato." Are you familiar with this name and signature?
A56:	Yes, that is the name and signature of PRA's General Manager.
Q57:	Why are you familiar with his name and signature?
A57:	<p>I saw him sign several documents during my employment with PRA and I recognize that as his signature.</p> <p><i>The Name and Signature of "Atty. Janilo E. Rubiato" found on the 27 July 2020 PRA letter to the Province of Palawan is requested to be bracketed and sub-marked as Exhibit "11-PRA-A".</i></p>
Q58:	What happened next, if any, after the extension was granted?
A58:	The Province of Palawan, through its joint venture partners, the Plaintiffs in this case, partially complied with the documentary requirements for the validity of the NTP.

Q59:	Do you have proof in saying so?
A59:	PRA acknowledge the submission through a letter and informed the Province of Palawan to complete the submission of other documentary requirements.
Q60:	I am showing you a 23 February 2021 letter by PRA through Atty. Janilo E. Rubiato to the Province of Palawan. What is the relation of this document to the letter you mentioned?
A60:	This is the same letter that I was referring to. <i>The 23 February 2021 letter of PRA to the Province of Palawan is identified and requested to be marked as Exhibit "12-PRA."</i>
Q61:	On the bottom portion of said letter, there is a name and signature of an "Atty. Janilo E. Rubiato." Are you familiar with this name and signature?
A61:	Yes, that is the name and signature of PRA's General Manager.
Q62:	Why are you familiar with his name and signature?
A62:	I saw him sign several documents during my employment with PRA and I recognize that as his signature. <i>The Name and Signature of "Atty. Janilo E. Rubiato" found on the 23 February 2021 PRA letter to the Province of Palawan is requested to be bracketed and sub-marked as Exhibit "12-PRA-A".</i>
Q63:	Based on the requirements of PRA for the validity of the NTP, what are the documents that were submitted by the Province of Palawan?
A63:	The documents submitted were the following: (a) Project Technical Descriptions; (b) Containment Structure Layout; (c) Longitudinal Profile of Reclamation for each

	Station; (d) Revetment Types of each Station; (e) Updated Project Feasibility Study; (f) Geotechnical Report; (g) Preliminary Geotechnical Report; (h) Final Survey Report (Topo and Hydro Survey Report); and (i) Engineering Geological and Geohazard Assessment Report.
Q64:	What were the documents that were not submitted, if you know?
A64:	Based on our record, the following requirements were not submitted: (a) Final Master Development Plan and Land Use Plan for the project; (b) Reclamation methodology; (c) Plan for the source/s of fill materials; (d) Drainage plan vis-a-vis the landform approved by the DPWH; (e) Detailed project cost estimates and quantity take-off per item of work for the reclamation, containment structure and soil consolidation; (f) Organizational chart of the construction arm, manning table and equipment schedule; (g) Project timetable (PERT/CM) for the project construction period; and (h) Area Clearance from the Department of Environment and Natural Resources (DENR).
Q65:	You mentioned that one of the documents that was not submitted is the DENR Area Clearance. What are the requirements for the issuance of an Area Clearance, if you know?
A65:	Based on EO 543, following are the required documents: 1. Preliminary Geo-hazard Assessment of the Area 2. CENRO Certification on the status of the area and land classification of adjacent land. Currently, processing of Area Clearance is covered by DENR DAO 2018-14.
Q66:	What happened next, if any, after the submission of additional documents?
A66:	PRA learned that sometime in December 2021, reports of illegal quarrying activities were conducted by one of the Plaintiffs, causing the DENR's issuance of a Cease and Desist Order.

Q67:	What is your basis for saying so?
A67:	PRA has a copy of the DENR Memorandum on the result of the investigation on the alleged illegal quarrying activity reports.
Q68:	I am showing you a 2 December 2021 Memorandum by the DENR-MIMAROPA addressed to the Regional Executive Director. What is the relation of this document to the memorandum that you mentioned?
A68:	<p>This is the same document that I was referring to.</p> <p><u>The 2 December 2021 Memorandum of DENR-MIMAROPA is identified and requested to be marked as Exhibit "13-PRA."</u></p>
Q69:	Since the Province of Palawan did not submit the required documents, what did the PRA do?
A69:	The PRA issued a Cease and Desist Order (CDO) to the Province of Palawan, to stop any further reclamation in the area until all the requirements stated in PRA's Conditional NTP have been fully complied with.
Q70:	Do you have proof to support your statement?
A70:	We have a 24 March 2022 letter containing the CDO to support my statement.
Q71:	I am showing you a 24 March 2022 letter signed by Atty. Janilo E. Rubiato, addressed to Gov. Jose CH Alvarez. What is the relation of this document to the CDO that you mentioned?
A71:	<p>This is the letter that I was referring to.</p> <p><u>The 24 March 2022 Letter/Cease and Desist Order is</u></p>

	<i>identified and requested to be marked as Exhibit "14-PRA."</i>
Q72:	On the bottom portion of said letter, there is a name and signature of an "Atty. Janilo E. Rubiato." Are you familiar with this name and signature?
A72:	Yes, that is the name and signature of PRA's General Manager.
Q73:	Why are you familiar with his name and signature?
A73:	<p>I saw him sign several documents during my employment with PRA and I recognize that as his signature.</p> <p><i>The Name and Signature of "Atty. Janilo E. Rubiato" found on the 24 March 2022 PRA Letter/Cease and Desist Order is requested to be bracketed and sub-marked as Exhibit "14-PRA-A"</i></p>
Q74:	What happened to PRA's directive to comply with the Conditional NTP, if you know?
A74:	Based on our record, the Province of Palawan still failed to fully comply with the requirements of the Conditional NTP, prompting PRA to ultimately issue the Forfeiture Order, as approved by its Board of Directors.
Q75:	What is your proof in saying so?
A75:	We have the Secretary's Certificate containing PRA's Board Resolution, directing the forfeiture of the 22 hectares of illegally reclaimed land.
Q76:	I am showing you a Secretary's Certificate containing Resolution No. 5541, Series of 2022. What is the relation of this document to the one you mentioned earlier?
A76:	<p>This is the Secretary's Certificate I was referring to.</p> <p><i>The Secretary's Certificate containing Resolution No. 5541, Series of 2022 is identified and requested to be marked as Exhibit "15-PRA."</i></p>

x-----x

Q77:	What happened next if any after PRA Board of Directors ordered the forfeiture of the reclaimed land, if you know?
A77:	The PRA, through our General Manager, Atty. Rubiato, informed them of the Board's Forfeiture Order, through a 23 February 2023 letter, to the Province of Palawan and its joint venture partners, the Plaintiffs in this case.
Q78:	What is your basis for saying so?
A78:	We have a copy of the said letter.
Q79:	I am showing you a 23 February 2023 letter signed by Atty. Janilo E. Rubiato and sent to the Province of Palawan, BCT Trading and Construction and Hi-Tech Group, Inc. What is the relation of this letter to the Forfeiture Order you just mentioned?
A79:	<p>This is the same Forfeiture Order/Letter that I was referring to.</p> <p><i>The 23 February 2023 Forfeiture Order/Letter is identified & requested to be marked as Exhibit "16-PRA".</i></p>
Q80:	On the 2 nd page of this Forfeiture Order/Letter is a signature above the name of "Atty. Janilo E. Rubiato". Do you know whose signature is this?
A80:	<p>Yes, that is the signature of Atty. Janilo E. Rubiato, the General Manager of PRA.</p> <p><i>The Name and Signature of Atty. Janilo E. Rubiato on the 23 February 2023 Forfeiture Order/Letter is sub-marked as Exhibit "16-PRA-A."</i></p>
Q81:	Why do you know his signature?
A81:	I became familiar with his signature having worked with him in PRA for several years.
Q82:	Aside from the foregoing, is there anything else you want to say?
A82:	That is all for now.

Affiant further sayeth naught.

X-----X

Signed at _____, Philippines, this ____ day of _____, 2023.


ENGR. EDUARDO DESTURA

Affiant

SUBSCRIBED AND SWORN to before me in the City of TAGUIG, this 22nd day of MAY 2023 by _____ who has satisfactorily proven to me his identity through his PRA Identification Card with No. 096224 issued at Makati City by PRA and that he is the same person who personally signed before me the foregoing affidavit and acknowledged that he executed the same.

Doc. 49;
Page II;
Book III;
Series of 2023.


CARL PHILIP N. BATUCAN

Appointment No. 56 (2022-2023)

Notary Public for Taguig City

Until 31 December 2023

PNOC Bldg. VI, Energy Center, Rizal Drive

Bonifacio Global City, Taguig

Roll No. 67061

PTR No. A-5701182/Taguig City/01-12-2023

IBP No. 289325/01-17-2023

MCLE Compliance No. VII-0009702

LAWYER'S ATTESTATION

I, ATTY. MARC GREGORY SOLANO, Filipino, of legal age, with office at Philippine Reclamation Authority (PRA), 7th Floor Legaspi Towers 200 Bldg., Paseo De Roxas, Legaspi Village, Brgy. San Lorenzo, Makati City, and at present temporarily holding office at PNOC Bldg. No. 3, Department of Energy Compound, Rizal Drive, Bonifacio Global City, Taguig City, hereby attest that:

1. I am a lawyer at the Legal Department of the Philippine Reclamation Authority (PRA), one of the defendants in the case entitled: "*BCT Trading et al. vs. Roberto B. Magallanes et al.*" docketed as Civil Case CRN-1084 filed before Branch 163, Coron, Palawan;
2. I faithfully recorded or caused to be recorded the questions asked and the corresponding answers that Engr. Eduardo Destura has provided; and

x-----x


3. Neither I nor any other person then present or assisting me coached the witness regarding the latter's answers.

SIGNED this ____ day of May 2023, in Taguig City.


MARC GREGORY SOLANO
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, this
05/22/2023, affiant exhibited to me his PRA I.D. No. 217602.

Doc. 50
Page 11
Book III
Series of 2023.


CARL PHILIP N. BATUCAN
Appointment No. 56 (2022-2023)
Notary Public for Taguig City
Until 31 December 2023
PNOC Bldg. VI, Energy Center, Rizal Drive
Bonifacio Global City, Taguig
Roll No. 67061
PTR No. A-5701182/Taguig City/01-12-2023
IBP No. 289325/01-17-2023
MCLE Compliance No. VII-0009702

Copy furnished:

ALAMPAY AND TAMASE LAW OFFICE

Counsel for the Plaintiffs

12th Floor, PDCP Bank Centre cor.

Rufino and Leviste Sts., Salcedo Village, Makati City

alampaytamase@gmail.com

SAN DIEGO LAW OFFICE

c/o ATTY. SHEILLA F. SAN DIEGO

Counsel for Messrs. Roberto and Jose Magallanes

Suite 2301, Makati Prime Citadel,

5007 P. Burgos cor. Caceres St.,

Makati City

sheilasandiego@gmail.com

ROBERTO B. MAGALLANES

JOSE B. MAGALLANES

Defendants

Nueva Street, Brgy. Poblacion IV,

Coron, Palawan

**DEPARTMENT OF ENVIRONMENT &
NATURAL RESOURCES-MIMAROPA**

Defendant

1515 Roxas Blvd.,

Ermita, Manila

mimaroparegion@denr.gov.ph

**DEPARTMENT OF PUBLIC WORKS & HIGHWAYS-
MIMAROPA**

Defendant

790 Epifanio de Los Santos Avenue,

Diliman, Quezon City

pacanan.gerald@dpwh.gov.ph

**LOCAL GOVERNMENT OF CORON, PALAWAN
c/o OFFICE OF THE MAYOR**

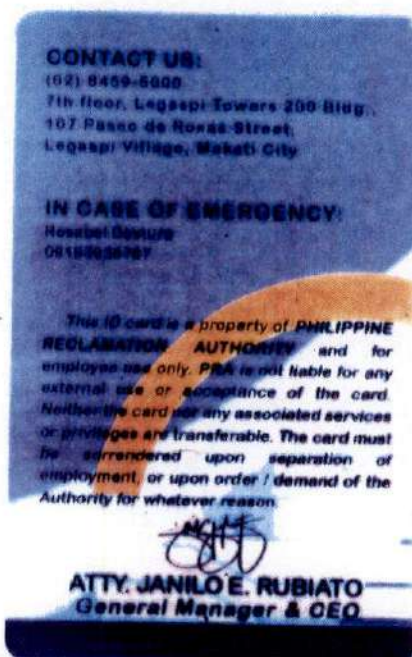
Defendant

Municipal Hall of Coron, Palawan

EXPLANATION

Resort is made to filing and service by registered mail with return card due to constraints in time and manpower, as well as the physical restrictions imposed by COVID-19 pandemic. In accordance with par. 4 of Administrative Circular No. 41-2020 dated 29 May 2020, a copy of this *Judicial Affidavit* is also filed electronically.


MARC GREGORY SOLANO



[Handwritten signature]



Republic of the Philippines
PHILIPPINE RECLAMATION AUTHORITY
 (Public Estates Authority)

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati
 Tel. Nos.: (02) 817-4711 to 13; (02) 813-1441 to 45 • Facsimile No.: (02) 815-2662
 Website: www.pea.gov.ph • Email: info@pea.gov.ph

SECRETARY'S CERTIFICATE

I, **HUNTER E. IBARRA**, of legal age, Filipino, with business address at the 8th Floor Legaspi Towers 200 Building, 107 Paseo de Roxas, Legaspi Village, Makati City, having been sworn in accordance with law, hereby state that:

1. I am the Corporate Secretary of the Philippine Reclamation Authority (PRA);
2. At the meeting of the PRA Board of Directors on 9 October 2009, there being a quorum to transact business, the following resolution was duly adopted:

Resolution No. 4056
Series of 2009

**APPROVAL OF THE RECLAMATION COMPONENT
 OF THE CORON BAY DEVELOPMENT PROJECT (CBDP)**

RESOLVED, That, the reclamation component consisting of about fifty (50) hectares of the Coron Bay Development Project (CBDP) at Barangay Poblacion 1, 2, 3, 4, and Barangay Tagumpay, Municipality of Coron, Palawan Province be, as it is hereby, approved, subject to compliance with the pertinent laws, rules and regulations, as well as the following terms and conditions:

1. *The Province, on its own or through contractor/developer subject to the public bidding requirement, shall finance and undertake the reclamation and development works in accordance with approved reclamation and master development and land use plans;*
2. *As the regulatory body for reclamation, PRA shall undertake general supervision and project monitoring for which, the Province or through its contractor/developer, shall pay the regulatory fee of Php56,638,120.00 (VAT inclusive) equivalent to 2.5% of the estimated reclamation cost of Php2,022.79 million. The Province shall pay to PRA the initial amount of Php5,033,000.00 representing the regulatory fee of the completed portions (6.0 hectares, more or less, at the reclamation cost of Php179.75 million) upon signing of the agreement. The remaining regulatory fee shall be paid equally on*

CERTIFIED COPY

DATE: 02 MAY 2023

Labanan ang Kahirapan. Ramdam ang Kaunlaran.

[Signature]

quarterly basis over the period of reclamation works. An interest of two percent (2%) per annum shall be charged for delayed payments.

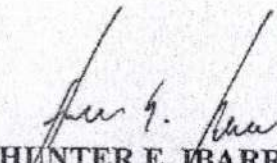
3. The Province shall allocate six (6) hectares as PRA land share out of the reclaimed land, the location of which shall be pre-determined and pre-agreed by the parties in the land allocation plan to be made an integral part of the agreement.
4. The province shall undertake the Project within the period indicated in the project feasibility study, that is, Phase 1 and 2 (years 2008-2010) and Phases 3, 4 and 5 (10 years from the start of operation of Phases 1 and 2);
5. The Province shall fully comply with and/or submit the requirements/documents/studies enumerated in the MOU and Evaluation Report for PRA review/evaluation prior to actual reclamation works; and
6. Reclamation works in succeeding phases shall start upon PRA approval of the detailed engineering plans/methodology and specifications including but not limited to the design of the major drainage to be approved by the DPWH.

RESOLVED FURTHER, That, the foregoing approval shall be subject to full compliance with and adherence to all domestic and international laws, covenants, rules, regulations, and requirements that pertain to the environment.

3. The foregoing Resolution subsists and has not been revoked.

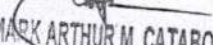
23 October 2009, Makati City

EXHIBIT "2-A"


HUNTER E. IBARRA
Board Secretary

CERTIFIED COPY

DATE: 02 MAY 2023


ATTY. MARK ARTHUR M. CATABONA
Board Secretary V



MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This **Memorandum of Agreement** made and entered into this 5th day of November, 2009, by and between:

The **PHILIPPINE RECLAMATION AUTHORITY** [Public Estates Authority), a government corporation created by P.D. No. 1084, as amended, with office address at the 7th & 8th Floors, Legaspi Towers 200, Paseo de Roxas, Makati City Metro Manila and herein represented by its **General Manager and CEO ANDREA D. DOMINGO**, duly authorized for this purpose under PRA Board Resolution No. 4056, Series of 2009, herein referred to as "**PRA**";

- and -

The **PROVINCE OF PALAWAN**, a political unit of the Republic of the Philippines, with Office address at the Provincial Capitol, Puerto Princesa City, represented herein by its duly elected Local Chief Executive, **GOVERNOR JOEL T. REYES**, duly authorized for this purpose under Sangguniang Panlalawigan Resolution No. 7104-07, Series of 2009 herein referred to as the "**PROVINCE**".

WITNESSETH:

WHEREAS, Presidential Decree No. 3-A, dated January 11, 1973, mandates that all reclamation of foreshore and offshore areas shall be limited to the National Government or any person authorized by it in a proper contract;

WHEREAS, **PRA** is the government agency primarily responsible for integrating and coordinating all reclamation projects and all reclamation projects shall be approved by the President of the Philippines upon the recommendation of the PRA pursuant to Presidential Decree No. 1084 as amended by Executive order No. 525;

WHEREAS, on June 24, 2006, Her Excellency President Gloria Macapagal-Arroyo issued Executive Order No. 543, delegating to the PRA the authority of the President to approve reclamation projects;

WHEREAS, the **PROVINCE** is authorized to undertake reclamation and development of land within its jurisdiction by dredging, filling or other means pursuant to Republic Act No. 7160 or the Local Government Code of 1991 out of the Province's funds or resources, direct or otherwise;

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

WHEREAS, the **PROVINCE**, intends to undertake the reclamation of a portion of the foreshore and offshore areas of the Municipality of Coron, Palawan, covering the shorelines of Barangay Poblacion 1, 2, 3, 4 and 5 including Barangay Tagumpay more particularly described hereunder, and development of the same into commercial, recreational and institutional uses, otherwise known as **the Coron Bay Development Project (CBDP)**.

WHEREAS, under Resolution No. 7104-07, the Provincial Council approved the **Coron Bay Development Project (CBDP)** as site for commercial, recreational and institutional uses.

WHEREAS, the **PROVINCE**, prior to its request for the PRA approval of the reclamation component of said PROJECT in 2008, had already reclaimed, more or less, three (3) hectares thereof.

WHEREAS, on March 12, 2008, the **PROVINCE** and **PRA** entered into a Memorandum of Understanding (MOU), and pursuant to the MOU, the **PROVINCE** submitted the project's Feasibility Study which showed the **PROJECT** to be generally feasible, subject to compliance with certain conditions as stipulated herein below.

WHEREAS, on October 9, 2009, the PRA Board of Directors under Resolution No. 4056, approved the **Coron Bay Development Project (CBDP)**, provided that the Province shall comply with the conditions herein to ensure environmental protection.

NOW THEREFORE, for and in consideration of the foregoing premises, the parties hereto do hereby enter into this **MEMORANDUM OF AGREEMENT (MOA)**, with the following terms and conditions:

ARTICLE 1 DEFINITION OF TERMS

As used in this **MEMORANDUM OF AGREEMENT (MOA)**, and in subsequent agreements complementing this MOA, unless the context indicates otherwise, the following shall be understood to mean:

- a) "AGREEMENT" shall refer to this **MEMORANDUM OF AGREEMENT**.
- b) "Horizontal Development" also known as "Service Land Development" shall refer to the provision of primary roads, utilities and facilities, such as but not limited to drainage, power line, telecommunication, water supply and the like.
- c) "LAND ALLOCATION PLAN" shall mean the plan that identifies in the Master Development Plan the location, size, and land use of each party's land share in the Project.
- d) "Master Development Plan" shall mean the plan prepared by the **PROVINCE** and approved by PRA detailing the overall horizontal development of the Project.
- e) "Net Saleable Area, (NSA)" shall mean the total area of the Project less road parks, other open spaces and areas for utilities as prescribed under the Master Development Plan.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER - A

APR 04 2023

- f) "Project" shall refer to the completion of Rawland Reclamation and Horizontal Development of the Fifty (50) hectares, more or less, of foreshore and offshore areas of the Municipality of Coron, Palawan, all in accordance with the approved Land Form Plan and Master Development Plan and specification..
- g) "Project Cost" shall mean all cost and expenses related to complete the Project amounting to Php2,022.79 million as stated in the Project Feasibility Study;
- h) "Rawland Reclamation" refers to the process of filling up the 50 hectares-area through the use dredge-fill and/ or land-fill materials to an elevation of three (3.0) meters above mean lower low water level (MLLW); properly contained and consolidated in accordance with approved plans.
- i) "Reclamation and Development Schedule" shall refer to the phasing of Rawland Reclamation works and Horizontal Development works.

ARTICLE II DOCUMENTS COMPRISING THIS AGREEMENT

The following Contract Documents are hereby made integral part of this Agreement:

- ANNEX "A" : Preliminary Sketch/Landform Plan
- ANNEX "B" : Land Allocation Plan
- ANNEX "C-1" : Environmental Compliance Certificate (ECC) for Phase 1 (30,000 sq.m.)
- ANNEX "C-2" : Environmental Compliance Certificate (ECC) for Phases 2, 3, 4 and 5 (480,000 sq.m.)
- ANNEX "D" : PRA Board Resolution No. 4056 approving the Coron Bay Dev. Proj.
- ANNEX "E" : Sangguniang Panlalawigan Resolution No. 7104-07 approving the Implementation of the Coron Bay Development Project

ARTICLE III THE PROJECT

The proposed **Coron Bay Development Project** involves the reclamation and development of approximately fifty (50) hectares of foreshore and offshore areas of the Municipality of Coron as shown in the attached preliminary sketch plan / land form plan (Annex A).

The land use development of the reclamation project shall be for commercial, recreational and institutional and other applicable uses.

ARTICLE IV SCOPE OF UNDERTAKING

A. Joint undertaking

The **PARTIES** hereto shall:

CERTIFIED COPY

LUCIANA D. SAMARRO
RECORDS OFFICER - A

APR 04 2023

1. Cooperate with each other in the planning and implementation of the **PROJECT**;
2. Conduct public information dissemination campaign about the **PROJECT** and undertake public consultation/ hearing as maybe necessary for the smooth prosecution and implementation of the same;
3. Protect and support the **PROJECT** against any opposition, negative campaign, litigation and the like;
4. Enter into contract and any supplemental arrangements, to implement the details of this Agreement including amendments thereto, as may be necessary and/or required by existing laws;
5. Secure and comply with the necessary permits/clearances/administrative and government consents/permits/licenses/authorization from concerned government agencies as may be required for the implementation of the **PROJECT**.

B. Individual undertakings

B.1 PRA Undertaking

1. Undertake general supervision and monitoring of all activities related to planning, implementation, and other functions necessary for the smooth prosecution and completion of the **PROJECT** for the purpose of ensuring compliance by the **PROVINCE** with the land configuration, Master Development Plan and all other detailed studies, plans and specification as approved by **PRA** and other concerned government agencies;
2. Review pertinent studies and approve all plans within a reasonable period of time as pre-requisite for the Rawland Reclamation works and Horizontal Development works of the **PROJECT**, subject to coordination, consultation and approval by the **PROVINCE** through the Provincial Engineering Office of Palawan;
3. Secure the title for the reclaimed land and thereafter convey the same to the **PROVINCE** pursuant to existing laws, rules, and regulations and in accordance with the approved sharing and land allocation plan;
4. Monitor and enforce compliance by the **PROVINCE** with safety and environmental laws/orders, labor laws and other applicable laws, rules and regulation;

B.2 PALAWAN PROVINCE Undertaking:

1. Undertake the actual Rawland Reclamation and Horizontal Development works, in accordance with the approved Master Development and Land Use Plans, specifications and timeframe and finance all costs pertaining thereto, including but not limited to costs of securing permits and licenses, clearing of the project site, reclamation and land development works and provide the technology, equipment, machinery, manpower and personnel, expertise, and other support facilities necessary to complete the **PROJECT**.

EXHIBIT "3A"

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023

EXHIBIT 34

2. At its option, the **PROVINCE** may enter into other contract/s or agreements allowed under existing laws to carry out and comply with all its undertakings under this agreement; provided that all the rights and interests of the PRA under this agreement shall not in any way be affected to its prejudice by the said future contracts of the **PROVINCE**.
3. Submit the following requirements within sixty (60) working days from effectivity of this Agreement, for review and approval by the PRA; as basis for the Issuance of **Notice to Proceed (NTP) for Reclamation Works**:
 - a) Land-form plan with **TECHNICAL DESCRIPTION** of the metes and bounds of the same;
 - b) Final Master Development and Land Use Plan for the Project;
 - c) Detailed engineering studies, detailed engineering design, plans and specification for reclamation works, reclamation plans and methodology, plans for the sources of fill materials;
 - d) Drainage plan vis-à-vis the land form approved by DPWH Regional Office to include a cost effective and efficient drainage system as maybe required based on the results of the studies;
 - e) Detailed Project Cost Estimates and Quantity take-off per items of work of the Rawland Reclamation components, e.g., reclamation, containment structures and soil consolidation;
 - f) Organizational Chart of the construction arm, manning table, equipment schedule for the **Project**;
 - g) Project timetable (PERT/CPM) for entire **Project** construction period.
4. Strictly comply with all conditions of the Environmental Compliance Certificates (ECCs) (**Annexes C-1 and C-2**) Issued by DENR-EMB and observe and/or comply with pertinent local and international commitments of the Republic of the Philippines to ensure environmental protection.
5. Help enforce the restriction and criteria of the approved Master Development plan and land allocation plan;
6. Integrate the approved final Master Development Plan of the Project In the Province's Master Development Plan;
7. Maintain and secure the project area and immediate vicinity at its own cost at all times during the implementation period of the **PROJECT**;
8. Undertake other works and/or services as may be necessary in accordance with the approved plans, specifications and timeframe;
9. Ensure that the Project site is cleared of all marine structures such as fish pens and fish traps which may impede the execution of the works of the Project;

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023

10. Recognize and consider that PRA's reclaimed lands are not subject to payment of real property taxes. In the event that there will be a court ruling that PRA's reclaimed lands are subject to payment of real property taxes, the **PROVINCE** shall exempt PRA's land share from the payment of real property taxes, unless the beneficial use thereof has been transferred/assigned/enjoyed by a taxable entity, in which case, the same shall be subject and liable to all real property taxes, fees and charges;
11. Prior to the horizontal development of the completed reclaimed land, provide the PRA, with plans for the said development, for its information and guidance.
12. Comply with the additional documents and clearances / endorsements enumerated in the initial evaluation earlier communicated to the Province. The subject documents are as follows:
 - a. Endorsements/clearances from the Department of Public Works and Highways (DPWH), DA-BFAR, Department of Tourism (DoT), Department of Health (DOH) and the Palawan Council for Sustainable Development (PCSD)
 - b. Certified true copy of the Charter creating Palawan Province
 - c. DENR area clearance and Preliminary Geo-hazard Assessment.

ARTICLE V PROJECT COMPLETION

1. The reclamation and land development of Phases 1 and 2 of the project shall be completed by the end of year 2010. Reclamation and land development works for Phases 3, 4 and 5 shall be completed within a period not exceeding three (3) years beginning from the 10th year of operation of Phases 1 and 2.
2. The timetables above set forth may be extended for such period of time and under such reasonable and equitable terms as may be agreed upon in writing by the parties. The running of such period shall be suspended automatically by the occurrence of a fortuitous event or force majeure which shall be deemed to include, without limitation, natural disaster and catastrophes beyond the control of man, including adverse weather conditions caused by storms and typhoons, and shall commence to run again upon the cessation of such fortuitous event or force majeure.

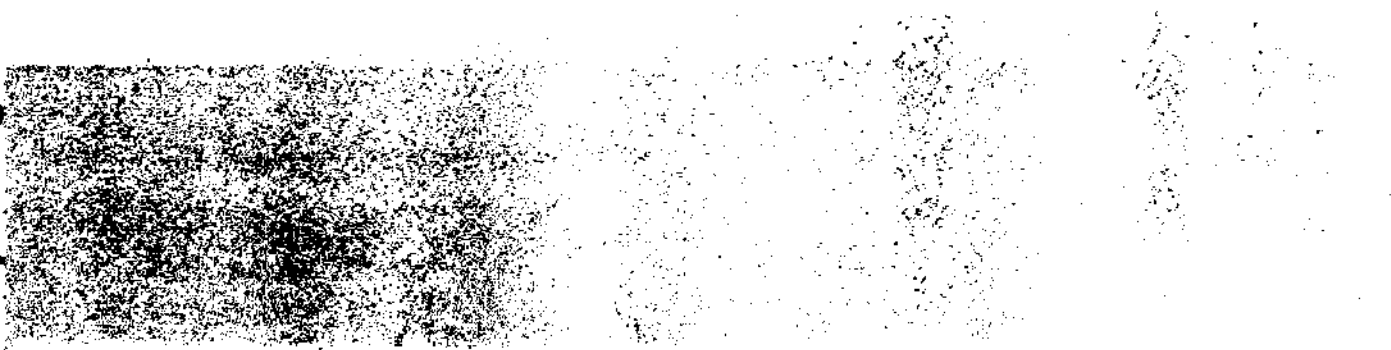
ARTICLE VI REGULATORY FEE

In consideration of its regulatory functions over all reclamation projects nationwide and pursuant to existing policies, guidelines, and procedures, the PRA shall be entitled to a regulatory fee of **two and half percent (2.5%)** of the estimated total project cost of **Php2,022.79 million** as stated in Project Feasibility Study, which fee amounts to **Php56,638,120.00** (VAT inclusive) and shall be paid to PRA by the **PROVINCE** in accordance with the following schedule:

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



1. The regulatory fee for the completed portions of the CBDP project in Phase 1 which is six (6) hectares more or less equivalent to Five Million, Thirty Three Thousand Pesos (**Php5,033,000.00**) based on the estimated cost of One Hundred Seventy Nine Million Seven Hundred Fifty Thousand Pesos (**Php179,750,000.00**), shall be paid by the Province to PRA upon effectivity of this agreement.
2. The regulatory fee for Phase 2 which is equivalent to Six Million Twenty Two Thousand and Seven Hundred Fifty Pesos (**Php6,022,750.00**) based on the estimated cost of Two Hundred Forty Million Nine Hundred Ten Thousand Pesos (**Php240,910,000.00**) shall be paid in four (4) equal quarterly payments within year 2010, commencing on the first quarter of 2010. Payment shall be due on or before the 5th day of the first month of every quarter.
3. The **PROVINCE** shall pay to PRA the regulatory fee for Phases 3, 4 and 5, on quarterly basis from the start of reclamation works, that is, ten (10) years from the operations of Phases 1 and 2 until completion thereof, the amount of which shall be based on the estimated cost which shall be updated by the Province and validated by PRA.
4. An interest of two percent (2%) per annum shall be charged for any delayed payments.

ARTICLE VII ENGINEERING SUPERVISION

A third party engineering supervision consultant, to be selected by the **PROVINCE**, shall be engaged to provide the fulltime engineering supervision services for the construction works, the cost of which shall be for the account of the **PROVINCE**.

ARTICLE VIII SUSPENSION AND TERMINATION OF THE PROJECT

1. In the event that the **PROVINCE** is prevented from completing the Rawland Reclamation and/or Horizontal Development of the Project due to a cause which is not attributable to the **PROVINCE** or **PRA** and if the cause does not cease within one (1) year from its inception, this Agreement may be terminated upon mutual consent of the parties, whereupon the parties shall settle all their respective obligations up to the time of termination and whatever is accomplished prior to the termination of the Agreement shall be shared by the parties according to their sharing arrangement. However, if the said cause shall cease within the period of one (1) year from its inception, without prejudice to Article V hereof, this Agreement shall only be suspended and each party shall be relieved of their respective obligations for the duration of the suspension.
2. Whenever a work activity in the **PROJECT** is not being done on schedule per approved Reclamation and Development Schedule or if the **PROVINCE** is unable to comply with any of its undertakings under this Agreement causing a delay in the prosecution of this Project for a total period of eighteen (18) months, the **PRA** shall notify the **PROVINCE** to immediately undertake such work activity or take appropriate action to remedy the delay and immediately comply with its

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

undertaking. If, within six (6) months from receipt of such notice, the **PROVINCE** will fail to start the work and to show satisfactory performance or take appropriate action, the PRA may take over the project in accordance with applicable laws, rules and regulations, and the actual land reclaimed by PRA shall be owned by PRA, without prejudice to the sharing arrangement herein of the parties of the land already reclaimed prior to the said take over.

ARTICLE IX UTILIZATION OF THE RECLAMATION AREA AND SHARING ARRANGEMENT

1. The **PROVINCE** hereby agrees to allocate a total of six (6) hectares as the land share of the PRA in the Coron Bay Development Project representing 12% of the gross project area of 50 hectares.
2. The respective shares of the **PROVINCE** and **PRA** shall be pre-identified and pre-determined in the Land Allocation Plan / Master Development Plan herein Annex B.
3. It is understood that the reclaimed area shall be subject to actual survey after the reclamation works have been completed and adjustments shall be made to conform with the approved sharing scheme.
4. All roads and park/open spaces shall be titled in the name of the Republic of the Philippines (RP) under the administration of the **PALAWAN PROVINCE**. The **PROVINCE** shall ensure that these are utilized in accordance with the Master Development Plan.
5. Should there be a need to modify or revise the development and land use plans, the **PROVINCE** shall notify the **PRA** by preparing and submitting to the latter such modification or revision for its information and guidance, subject to the provisions stipulated in this Agreement.

ARTICLE X TITLING OF THE RECLAIMED LAND

1. PRA shall be responsible for securing the Special Patents and Original Certificates of Title (OCTs) covering the entire project in accordance with existing laws and procedures from the completion of the reclamation works, including the issuance of any Presidential Proclamation, Decree or Order necessary for the issuance of the special patents and the certificates of title.
2. Within thirty (30) days from the issuance of the Original Certificate of Title, provided that the **PROVINCE** has completed the entire reclamation work up to 3.0 meters above MLLW, **PRA** shall deliver and turn-over the corresponding titles to the **PROVINCE** according to its land share. However, if more than seventy five percent (75%) of the titled area at any given time pertains to the **PROVINCE**, **PRA** shall deliver to the **PROVINCE** only seventy five percent (75%) of the titles pertaining to the **PROVINCE**, until such time that the corresponding proportionate land pertaining to **PRA** shall have been fully reclaimed, developed and titled.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

3. All fees, taxes and incidental costs/charges related to the titling and transfer/assignment of the reclaimed land shall be for the account of the transferee / assignee.

ARTICLE XI LIMIT OF LIABILITY

1. The **PROVINCE** hereby warrants and holds PRA free and harmless from any and all liabilities, suits, actions, claims or damages arising from any death or injuries to persons or damage to or loss of properties or any loss resulting from or caused by the **PROVINCE** or the private party contracted by the **PROVINCE** if there be any in the implementation of the **PROJECT**.
2. **PRA** shall not be held liable for damages in cases of suspension or stoppage of work due to civil disturbance, act of war, act of Government or force majeure rendering it impossible for the **PROVINCE** to proceed with the **PROJECT**.

ARTICLE XII GENERAL PROVISIONS

a. Mutual Cooperation

The parties shall perform all acts and execute and deliver all documents or instruments required or necessary to fully implement or consummate the transactions contemplated by and the intent underlying this Agreement.

b. Separability

The provisions of this Agreement are separable, and in the event that any one or more of the provisions of this Agreement shall be determined or held to be invalid, illegal, unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein shall not in any way be affected and shall continue to be valid and enforceable to the fullest extent permitted by law.

c. Material Adverse Change

In the event that, at any time prior to the complete performance by the **PROVINCE** of its obligations under this Agreement, there shall occur an extraordinary change in circumstances adversely affecting the construction and/or real estate development business in the country or the ability of the **PROVINCE** to perform its obligations under this Agreement, and which change is of such nature and magnitude as to be manifestly beyond the contemplation of the parties when they entered into this Agreement, then the period fixed for the **PROVINCE**'s performance of its obligations hereunder may be extended under such terms as may be equitably agreed upon in writing by the parties. The foregoing shall be without prejudice to the right of the parties to negotiate in good faith for other mutually acceptable alternative arrangements in respect of the subject of this Agreement.

d. Waiver

No failure or delay on the part of the party exercising any right, power or remedy accruing to it upon any breach or default of the other party under this

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

Agreement shall impair any such right, power, or remedy nor shall it be construed as a waiver of any breach or default thereafter occurring; nor shall any single or partial exercise of any such right or power preclude any other or partial exercise of any such right or power hereunder. Any waiver, permit, consent or approval of any kind of character on the part of a party of any breach of any provision or condition of this Agreement must be in writing and shall be effective only to the extent in such writing specifically set forth.

e. Entire Understanding

This Agreement, and the documents referred herein or executed concurrently herewith, constitute the entire understanding between the parties and supersede any prior understanding or agreement with regard to the subject matter hereof. There are no representations, agreements, arrangements or understanding, oral or written, between the parties hereto relating to the subject matter hereof which are not fully expressed herein. Any amendment hereto or revision hereof shall be in writing, signed by or on behalf of the party to be bound or burdened thereby.

f. Assignment

This Agreement shall not be assignable by either party hereto without the prior written consent of the other party.

g. Settlement of Disputes

All dispute, controversies, or differences arising out of or in connection with this Agreement (including without limitation, questions of interpretation of any of the provisions of this Agreement shall be amicably settled by mutual consultation within thirty (30) days after written notice thereof has been given by the complaining party. Should the parties fail to agree within the said period of time, the matter in dispute may be submitted for arbitration and all venues thereof shall be in the City of Makati.

In the event of court action, the same shall be filed in the proper courts of the City of Makati to the exclusion of all other courts.

h. Notices

All notices and other communications required or permitted to be given in writing and delivered by personal or registered mail and addressed to such party as follows:

PHILIPPINE RECLAMATION AUTHORITY
7th Floor, Legaspi Towers 200
Paseo de Roxas, Makati City

PALAWAN PROVINCE
Provincial Capitol
Puerto Princesa City

i. Governing Law

This Agreement shall be governed in all respects, including validity, construction, performance and effect, by laws of the Republic of the Philippines.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023


j. **Effectivity**

This Memorandum of Agreement (MOA) shall be effective upon confirmation of the PRA Board and approval of the Sangguniang Panlalawigan (SP).

IN WITNESS WHEREOF, the parties hereunto affix their respective signatures on this 5th day of November 2009, Makati City, Philippines.

**PHILIPPINE
RECLAMATION AUTHORITY**

By:


ANDREA D. DOMINGO
General Manager & CEO

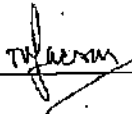
PALAWAN PROVINCE

By:

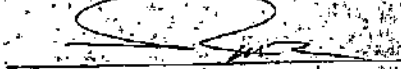

JOEL T. REYES
Provincial Governor

SIGNED IN THE PRESENCE OF:

1.



2.



ACKNOWLEDGMENT

Republic of the Philippines)
Makati City) S.S.

I certify that on this date before me, a notary public duly authorized in the city named above to take acknowledgments, personally appeared:

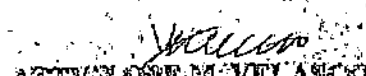
Name	CTC No.	Place/Date of Issue
ANDREA D. DOMINGO	OS0010185	DFA MANILA/May 13, 2009
JOEL T. REYES	04465760	Aborlan, Palawan/April 7, 2009

who are personally known to me to be the same persons described in the foregoing instrument, who acknowledged before me that the signatures on the instrument were voluntarily affixed by them for the purposes stated therein, and who declared to me that they have executed the instrument as their free and voluntary act and deed.

This instrument consisting of eleven (11) pages including the page where the acknowledgement is written has been signed each and every page by the parties and their witnesses.

WITNESS MY HAND AND SEAL this NOV 09 2009 day of NOV 09 2009

Doc. No. 65
Page No. 14
Book No. 171
Series of 2009.


ATTY. LOPE M. VELASCO
NOTARY PUBLIC

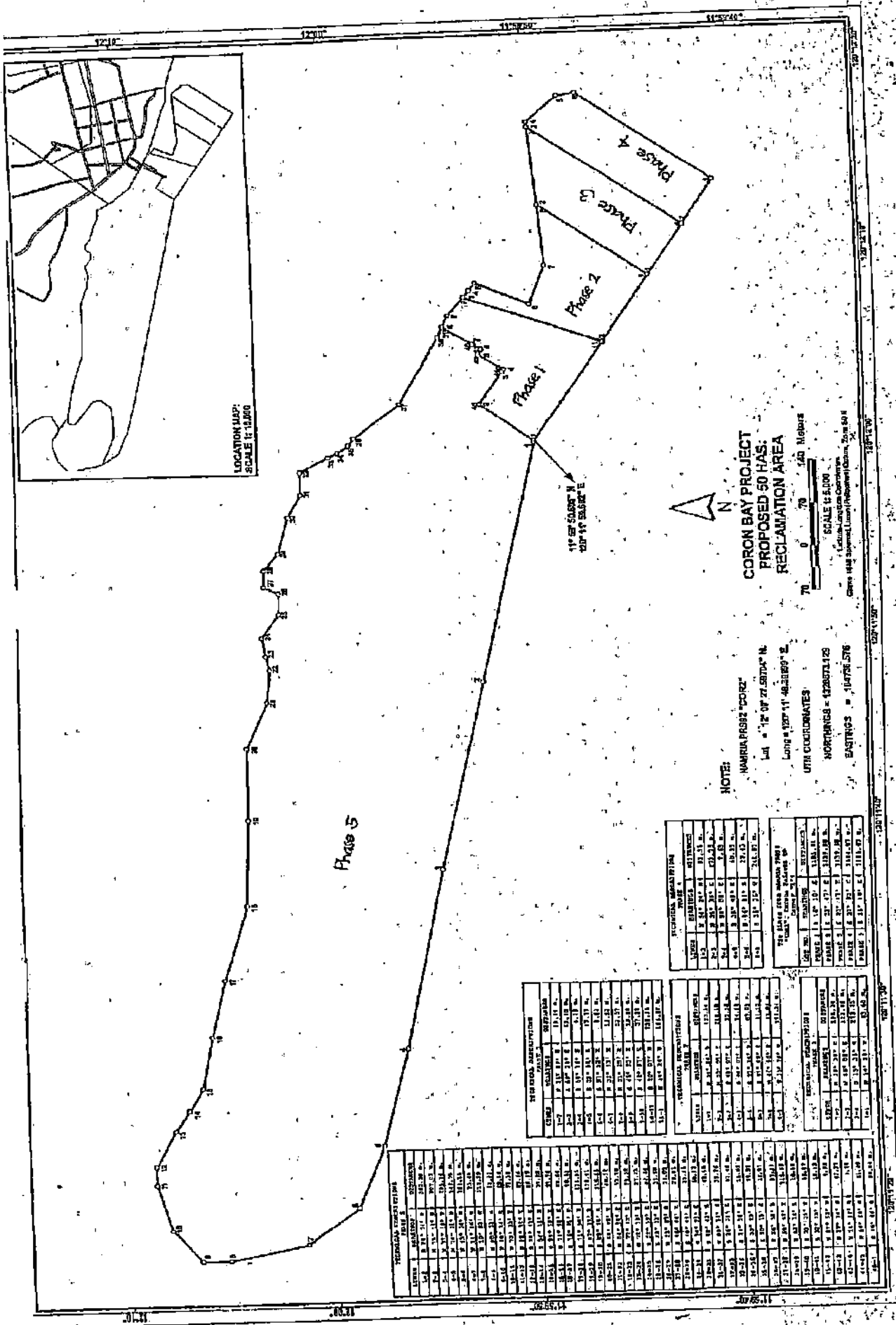
Until Dec. 31, 2009

Phil O.R. No. 7208240 - Mla. 01/05/09
IBP O.R. No. 740913 - Mla. 12/24/08
TIN 212-965-989

CERTIFIED COPY


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



**CORON BAY PROJECT
PROPOSED 50 HAS.
RECLAMATION AREA**

NOTE: NAMRIA PERS. "COR2"
Lat = 12° 07' 27.5874" N
Long = 120° 11' 46.3899" E
UTM COORDINATES
NORTHING = 1206711.72
EASTING = 104756.276

RECLAMATION ASSUMPTIONS	
ITEM	ASSUMPTION
1	RECLAMATION AREA
2	RECLAMATION AREA
3	RECLAMATION AREA
4	RECLAMATION AREA
5	RECLAMATION AREA
6	RECLAMATION AREA
7	RECLAMATION AREA
8	RECLAMATION AREA
9	RECLAMATION AREA
10	RECLAMATION AREA
11	RECLAMATION AREA
12	RECLAMATION AREA
13	RECLAMATION AREA
14	RECLAMATION AREA
15	RECLAMATION AREA
16	RECLAMATION AREA
17	RECLAMATION AREA
18	RECLAMATION AREA
19	RECLAMATION AREA
20	RECLAMATION AREA
21	RECLAMATION AREA
22	RECLAMATION AREA
23	RECLAMATION AREA
24	RECLAMATION AREA
25	RECLAMATION AREA
26	RECLAMATION AREA
27	RECLAMATION AREA
28	RECLAMATION AREA
29	RECLAMATION AREA
30	RECLAMATION AREA
31	RECLAMATION AREA
32	RECLAMATION AREA
33	RECLAMATION AREA
34	RECLAMATION AREA
35	RECLAMATION AREA
36	RECLAMATION AREA
37	RECLAMATION AREA
38	RECLAMATION AREA
39	RECLAMATION AREA
40	RECLAMATION AREA
41	RECLAMATION AREA
42	RECLAMATION AREA
43	RECLAMATION AREA
44	RECLAMATION AREA
45	RECLAMATION AREA
46	RECLAMATION AREA
47	RECLAMATION AREA
48	RECLAMATION AREA
49	RECLAMATION AREA
50	RECLAMATION AREA

RECLAMATION ASSUMPTIONS	
ITEM	ASSUMPTION
1	RECLAMATION AREA
2	RECLAMATION AREA
3	RECLAMATION AREA
4	RECLAMATION AREA
5	RECLAMATION AREA
6	RECLAMATION AREA
7	RECLAMATION AREA
8	RECLAMATION AREA
9	RECLAMATION AREA
10	RECLAMATION AREA
11	RECLAMATION AREA
12	RECLAMATION AREA
13	RECLAMATION AREA
14	RECLAMATION AREA
15	RECLAMATION AREA
16	RECLAMATION AREA
17	RECLAMATION AREA
18	RECLAMATION AREA
19	RECLAMATION AREA
20	RECLAMATION AREA
21	RECLAMATION AREA
22	RECLAMATION AREA
23	RECLAMATION AREA
24	RECLAMATION AREA
25	RECLAMATION AREA
26	RECLAMATION AREA
27	RECLAMATION AREA
28	RECLAMATION AREA
29	RECLAMATION AREA
30	RECLAMATION AREA
31	RECLAMATION AREA
32	RECLAMATION AREA
33	RECLAMATION AREA
34	RECLAMATION AREA
35	RECLAMATION AREA
36	RECLAMATION AREA
37	RECLAMATION AREA
38	RECLAMATION AREA
39	RECLAMATION AREA
40	RECLAMATION AREA
41	RECLAMATION AREA
42	RECLAMATION AREA
43	RECLAMATION AREA
44	RECLAMATION AREA
45	RECLAMATION AREA
46	RECLAMATION AREA
47	RECLAMATION AREA
48	RECLAMATION AREA
49	RECLAMATION AREA
50	RECLAMATION AREA

RECLAMATION ASSUMPTIONS	
ITEM	ASSUMPTION
1	RECLAMATION AREA
2	RECLAMATION AREA
3	RECLAMATION AREA
4	RECLAMATION AREA
5	RECLAMATION AREA
6	RECLAMATION AREA
7	RECLAMATION AREA
8	RECLAMATION AREA
9	RECLAMATION AREA
10	RECLAMATION AREA
11	RECLAMATION AREA
12	RECLAMATION AREA
13	RECLAMATION AREA
14	RECLAMATION AREA
15	RECLAMATION AREA
16	RECLAMATION AREA
17	RECLAMATION AREA
18	RECLAMATION AREA
19	RECLAMATION AREA
20	RECLAMATION AREA
21	RECLAMATION AREA
22	RECLAMATION AREA
23	RECLAMATION AREA
24	RECLAMATION AREA
25	RECLAMATION AREA
26	RECLAMATION AREA
27	RECLAMATION AREA
28	RECLAMATION AREA
29	RECLAMATION AREA
30	RECLAMATION AREA
31	RECLAMATION AREA
32	RECLAMATION AREA
33	RECLAMATION AREA
34	RECLAMATION AREA
35	RECLAMATION AREA
36	RECLAMATION AREA
37	RECLAMATION AREA
38	RECLAMATION AREA
39	RECLAMATION AREA
40	RECLAMATION AREA
41	RECLAMATION AREA
42	RECLAMATION AREA
43	RECLAMATION AREA
44	RECLAMATION AREA
45	RECLAMATION AREA
46	RECLAMATION AREA
47	RECLAMATION AREA
48	RECLAMATION AREA
49	RECLAMATION AREA
50	RECLAMATION AREA

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023

ENVIRONMENTAL COMPLIANCE CERTIFICATE
(Issued under Presidential Decree 1586)
ECC-49-066-PA-5020-2007

THIS IS TO CERTIFY THAT PROPONENT PROVINCIAL GOVERNMENT OF PALAWAN, is granted this Environmental Compliance Certificate (ECC) for the PHASE I: RECLAMATION AND CONSTRUCTION OF ROCK CAUSEWAY PROJECT, located at MARKET SITE AREA, POBLACION 3, CORON, PALAWAN by the Department of Environment and Natural Resources (DENR), through the Environmental Management Bureau, Region IV - MIMAROPA.

SUBJECT ONLY to the conditions and restrictions set-out in this certificate

PROJECT DESCRIPTION

This Certificate shall cover a total area of 30,000.00 square meters with an average depth of 3.7 meters, embankment to be located at Market Site Area, Poblacion 3, Coron, Palawan. The earthworks will have a total volume of 89,000 cubic meters of selected borrow materials.

A rock causeway shall be constructed to protect the reclaimed area from the waves. The rock causeway shall be made of boulders/stone masonry with concrete slope protection.

This Certification is issued in compliance to the requirements of Presidential Decree No. 1586, in accordance to Department Administrative Order No. 2003-80. The Bureau, however, is not precluded from reevaluating, adding, removing, and correcting any deficiencies or errors that may be found after issuance of this certificate.

APR 11 2007

Issued at Manila, Philippines this _____ day of _____, 2007

Approved by:

REYNALDO R. VILLAFUERTE
Regional Director

Recommending Approval:

BUENA FE A. RIGFLORIDO
Chief EIA Division

114-11280-01-001-000
Environmental Impact Assessment Division
DENR - MIMAROPA
The EMD (DENR Region IV-11)
The EMD - Palawan
The EMD - Marikina

Atty. DENR by the Bay Bldg., 1315 Roxas Blvd., Limasna Manila
Bldg. Office 346-8796, Administrative Division Telefax No. 400-5960
EC Division 341-8964, P.A. Division Telefax No. 400-5964
E-mail Address: admin-ec@denr.gov.ph and admin-ec@denr.gov.ph

CERTIFIED COPY

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

1. CONDITIONS

ENVIRONMENTAL MANAGEMENT

All commitments, mitigating measures and monitoring requirements, especially those contained in the Initial Environmental Examination (IEE) Report, particularly in the Environmental Management and Monitoring Plans, including all their modifications as approved by the EMB R IV-B (MIMAROPA), shall be instituted to minimize any adverse impact of the project to the environment throughout its implementation, including the following:

1. Appropriate measures shall be undertaken for the avoidance of siltation of adjoining areas, noise and dust pollution during construction and operation activities;
2. The entire project site shall be provided with adequate drainage facilities to prevent excessive surface run-off;
3. Tree planting shall be conducted with appropriate tree species in an open space within the project site;

GENERAL CONDITIONS

4. The proponent shall conform with the provisions of the following:

- a. PD-1586 Philippine Environmental Impact Statement System, DAO 2003-30
- b. RA 6969 Toxic and Hazardous Waste Act of 1990, DAO 29
- c. RA 8749 Clean Air Act of 1990, DAO 2000-81
- d. RA 9003 Ecological Solid Waste Management Act of 2000, DAO 2001-34
- e. RA 9275 Clean Water Act of 2004, DAO 2005-10

5. The proponent shall set up the following:

- a. A Memorandum of Agreement (MOA) shall be entered into by the proponent with the ECC Holders Association to become part of their MMT and setting up the corresponding Environmental Monitoring Fund (EMF) prior to project implementation;

- b. A replenishable Environmental Monitoring Fund (EMF) to cover all costs attendant to the operation of the MMT such as conduct meetings, training, sampling and analysis, hiring of technical experts, meals, accommodations, supplies and materials, communication, and transportation.

The amount and mechanics of the EMF, and the establishment of the MMT shall be determined by the EMB-MIMAROPA Region and the proponent in consultation with stakeholder-communities and other concerned agencies. This MOA shall be submitted to EMB-MIMAROPA within sixty (60) days upon receipt of this Certificate.

6. A Pollution Control Officer (PCO) shall be appointed by the proponent who shall continue to competently handle the environment-related aspects of the project. In addition to the monitoring requirements as specified in the Environmental Monitoring Plan, the PCO shall also:

1. The proponent shall be responsible for the following:
1.1. The proponent shall be responsible for the following:
1.2. The proponent shall be responsible for the following:

1.3. The proponent shall be responsible for the following:
1.4. The proponent shall be responsible for the following:
1.5. The proponent shall be responsible for the following:

CERTIFIED COPY

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

- a. Monitor actual project impact vis-à-vis the predicted impacts and management measures in the IEE;
 - b. Accordingly recommend revisions to the Environmental Management Plan (EMP) as necessary;
 - c. Ensure that the appropriate post-assessment permits are in place;
 - d. Ensure that monitoring and reporting are carried out as required; and
 - e. Assure compliance with the conditions of the approved ECC.
7. The proponent shall submit to this Office a summary of implementation of the project and proposed mitigating measures in the construction and operational phase. An accomplishment report on the implemented mitigating measures and the corresponding cost of the EMP activities shall also be submitted on a quarterly basis for monitoring;
 8. Permits/clearances from concerned agencies including SEP Clearance from the Palawan Council for Sustainable Development (PCSD) and Permit from the Philippine Reclamation Authority (PRA) shall be submitted to this Office within thirty (30) days upon receipt thereof;
 9. A Self-Monitoring Report shall be submitted to this Office quarterly;
 10. Any authorized DENR-EMB Region IV-B personnel can initiate an on-the-spot inspection and monitoring even without prior notice;
 11. Should the implementation of the project cause adverse environmental impacts and pose nuisance to the public health and safety, as determined by the DENR-EMB and other concerned agencies, the operation shall be temporarily suspended after prior notice and due process until such time appropriate remedial measures are effected and any damage resulting from the same are properly compensated;
 12. Any false ground for information misrepresentation or omission of material facts in the submitted documents shall be sufficient, the cancellation or suspension of this ECC;
 13. In case of abandonment, the Proponent shall notify the EMB Regional Office concerned within three (3) months prior to the abandonment and the Proponent shall submit its abandonment mitigation plan;
 14. A 2' x 4' billboard containing this message: "Notice to the Public, This project (title of the project) of (Name of the proponent) has been issued an Environmental Compliance Certificate (ECC Number) by the Environmental Management Bureau of the Department of Environment and Natural Resources, Region IV-B, on (date)." This message must be installed at all entry and exit points and at all perimeters of the project facing the road to inform the general public within thirty (30) days from receipt of the certificate. A copy of the certificate shall also be posted by the Proponent at the barangay bulletin board of the affected barangays within thirty (30) days from receipt of the certificate. An accomplishment report which shall include picture verification of compliance to the posting of notices and the billboards shall be submitted to this Office within ninety (90) days from receipt of the ECC.

EMB - Region IV-B
 Environmental Management Bureau
 6th Floor DENR by the Bay Bldg., 1515 Roxas Blvd., Legaspi Manila
 Tel. 534-9770, Administrative Division Tel. 534-9770
 Fax 534-9770, EMB Division Tel. 534-9770

6th Floor DENR by the Bay Bldg., 1515 Roxas Blvd., Legaspi Manila
 Tel. 534-9770, Administrative Division Tel. 534-9770
 Fax 534-9770, EMB Division Tel. 534-9770
 E-mail Address: emb@denr.gov.ph and emb@denr.gov.ph

CERTIFIED COPY

LUCIANA D. SAMARRO
 RECORDS OFFICER A

APR 04 2023

II. RESTRICTIONS

15. No other activities should be undertaken other than what was stipulated in the Environmental Management Plan (EMP) submitted. Should there be an expansion of the project beyond the project description, construction of other structures beyond those stated in the EMP document, or any change in the activity, shall be made subject to a new Environmental Impact Assessment.
16. The project operation shall be limited to the project description; and
17. In case of transfer of ownership of this project, these same conditions and restrictions shall apply and the transferee shall be required to notify the EMB Regional Office concerned within fifteen (15) days as regards to the transfer of ownership.

Non-compliance with any of the provisions of this certificate shall be a sufficient cause for the cancellation or suspension of this certificate and/or imposition of a fine in an amount not in excess of Fifty Thousand Pesos (50,000.00) for every violation thereof.

III. SUGGESTION TO THE PROJECT DESIGN, CONTRACTOR AND CONSTRUCTIONS

1. Compliance to occupational health and safety of the workers shall be ensured by the proponent by provision and use of Personal Protective Equipment (PPE) such as protective masks and other devices during operation phase.
2. Contingency measures shall be implemented in case of accidents, power failure, equipment malfunction and other emergencies, and
3. The proponent needs to give priority employment to qualified local residents. Adequate public information for jobs available to local residents in the affected areas needs to be provided.

ALC 10100-074-001-0001
Environmental Management Plan
2011-2012-2013

1st Floor, 10100-074-001-0001, 1010-0001, 1010-0001
1st Floor, 1010-0001, 1010-0001, 1010-0001
1st Floor, 1010-0001, 1010-0001, 1010-0001
1st Floor, 1010-0001, 1010-0001, 1010-0001

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

09 10:22p Governor's Office

0484332777

p.1

OCT 05 2023 02:52PM P1

PHONE NO. 5269736-11

ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC)

12 OCT 2023
12 DELA CRUZ



Department of Environment and Natural Resources
Environmental Management Bureau
Regional Office No. IV - MIMAROPA

ENVIRONMENTAL COMPLIANCE CERTIFICATE

(Issued under Presidential Decree 1586)
ECC-242-2023-07-3023

THIS IS TO CERTIFY THAT PROPONENT PROVINCIAL GOVERNMENT OF PALAWAN is granted this Environmental Compliance Certificate (ECC) for the RECLAMATION PROJECT, located at POBLACION, BRGY. 2, 3 & 5, CORON, PALAWAN, by the Department of Environment and Natural Resources (DENR), through the Environmental Management Bureau, Region IV - MIMAROPA.

SUBJECT ONLY to the Administrative and Technical Conditions set out in the ECC and in the attached documents labeled as Annex A and B.

PROJECT DESCRIPTION

This ECC covers a Reclamation Project having a total area of 48.0 hectares which covers Phases 2, 3, 4 & 5, located at Poblacion, Brgy. 2, 3 & 5, Coron, Palawan.

The proposed project involves the construction of a stone masonry sea wall to a maximum depth of 2.21 meters from mean low water and requires earth-filling materials with an estimated volume of 1,440,000 cubic meters. A waterway with a width of 20-30 meters will be constructed to preserve the mangrove areas and in order to provide habitat for fishes and other aquatic fauna. Likewise, a separate sewerage treatment plants will be provided for each phase of the project.

This ECC is issued in compliance to the requirements of Presidential Decree No. 1586, in accordance to Department Administrative Order No. 2003-80. The Bureau, however, is not precluded from reevaluating, adding, removing, and correcting any deficiencies or errors that may be found to be inconsistent with the Revised Procedural Manual of DAO 2003-30 after issuance of this ECC.

Issued at EMB-MIMAROPA Region Manila, Philippines this

Approved by:

ENP SIXTO E. TOLENTINO, JR.
Regional Director

Recommending Approval:

BUENA FE A. RIOFLORIDO
Chief, EIA Division

CC: The DENR Region IV-3
The DENRO - Coron

6th Floor, DENR Region IV-3, 11th & 12th Bldg., Emilio Aguinaldo
Office 536-5720, 5721, 5722, 5723, 5724, 5725, 5726, 5727, 5728, 5729, 5730, 5731, 5732, 5733, 5734, 5735, 5736, 5737, 5738, 5739, 5740, 5741, 5742, 5743, 5744, 5745, 5746, 5747, 5748, 5749, 5750, 5751, 5752, 5753, 5754, 5755, 5756, 5757, 5758, 5759, 5760, 5761, 5762, 5763, 5764, 5765, 5766, 5767, 5768, 5769, 5770, 5771, 5772, 5773, 5774, 5775, 5776, 5777, 5778, 5779, 5780, 5781, 5782, 5783, 5784, 5785, 5786, 5787, 5788, 5789, 5790, 5791, 5792, 5793, 5794, 5795, 5796, 5797, 5798, 5799, 5800, 5801, 5802, 5803, 5804, 5805, 5806, 5807, 5808, 5809, 5810, 5811, 5812, 5813, 5814, 5815, 5816, 5817, 5818, 5819, 5820, 5821, 5822, 5823, 5824, 5825, 5826, 5827, 5828, 5829, 5830, 5831, 5832, 5833, 5834, 5835, 5836, 5837, 5838, 5839, 5840, 5841, 5842, 5843, 5844, 5845, 5846, 5847, 5848, 5849, 5850, 5851, 5852, 5853, 5854, 5855, 5856, 5857, 5858, 5859, 5860, 5861, 5862, 5863, 5864, 5865, 5866, 5867, 5868, 5869, 5870, 5871, 5872, 5873, 5874, 5875, 5876, 5877, 5878, 5879, 5880, 5881, 5882, 5883, 5884, 5885, 5886, 5887, 5888, 5889, 5890, 5891, 5892, 5893, 5894, 5895, 5896, 5897, 5898, 5899, 5900, 5901, 5902, 5903, 5904, 5905, 5906, 5907, 5908, 5909, 5910, 5911, 5912, 5913, 5914, 5915, 5916, 5917, 5918, 5919, 5920, 5921, 5922, 5923, 5924, 5925, 5926, 5927, 5928, 5929, 5930, 5931, 5932, 5933, 5934, 5935, 5936, 5937, 5938, 5939, 5940, 5941, 5942, 5943, 5944, 5945, 5946, 5947, 5948, 5949, 5950, 5951, 5952, 5953, 5954, 5955, 5956, 5957, 5958, 5959, 5960, 5961, 5962, 5963, 5964, 5965, 5966, 5967, 5968, 5969, 5970, 5971, 5972, 5973, 5974, 5975, 5976, 5977, 5978, 5979, 5980, 5981, 5982, 5983, 5984, 5985, 5986, 5987, 5988, 5989, 5990, 5991, 5992, 5993, 5994, 5995, 5996, 5997, 5998, 5999, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6030, 6031, 6032, 6033, 6034, 6035, 6036, 6037, 6038, 6039, 6040, 6041, 6042, 6043, 6044, 6045, 6046, 6047, 6048, 6049, 6050, 6051, 6052, 6053, 6054, 6055, 6056, 6057, 6058, 6059, 6060, 6061, 6062, 6063, 6064, 6065, 6066, 6067, 6068, 6069, 6070, 6071, 6072, 6073, 6074, 6075, 6076, 6077, 6078, 6079, 6080, 6081, 6082, 6083, 6084, 6085, 6086, 6087, 6088, 6089, 6090, 6091, 6092, 6093, 6094, 6095, 6096, 6097, 6098, 6099, 6100, 6101, 6102, 6103, 6104, 6105, 6106, 6107, 6108, 6109, 6110, 6111, 6112, 6113, 6114, 6115, 6116, 6117, 6118, 6119, 6120, 6121, 6122, 6123, 6124, 6125, 6126, 6127, 6128, 6129, 6130, 6131, 6132, 6133, 6134, 6135, 6136, 6137, 6138, 6139, 6140, 6141, 6142, 6143, 6144, 6145, 6146, 6147, 6148, 6149, 6150, 6151, 6152, 6153, 6154, 6155, 6156, 6157, 6158, 6159, 6160, 6161, 6162, 6163, 6164, 6165, 6166, 6167, 6168, 6169, 6170, 6171, 6172, 6173, 6174, 6175, 6176, 6177, 6178, 6179, 6180, 6181, 6182, 6183, 6184, 6185, 6186, 6187, 6188, 6189, 6190, 6191, 6192, 6193, 6194, 6195, 6196, 6197, 6198, 6199, 6200, 6201, 6202, 6203, 6204, 6205, 6206, 6207, 6208, 6209, 6210, 6211, 6212, 6213, 6214, 6215, 6216, 6217, 6218, 6219, 6220, 6221, 6222, 6223, 6224, 6225, 6226, 6227, 6228, 6229, 6230, 6231, 6232, 6233, 6234, 6235, 6236, 6237, 6238, 6239, 6240, 6241, 6242, 6243, 6244, 6245, 6246, 6247, 6248, 6249, 6250, 6251, 6252, 6253, 6254, 6255, 6256, 6257, 6258, 6259, 6260, 6261, 6262, 6263, 6264, 6265, 6266, 6267, 6268, 6269, 6270, 6271, 6272, 6273, 6274, 6275, 6276, 6277, 6278, 6279, 6280, 6281, 6282, 6283, 6284, 6285, 6286, 6287, 6288, 6289, 6290, 6291, 6292, 6293, 6294, 6295, 6296, 6297, 6298, 6299, 6300, 6301, 6302, 6303, 6304, 6305, 6306, 6307, 6308, 6309, 6310, 6311, 6312, 6313, 6314, 6315, 6316, 6317, 6318, 6319, 6320, 6321, 6322, 6323, 6324, 6325, 6326, 6327, 6328, 6329, 6330, 6331, 6332, 6333, 6334, 6335, 6336, 6337, 6338, 6339, 6340, 6341, 6342, 6343, 6344, 6345, 6346, 6347, 6348, 6349, 6350, 6351, 6352, 6353, 6354, 6355, 6356, 6357, 6358, 6359, 6360, 6361, 6362, 6363, 6364, 6365, 6366, 6367, 6368, 6369, 6370, 6371, 6372, 6373, 6374, 6375, 6376, 6377, 6378, 6379, 6380, 6381, 6382, 6383, 6384, 6385, 6386, 6387, 6388, 6389, 6390, 6391, 6392, 6393, 6394, 6395, 6396, 6397, 6398, 6399, 6400, 6401, 6402, 6403, 6404, 6405, 6406, 6407, 6408, 6409, 6410, 6411, 6412, 6413, 6414, 6415, 6416, 6417, 6418, 6419, 6420, 6421, 6422, 6423, 6424, 6425, 6426, 6427, 6428, 6429, 6430, 6431, 6432, 6433, 6434, 6435, 6436, 6437, 6438, 6439, 6440, 6441, 6442, 6443, 6444, 6445, 6446, 6447, 6448, 6449, 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6459, 6460, 6461, 6462, 6463, 6464, 6465, 6466, 6467, 6468, 6469, 6470, 6471, 6472, 6473, 6474, 6475, 6476, 6477, 6478, 6479, 6480, 6481, 6482, 6483, 6484, 6485, 6486, 6487, 6488, 6489, 6490, 6491, 6492, 6493, 6494, 6495, 6496, 6497, 6498, 6499, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6512, 6513, 6514, 6515, 6516, 6517, 6518, 6519, 6520, 6521, 6522, 6523, 6524, 6525, 6526, 6527, 6528, 6529, 6530, 6531, 6532, 6533, 6534, 6535, 6536, 6537, 6538, 6539, 6540, 6541, 6542, 6543, 6544, 6545, 6546, 6547, 6548, 6549, 6550, 6551, 6552, 6553, 6554, 6555, 6556, 6557, 6558, 6559, 6560, 6561, 6562, 6563, 6564, 6565, 6566, 6567, 6568, 6569, 6570, 6571, 6572, 6573, 6574, 6575, 6576, 6577, 6578, 6579, 6580, 6581, 6582, 6583, 6584, 6585, 6586, 6587, 6588, 6589, 6590, 6591, 6592, 6593, 6594, 6595, 6596, 6597, 6598, 6599, 6600, 6601, 6602, 6603, 6604, 6605, 6606, 6607, 6608, 6609, 6610, 6611, 6612, 6613, 6614, 6615, 6616, 6617, 6618, 6619, 6620, 6621, 6622, 6623, 6624, 6625, 6626, 6627, 6628, 6629, 6630, 6631, 6632, 6633, 6634, 6635, 6636, 6637, 6638, 6639, 6640, 6641, 6642, 6643, 6644, 6645, 6646, 6647, 6648, 6649, 6650, 6651, 6652, 6653, 6654, 6655, 6656, 6657, 6658, 6659, 6660, 6661, 6662, 6663, 6664, 6665, 6666, 6667, 6668, 6669, 6670, 6671, 6672, 6673, 6674, 6675, 6676, 6677, 6678, 6679, 6680, 6681, 6682, 6683, 6684, 6685, 6686, 6687, 6688, 6689, 6690, 6691, 6692, 6693, 6694, 6695, 6696, 6697, 6698, 6699, 6700, 6701, 6702, 6703, 6704, 6705, 6706, 6707, 6708, 6709, 6710, 6711, 6712, 6713, 6714, 6715, 6716, 6717, 6718, 6719, 6720, 6721, 6722, 6723, 6724, 6725, 6726, 6727, 6728, 6729, 6730, 6731, 6732, 6733, 6734, 6735, 6736, 6737, 6738, 6739, 6740, 6741, 6742, 6743, 6744, 6745, 6746, 6747, 6748, 6749, 6750, 6751, 6752, 6753, 6754, 6755, 6756, 6757, 6758, 6759, 6760, 6761, 6762, 6763, 6764, 6765, 6766, 6767, 6768, 6769, 6770, 6771, 6772, 6773, 6774, 6775, 6776, 6777, 6778, 6779, 6780, 6781, 6782, 6783, 6784, 6785, 6786, 6787, 6788, 6789, 6790, 6791, 6792, 6793, 6794, 6795, 6796, 6797, 6798, 6799, 6800, 6801, 6802, 6803, 6804, 6805, 6806, 6807, 6808, 6809, 6810, 6811, 6812, 6813, 6814, 6815, 6816, 6817, 6818, 6819, 6820, 6821, 6822, 6823, 6824, 6825, 6826, 6827, 6828, 6829, 6830, 6831, 6832, 6833, 6834, 6835, 6836, 6837, 6838, 6839, 6840, 6841, 6842, 6843, 6844, 6845, 6846, 6847, 6848, 6849, 6850, 6851, 6852, 6853, 6854, 6855, 6856, 6857, 6858, 6859, 6860, 6861, 6862, 6863, 6864, 6865, 6866, 6867, 6868, 6869, 6870, 6871, 6872, 6873, 6874, 6875, 6876, 6877, 6878, 6879, 6880, 6881, 6882, 6883, 6884, 6885, 6886, 6887, 6888, 6889, 6890, 6891, 6892, 6893, 6894, 6895, 6896, 6897, 6898, 6899, 6900, 6901, 6902, 6903, 6904, 6905, 6906, 6907, 6908, 6909, 6910, 6911, 6912, 6913, 6914, 6915, 6916, 6917, 6918, 6919, 6920, 6921, 6922, 6923, 6924, 6925, 6926, 6927, 6928, 6929, 6930, 6931, 6932, 6933, 6934, 6935, 6936, 6937, 6938, 6939, 6940, 6941, 6942, 6943, 6944, 6945, 6946, 6947, 6948, 6949, 6950, 6951, 6952, 6953, 6954, 6955, 6956, 6957, 6958, 6959, 6960, 6961, 6962, 6963, 6964, 6965, 6966, 6967, 6968, 6969, 6970, 6971, 6972, 6973, 6974, 6975, 6976, 6977, 6978, 6979, 6980, 6981, 6982, 6983, 6984, 6985, 6986, 6987, 6988, 6989, 6990, 6991, 6992, 6993, 6994, 6995, 6996, 6997, 6998, 6999, 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016, 7017, 7018, 7019, 7020, 7021, 7022, 7023, 7024, 7025, 7026, 7027, 7028, 7029, 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050, 7051, 7052, 7053, 7054, 7055, 7056, 7057, 7058, 7059, 7060, 7061, 7062, 7063, 7064, 7065, 7066, 7067, 7068, 7069, 7070, 7071, 7072, 7073, 7074, 7075, 7076, 7077, 7078, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099, 7100, 7101, 7102, 7103, 7104, 7105, 7106, 7107, 7108, 7109, 7110, 7111, 7112, 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129, 7130, 7131, 7132, 7133, 7134, 7135, 7136, 7137, 7138, 7139, 7140, 7141, 7142, 7143, 7144, 7145, 7146, 7147, 7148, 7149, 7150, 7151, 7152, 7153, 7154, 7155, 7156, 7157, 7158, 7159, 7160, 7161, 7162, 7163, 7164, 7165, 7166, 7167, 7168, 7169, 7170, 7171, 7172, 7173, 7174, 7175, 7176, 7177, 7178, 7179, 7180, 7181, 7182, 7183, 7184, 7185, 7186, 7187, 7188, 7189, 7190, 7191, 7192, 7193, 7194, 7195, 7196, 7197, 7198, 7199, 7200, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7208, 7209, 7210, 7211, 7212, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7226, 7227, 7228, 7229, 7230, 7231, 7232, 7233, 7234, 7235, 7236, 7237, 7238, 7239, 7240, 7241, 7242, 7243, 7244, 7245, 7246, 7247, 7248, 7249, 7250, 7251, 7252, 7253, 7254, 7255, 7256, 7257, 7258, 7259, 7260, 7261, 7262, 7263, 7264, 7265, 7266, 7267, 7268, 7269, 7270, 7271, 7272, 7273, 7274, 7275, 7276, 7277, 7278, 7279, 7280, 7281, 7282, 7283, 7284, 7285, 7286, 7287, 7288, 7289, 7290, 7291, 7292, 7293, 7294, 7295, 7296, 7297, 7298, 7299, 7300, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7320, 7321, 7322, 7323, 7324, 7325, 7326, 7327, 7328, 7329, 7330, 7331, 7332, 7333, 7334, 7335, 7336, 7337, 7338, 7339, 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7347, 7348, 7349, 7350, 7351, 7352, 7353, 7354, 7355, 7356, 7357, 7358, 7359, 7360, 7361, 7362, 7363, 7364, 7365, 7366, 7367, 7368, 7369, 7370, 7371, 7372, 7373, 7374, 7375, 7376, 7377, 7378, 7379, 7380, 7381, 7382, 7383, 7384, 7385, 7386, 7387, 7388, 7389, 7390, 7391, 7392, 7393, 7394, 7395, 7396, 7397, 7398, 7399, 7400, 7401, 7402, 7403, 7404, 7405, 7406, 7407, 7408, 7409, 7410, 7411, 7412, 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429, 7430, 7431, 7432, 7433, 7434, 7435, 7436, 7437, 7438, 7439, 7440, 7441, 7442, 7443, 7444, 7445, 7446, 7447, 7448, 7449, 7450, 7451, 7452, 7453, 7454, 7455, 7456, 7457, 7458, 7459, 7460, 7461, 7462, 7463, 7464, 7465, 7466, 7467, 7468, 7469, 7470, 7471, 7472, 7473, 7474, 7475, 7476, 7477, 7478, 7479, 7480, 7481, 7482, 7483, 7484, 7485, 7486, 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501, 7502, 7503, 7504, 7505, 7506, 7507, 7508, 7509, 7510, 7511, 7512, 7513, 7514, 7515, 7516, 7517, 7518, 7519, 7520, 7521, 7522, 7523, 7524, 7525, 7526, 7527, 7528, 7529, 7530, 7531, 7532, 7533, 7534, 7535, 7536, 7537, 7538, 7539, 7540, 7541, 7542, 7543, 7544, 7545, 7546, 7



Republic of the Philippines
PHILIPPINE RECLAMATION AUTHORITY
(Public Estates Authority)

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati
Tel. Nos.: (02) 817-4711 to 13; (02) 813-1441 to 45; Facsimile No.: (02) 815-2652
Website: www.pea.gov.ph • Email: info@pea.gov.ph

SECRETARY'S CERTIFICATE

I, **HUNTER E. IBARRA**, of legal age, Filipino, with business address at the 8th Floor Legaspi Towers 200 Building, 107 Paseo de Roxas, Legaspi Village, Makati City, having been sworn in accordance with law, hereby state that:

1. I am the Corporate Secretary of the Philippine Reclamation Authority (PRA);
2. At the meeting of the PRA Board of Directors on 9 October 2009, there being a quorum to transact business, the following resolution was duly adopted:

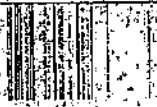
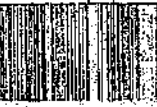
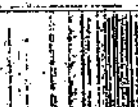
Resolution No. 4056
Series of 2009

**APPROVAL OF THE RECLAMATION COMPONENT
OF THE CORON BAY DEVELOPMENT PROJECT (CBDP)**

RESOLVED, That, the reclamation component consisting of about fifty (50) hectares of the Coron Bay Development Project (CBDP) at Barangay Poblacion 1, 2, 3, 4, and Barangay Tagumpay, Municipality of Coron, Palawan Province be, as it is hereby, approved, subject to compliance with the pertinent laws, rules and regulations, as well as the following terms and conditions:

1. The Province, on its own or through contractor/developer subject to the public bidding requirement, shall finance and undertake the reclamation and development works in accordance with approved reclamation and master development and land use plans;
2. As the regulatory body for reclamation, PRA shall undertake general supervision and project monitoring for which, the Province or through its contractor/developer, shall pay the regulatory fee of Php56,638,120.00 (VAT inclusive) equivalent to 2.5% of the estimated reclamation cost of Php2,022.79 million. The Province shall pay to PRA the initial amount of Php5,033,000.00 representing the regulatory fee of the completed portions (6.0 hectares, more or less, at the reclamation cost of Php179.75 million) upon signing of the agreement. The remaining regulatory fee shall be paid equally on

Labanang Kaharapang Namdamang Haularan



CERTIFIED COPY

LUCIANA D. SAMARRO
RECORDS OFFICER - A

APR 04 2023

quarterly basis over the period of reclamation works. An interest of two percent (2%) per annum shall be charged for delayed payments.

3. The Province shall allocate six (6) hectares as PRA land share out of the reclaimed land, the location of which shall be pre-determined and pre-agreed by the parties in the land allocation plan to be made an integral part of the agreement.
4. The province shall undertake the Project within the period indicated in the project feasibility study, that is, Phase 1 and 2 (years 2008-2010) and Phases 3, 4 and 5 (10 years from the start of operation of Phases 1 and 2);
5. The Province shall fully comply with and/or submit the requirements, documents/studies enumerated in the MOU and Evaluation Report for PRA review/evaluation prior to actual reclamation works; and
6. Reclamation works in succeeding phases shall start upon PRA approval of the detailed engineering plans/methodology and specifications including but not limited to the design of the major drainage to be approved by the DPWH.

RESOLVED FURTHER, That, the foregoing approval shall be subject to full compliance with and adherence to all domestic and international laws, covenants, rules, regulations, and requirements that pertain to the environment.


3. The foregoing Resolution subsists and has not been revoked.

23 October 2009, Makati City


HUNTER E. IBARRA
Board Secretary



CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023



Republic of the Philippines
Provincial Government of Palawan
OFFICE OF THE SANGGUNIAN PANLALAWIGAN
City of Puerto Princesa

**EXCERPT FROM THE MINUTES OF THE 1ST SPECIAL SESSION OF THE 39TH
SANGGUNIAN PANLALAWIGAN HELD AT THE SANGGUNIAN
PANLALAWIGAN SESSION HALL ON AUGUST 16, 2007,
CITY OF PUERTO PRINCESA**

PRESENT:

Hon. Joselito A. Cadlaon,	Chairman Pro-Tempore (Presiding Officer)
Hon. Derrick R. Publico	Deputy Floor Leader (North)
Hon. Modesto V. Rodriguez II,	Deputy Floor Leader (South)
Hon. Gil P. Acosta,	S.P. Member - 1 st District
Hon. Leoncio N. Ola,	S.P. Member
Hon. Edmundo F. Balerite,	S.P. Member
Hon. Vicky T. De Guzman,	S.P. Member - 2 nd District
Hon. Cipriano DC. Barroma,	S.P. Member
Hon. Evelyn V. Rodriguez,	S.P. Member - ABC President
Hon. Rogelio M. Castro,	S.P. Member - Councilor's League President
Hon. Mark Dior S. Madamba,	SK Federation President

ON OFFICIAL BUSINESS/ON LEAVE:

Hon. David A. Ponce de Leon,	Vice Governor - O.B. in Manila
Hon. Ernesto A. Llacuna,	Floor Leader - O.B.
Hon. Alice F. Fabellon,	S.P. Member - O.B. in Manila

xxx

xxx

xxx

RESOLUTION NO. 7104-07

**GRANTING AUTHORITY TO THE GOVERNOR, HONORABLE
JOEL T. REYES TO REPRESENT THE PROVINCE OF PALAWAN TO
NEGOTIATE AND TRANSACT WITH THE OFFICE OF THE PRESIDENT
AND THE PHILIPPINE RECLAMATION AUTHORITY FOR THE
RATIFICATION/CONFIRMATION OF ITS APPLICATION FOR PERMIT
WITH THE SAID AUTHORITY TO RECLAIM SOME AREAS IN CORON,
PALAWAN**

Authored by:

Hon. MODESTO V. RODRIGUEZ II

WHEREAS, the Sangguniang Panlalawigan acknowledges the request of the Honorable Governor, Joel T. Reyes to represent the Province of Palawan to negotiate and transact with the Office of the President and the Philippine Reclamation Authority for the confirmation/ratification of its undertakings and the approval of its application to reclaim some areas in Coron, Palawan;

WHEREAS, the Province of Palawan, as a body politic and corporate, is endowed with powers, functions and responsibilities that are necessary, appropriate, or incidental to efficient and effective provision of basic services and facilities that include infrastructure facilities intended to service the needs of the residents of Palawan, including reclamation projects and tourism development and promotion programs;

CERTIFIED COPY

LUCIANA B. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
Provincial Government of Palawan
OFFICE OF THE SECRETARY TO THE SANGGUNIAN
G/F Legislative Building
City of Puerto Princesa
433-7408
Email Address: palawan_sr.records@yahoo.com
Cellphone No: 09187129781

February 18, 2010

Ms. ANDREA D. DOMINGO
General Manager & Chief Executive Officer,
Philippine Reclamation Authority
7th and 8th Floor Legaspi Towers 200
Pasco De Roxas, Makati City

PHILIPPINE RECLAMATION
AUTHORITY (PRA)

MAR 08 2010

RECEIVED
OFFICE

10-00183

Madam:

We are forwarding herewith a copy of Provincial Resolution No. 8352, series of 2010 of the Sangguniang Panlalawigan of Palawan, for your information.

Kindly acknowledge receipt hereof.

Very truly yours,

BY AUTHORITY OF THE SANGGUNIAN
PANLALAWIGAN:

Norma R. Valencia
NORMA R. VALENCIA
Secretary to the Sanggunian

NRA:che

CERTIFIED COPY:

Luciana D. Samarro
LUCIANA D. SAMARRO
RECORDS OFFICER - A
APR 04 2023



Republic of the Philippines
Provincial Government of Palawan
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Puerto Princesa City

**EXCERPT FROM THE MINUTES OF THE 124th REGULAR SESSION OF THE
SANGGUNIANG PANLALAWIGAN HELD AT THE SANGGUNIANG
PANLALAWIGAN SESSION HALL ON FEBRUARY 9, 2010
CITY OF PUERTO PRINCESA**

PRESENT:

Hon. David A. Ponce de Leon,	Vice Governor (Presiding Officer)
Hon. Joselito A. Cadlaon,	Chairman Pro-Tempore
Hon. Modesto V. Rodriguez II,	Majority Floor Leader
Hon. Derrick R. Pablo,	Deputy Majority Floor Leader (North)
Hon. Vicky T. De Guzman,	Deputy Majority Floor Leader (South)
Hon. Ernesto A. Llacuna,	Asst. Minority Floor Leader (South)
Hon. Edmundo F. Balerite,	S.P. Member - 1 st District
Hon. Cipriano DC. Barrera,	S.P. Member - 2 nd District
Hon. Alice F. Fabellon,	S.P. Member
Hon. Evelyn V. Rodriguez,	S.P. Member - ABC President
Hon. Jim Gerald L. Pa,	S.P. Member - Councilors League President
Hon. Mca Aine E. Abdurajik,	S.P. Member - SK Federation President

ABSENT:

Hon. Gil P. Acosta,	Minority Floor Leader
Hon. Leoncio N. Ola,	Asst. Minority Floor Leader (North)

xxx

xxx

xxx

RESOLUTION/ORDINANCE NO. 8352-10

**APPROVING AND RATIFYING THE MEMORANDUM OF AGREEMENT
(MOA) ENTERED INTO BY AND BETWEEN THE PHILIPPINE
RECLAMATION AUTHORITY (PRA) AND THE PROVINCIAL
GOVERNMENT OF PALAWAN REPRESENTED BY ITS CHIEF
EXECUTIVE GOVERNOR JOEL T. REYES**

Authored by:

THE COMMITTEE ON PUBLIC WORKS, TRANSPORTATION AND COMMUNICATION

WHEREAS, Section 5, Article X of the 1987 Constitution and Section 129 of the Local Government Code of 1991 provide that "each local government unit shall have the power to create its own sources of revenues";

WHEREAS, Section 13 of the Local Government Code has authorized the Local Government Unit to lease real and personal property held by them in their proprietary capacity and engage in any economic enterprise. Moreover, Section 22 of the same code provides that "Local Government Unit shall enjoy full autonomy in the exercise of their proprietary functions and in the management of their economic enterprises, subject to the limitations provided in this Code and other applicable laws";

WHEREAS, Section 22 (a), (5) of the said Code provides that "Every local Government unit, as a corporation, shall have the following powers: xxx (5) to enter into contracts";

WHEREAS, Section 17 (b) (3) (vii) of the Code gives the province the power and authority to reclaim lands as it provides that "local government units shall exercise such powers and discharge such other functions and responsibilities as are necessary, appropriate or incidental to efficient and effective provision of the basic services and facilities which include xxx

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

xxx for a province, infrastructure facilities intended to service the needs of the residents of the province and which are funded out of provincial funds including, but not limited to, provincial roads and bridges; inter-municipal waterworks, drainage and sewerage, flood control, and irrigation systems; reclamation projects; and similar facilities”;

WHEREAS, Presidential Decree No. 3-A, dated January 11, 1973, mandates that all reclamation of foreshore and offshore areas shall be limited to the National Government or any person authorized by it in a proper contract;

WHEREAS, Philippine Reclamation Authority (PRA) is the government agency primarily responsible for integrating and coordinating all reclamation projects which shall be approved by the President of the Philippines upon the recommendation of the PRA pursuant to Presidential Decree No. 1084 as amended by Executive Order No. 525;

WHEREAS, on June 24, 2006, Her Excellency President Gloria Macapagal-Arroyo issued Executive Order No. 543, delegating to the PRA the authority of the President to approve reclamation projects;

WHEREAS, the Province has identified as one of its priority development projects the development of Coron Bay which is a 50-hectare reclamation project in the Municipality of Coron. One of the objectives of the said project is to significantly increase revenues of economic and tourism industries to provide basic infrastructure facilities and services to the increasing number of tourist arrivals in the locality, which is considered as a tourism hub and a popular tourist destination;

WHEREAS, the Provincial Government will undertake the reclamation of a portion of the foreshore and offshore areas of the Municipality of Coron, Palawan, covering the shorelines of Barangay Poblacion 1, 2, 3, 4 and 5 including Barangay Tagumpay, and development of the same into commercial, recreational and institutional uses, otherwise known as the Coron Bay Development Project (CBCP);

WHEREAS, the Sangguniang Panlalawigan issued Resolution No. 5827 dated February 13, 2007 authorizing the Chief Executive to use the initial 100 Million Department of Energy (DOE) funds to finance the reclamation project;

WHEREAS, the Sangguniang Panlalawigan also issued Resolution No. 7104-07 dated August 16, 2007 authorizing the Governor to negotiate and transact with the Office of the President and the Philippine Reclamation Authority (PRA) for the confirmation of its application for permit with the said authority to reclaim some areas in Coron, Palawan and approved the Coron Bay Development Project (CBDP) as site for commercial, recreational and institutional uses;

WHEREAS, Section 456 (b) - (vi) of the Local Government Code authorizes the Governor to represent the province in all its business transactions and sign in its behalf xxx contracts xxx and such other documents upon authority of the Sangguniang Panlalawigan or pursuant to law or ordinance;

WHEREAS, pursuant to such authority, the Governor submitted an application with the Philippine Reclamation Authority and complied with all the documentary requirements;

WHEREAS, on March 12, 2008, the PROVINCE and PRA entered into a Memorandum of Understanding (MOU), and pursuant to the MOU, the PROVINCE submitted the project's Feasibility Study which showed the PROJECT to be generally feasible, subject to compliance with certain conditions;

WHEREAS, the Memorandum of Understanding (MOU) was duly ratified by the Sangguniang Panlalawigan of the province;

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

WHEREAS, the Philippine Reclamation Authority, in its Board Resolution No. 4056 duly approved the Coron Bay Development Project of the Provincial Government upon compliance by the Province with the conditions aforesated;

WHEREAS, pursuant to the aforementioned, the Province of Palawan entered into a Memorandum of Agreement with the Philippine Reclamation Authority on November 5, 2009 for the purpose of implementation, utilization, improvement and development of Coron Bay Development Project;

WHEREAS, Article XII (j) of the Memorandum of Agreement requires the approval/confirmation of the same by the Sangguniang Paulalawigan before it will take effect;

NOW, THEREFORE, on motion of Honorable Cipriano DC. Barroma duly seconded, be it

RESOLVED/ORDAINED, as it is hereby resolved/ordained, to approve and ratify the Memorandum of Agreement (MOA) dated November 5, 2009 entered into by and between the Philippine Reclamation Authority (PRA) and the Provincial Government of Palawan, represented by its Chief Executive, Governor Joel T. Reyes;

RESOLVED FURTHER, to approve and affirm all the undertakings of the Province of Palawan as stated in the said Memorandum of Agreement;

RESOLVED FINALLY, that copies of this resolution/ordinance be furnished the Hon. Joel T. Reyes, Governor, Province of Palawan; the Provincial Legal Officer, both of Speaker Ramon V. Mitra, Jr. Memorial Building, this City and Ms. Andres D. Domingo, General Manager and Chief Executive Officer, Philippine Reclamation Authority, 7th & 8th Floors, Legaspi Towers 200, Paseo de Roxas, Makati City, Metro Manila, for their information and appropriate action.

SO ORDAINED.

XXX

XXX

XXX

I HEREBY CERTIFY to the correctness of the above-quoted resolution/ordinance.

Norma R. Valencia
NORMA R. VALENCIA
Secretary to the Sanggunian

ATTESTED:

[Signature]
DAVID ANTONCE DE LEON
Vice Governor
Presiding Officer

APPROVED:

[Signature]
JOEL T. REYES
Governor

02-17-10
Date Approved

JTR DAP NRV:chie-02-10-2:32PM

CERTIFIED COPY:

[Signature]
LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



150.0
Republic of the Philippines

PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati

Tel. No.: (02) 459-5000 • Facsimile No.: (02) 815-2662

Website: www.pea.gov.ph • Email: info@pea.gov.ph



July 11, 2018

EXHIBIT 4

HON. JOSE CHAVES ALVAREZ

Governor

Province of Palawan

Office of the Governor

Capitol Complex, Puerto Princesa City

Dear Governor Alvarez:

This refers to your letter dated April 16, 2018, received on June 21, 2018, requesting for PRA confirmation that the Coron Bay Reclamation Project is not covered by Executive Order (E.O.) No. 146 and its Implementing Rules and Regulations (IRR) under NEDA-PRA Joint Order No. 01-2015. Please note that a Memorandum of Agreement (MOA) for said project has been executed between PRA and the Provincial Government of Palawan dated November 5, 2009 for the implementation of the fifty (50) hectares Coron Bay Reclamation Project.

In this regard, please be informed that the abovementioned project falls under Section 5 (Transitory Provision) of Executive Order (E.O.) No. 146 and its Implementing Rules and Regulations (IRR) under NEDA-PRA Joint Order No. 01-2015; hence, shall no longer require the NEDA Board approval.

We take note of the Province's intention to implement the remaining unreclaimed portion of the project with an area of about forty (40) hectares utilizing private funds through the processing of an unsolicited proposal.

Relative thereto, please be advised to submit the following required pre-construction documents as stipulated in Article IV – Section B.2.3 of the abovementioned MOA:

1. Land-form plan with technical description of the metes and bounds of the same;
2. Final Master Development and Land Use Plan for the project;
3. Detailed engineering studies, detailed engineering design, plans and specification for reclamation works, reclamation plans and methodology, plans for the sources of fill materials;
4. Drainage plan vis-à-vis the land form approved by DPWH Regional Office to include a cost effective and efficient drainage system as maybe required based on the result of the studies;

*read by
Jesus Salmo 7/12/18*



CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

2

5. Detailed Project Cost Estimates and Quantity take-off per items of work of the rawland reclamation components, e.g., reclamation, containment structures and soil consolidation;
6. Organizational Chart of the construction arm, manning table, equipment schedule of the project;
7. Project timetable (PERT/CPM) for entire project construction period; and
8. Updated Detailed Feasibility Study prepared as per PRA Guidelines in the Preparation of Feasibility Study (Annex A) including the modeling studies on coastal hydraulic, sediment transport, storm surge, and flushing.

The above documents are vital for this Agency to be able to process the issuance of Reclamation Permit and Notice to Proceed (NTP) for the actual reclamation works of the remaining unreclaimed portion of the project.

May we also take this opportunity to remind you regarding the seeming constraints brought about by different appreciations and opinions of the DENR Region Office IV-B and the DENR Head Office on the titling of lands in Palawan Province as it may have negative implications on the above project. This may require from the Province to liaise with concerned government agencies to resolve such issue early on.

For information and proper guidance.

Thank you.

Very truly yours,

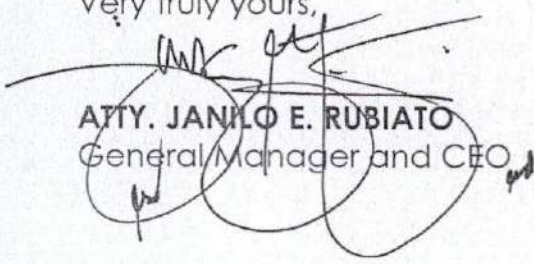

ATTY. JANILO E. RUBIATO
General Manager and CEO

EXHIBIT "4-A"

CERTIFIED COPY:

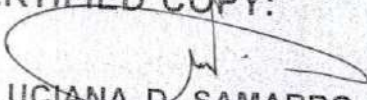

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023



EXHIBIT A-A

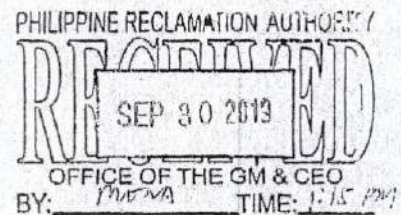


Republic of the Philippines
Provincial Government of Palawan
Puerto Princesa City, Palawan



October 1, 2019

ATTY. JANILO E. RUBIATO
General Manager
Philippine Reclamation Authority



Sir:

This refers to the remaining unreclaimed portion of the Coron Bay Development and Reclamation Project in Coron, Palawan.

After subjecting the unsolicited proposal submitted to the Provincial Government of Palawan to the selection process pursuant to Provincial Ordinance No. 1971 entitled "*Pursuing a Public-Private Partnership for the People (4P) Approach Towards Development, Providing for the Procedure in Selecting the Private Sector proponent, Adopting a Contract Management Framework, and Providing Appropriations and for other Purposes*", the Provincial Government of Palawan awarded the project to the joint venture between BCT Trading and Construction and 428 Hi-Tech Group, Inc. The agreement between the Province and the said entities have already been signed.

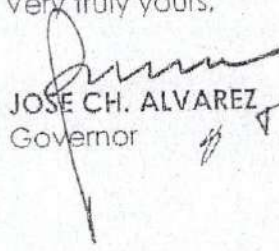
In view hereof, Palawan Province hereby requests the issuance of Notice to Proceed (NTP) to enable the parties to commence the development works.

Herewith are copies of the following, for your reference:

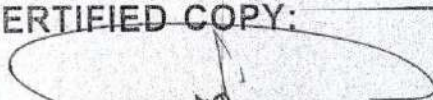
- Annex A – Palawan Provincial Board Resolution No. 1971 series of 2018
- Annex B – Joint Venture Agreement between BCT Trading and Construction and 428 Hi-Tech Group, Inc.
- Annex C – Copy of Public Invitation to Submit Competing Proposals
- Annex D – Notice of Award
- Annex E – Land Form (Land Configuration) Plan
- Annex F – Reclamation and Development Schedule
- Annex G – Financial Updating of the Feasibility Study
- Annex H – Geotechnical Study
- Annex I – Topographic and Hydrographic Survey
- Annex J – Bid Security
- Annex K – Performance Security

Your expeditious action on this request is highly appreciated.

Very truly yours,


JOSE CH. ALVAREZ
Governor

CERTIFIED COPY:

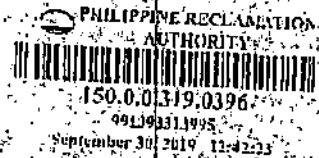

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2021

4

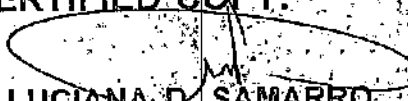


Republic of the Philippines
Provincial Government of Palawan
P4-Selection Committee
Puerto Princesa City, Palawan



- Letter of PGP to PRA requesting for Notice to Proceed
- Palawan Provincial Board Resolution No. 1971 series of 2018
- Joint Venture Agreement between Provincial Government of Palawan and Private Sector Proponent
- Copy of Public Invitation to Submit Competing Proposals
- Financial Updating of the Feasibility Study
- Geotechnical Study
- Bid Security
- Performance Security

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 11 4 2023



Republic of the Philippines (PRA-RO)
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati
 Tel. No.: (02) 459-5000 • Facsimile No.: (02) 815-2662
 Website: www.pea.gov.ph • Email: info@pea.gov.ph



23 October 2019

HON. JOSE CH. ALVAREZ

Palawan Provincial Governor

Capitol Complex, Puerto Princesa City

Let # 1268 4928 1020 / 10-29-19

Subject : **Coron Bay Development Project (CBDP)**

Dear **Governor Alvarez**:

This is to acknowledge receipt of the Honorable Governor's letter dated 01 October 2019 transmitting to this Office copies of the following documents in support of the request for the issuance by PRA of the Notice to Proceed (NTP) for the above-mentioned project:

1. Palawan Provincial Board Resolution No. 1971 s2018;
2. Joint Venture Agreement (JVA) between BCT Trading and Construction and 428 Hi-Tech Group, Inc.;
3. Copy of Public Invitation to Submit Competing Proposals;
4. Notice of Award;
5. Land Form (Land Configuration) Plan;
6. Reclamation and Development Schedule;
7. Financial Updating of the Feasibility Study; and
8. Geotechnical Study.

Relative thereto, please be informed that we shall undertake rapid assessment of the above documents the results of which shall be communicated to you the soonest. Should there be no deficiencies, we shall review and evaluate the above documents and submit recommendations to the PRA Governing for the issuance of Notice to Proceed (NTP) to the Province for the implementation of said project.

Regarding the JVA, it appears that the PRA land share is maintained at 12% of the area as agreed upon by the Province of Palawan and PRA in the Memorandum of Agreement (MOA) dated 05 November 2009. However, the total land sharing arrangement between the government and the private developer shall be comprehensively assessed during the detailed review and evaluation of the documents.

We shall be working closely with the Provincial Government of Palawan for the implementation of the above project.

Thank you.

Very truly yours,

EXHIBIT "6-A"

ATTY. JANILO E. RUBIATO
 General Manager and CEO

CERTIFIED COPY:

LUCIANA D. SAMARRO
 RECORDS OFFICER A

APR 04 2023



10-180-2019.0365

641304247866

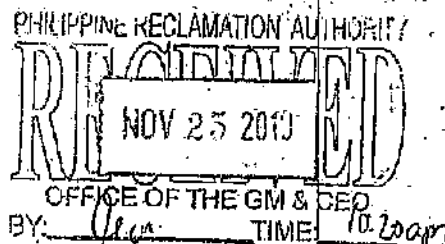
October 28, 2019 13:15:04



Republic of the Philippines
Province of Palawan
Office of the Governor

04 November 2019

Atty. JANILO E. RUBIATO
General Manager and CEO
Philippine Reclamation Authority
8th Floor Legaspi Towers 200 No. 107
Paseo de Roxas Street, Legaspi Village
Makati City



Subject: CORON BAY DEVELOPMENT PROJECT

Dear Atty. Rubiato:

Thank you for your acknowledgment letter dated 23 October 2019, pertaining to our submission to PRA dated 01 October 2019, of various documents regarding the result of the competitive selection conducted by the Province for the above-captioned project.

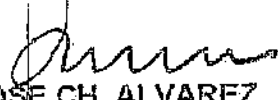
Unlike the completed portion already for titling, the reclamation and development of Phase 2 of this project shall be funded fully by our private sector partner. The actual construction works shall be undertaken by a qualified and eligible contractor that would also be required to submit a final design after a by-invitation bidding.

Given the premise earlier cited, the Province would like to request the issuance of Notice to Proceed (NTP) in favor of the project to enable our joint venture partner to pursue with the simplified bidding process. We are amenable to receive the NTP with necessary conditions for our private sector partner to commence.

We look forward to your favorable response as we are keen to pursue this project with your support.

Thank you very much.

Very truly yours,


JOSE CH. ALVAREZ
Provincial Governor

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati
 Tel. No.: (02) 459-5000 • Facsimile No.: (02) 515-2862
 Website: www.pra.gov.ph • Email: info@pra.gov.ph



SECRETARY'S CERTIFICATE

SO THE PUBLIC MAY KNOW:

I, **BAI SAUDIA SHAHARA B. AMPATUAN**, of legal age, Filipino, with office address at 8th Floor, Legaspi Towers 200 Building, 107 Paseo de Roxas, Legaspi Village, Makati City, after having been duly sworn to in accordance with law, do hereby certify that:

1. I am the Board Secretary V of the Philippine Reclamation Authority (PRA); and

2. At the 574th Regular Meeting of the PRA Board of Directors on 10 December 2019 duly called for the purpose, a quorum being present and acted throughout, with General Manager and CEO Atty. Janilo E. Rubiato voluntarily inhibiting himself from the discussion and voting, the following resolution was adopted unanimously with the concurrence of the Chairman, and is now in full force and effect, to wit:

RESOLUTION NO. 5078
Series of 2019

APPROVAL OF THE ISSUANCE OF NOTICE TO PROCEED IN FAVOR OF THE PROVINCIAL GOVERNMENT OF PALAWAN FOR THE RECLAMATION AND LAND DEVELOPMENT OF THE CORON BAY DEVELOPMENT PROJECT

RESOLVED, That the issuance of the Notice to Proceed (NTP) by Philippine Reclamation Authority (PRA) to the Provincial Government of Palawan for the reclamation and land development of the Coron Bay Development Project (CBDP) located within the municipal waters of the Municipality of Coron, Palawan is hereby *APPROVED*, subject to compliance with the following terms and conditions:

A. Requirements Prior to Actual Reclamation Works:

- i. That the basis of project implementation shall be the final design for the above reclamation project by the Provincial Government of Palawan;
- ii. That the Provincial Government of Palawan shall submit to PRA the final design not later than one hundred eighty (180) calendar days from the date of issuance of NTP. Failure to comply with such period as required shall be a valid cause for PRA to move for nullification of the NTP and termination of the Memorandum of Agreement (MOA) by PRA as stipulated under Section VIII of the MOA;

Page 1 of 3

CERTIFIED COPY

DATE: 04 APR 2023


 ATTY. MARK ARTHUR M. CATABONA
 Board Secretary V

18

iii. That the PRA shall approve the final design and compliance with the conditions and/or requirements by the concerned government agencies including the DENR as enumerated in the pertinent ECC;

iv. That the Provincial Government of Palawan shall submit the Final assessment of the following namely:

- the location of the respective land shares of the parties;
- administrative and operational details;
- project implementation management;
- compliance with regulatory requirements by other government agencies vis-à-vis the final design.

B. The land sharing shall be as follows:

PRA Standard Sharing Computation			PRA (all saleable)	Net Saleable for LGUs	Palawan and Coron Share	
					Province	Coron
Gross Project Area, Has.	40.00	(Has)	12%		60%	40%
ROS (Gov), hectares	30%	12.00				
Government, hectares	21%	8.40	4.80	3.60	2.16	1.44
Private, hectares	49%	19.60				
Totals	100%	40.00	4.80	3.60	2.16	1.44

C. Requirements for the Effectivity of the NTP:

i. That the Provincial Government of Palawan shall pay PRA the 20% initial amount concerning the following fees in the total amount of Php 17,145,600.00 as basis for the effectivity of the NTP within a period not later than fifteen (15) working days:

a) Regulatory fee in the amount of P12,633,600.00 (VAT inclusive); and

b) Social Environment Fund (SEF) equivalent to 20% of the P22,560,000.00 or P4,512,000.00. The remaining 80% shall be paid upon billing after approval of the final design.



CERTIFIED COPY

DATE: 04 APR 2023

ATTY. MARK ARTHUR M. CATABONA
Board Secretary V

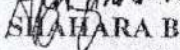
PROVIDED FURTHER. That failure of the Provincial Government of Palawan to pay the above-mentioned fees within the prescribed period shall be a valid cause for PRA to declare the NTP null and void;

RESOLVED FINALLY, That the PRA General Manager and CEO is hereby **AUTHORIZED** to issue the NTP to the Provincial Government of Palawan subject to full compliance with the terms and conditions set forth therein.

3. The foregoing resolution has not been repealed, amended nor modified, and remains to be valid and subsisting as of date hereof.

Signed on 10 December 2019 at Makati City, Metro Manila.

EXHIBIT "8-A"


BAI SAUDIA SHAHARA B. AMPATUAN
Board Secretary V

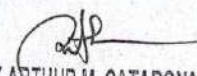


Page 3 of 3



CERTIFIED COPY

DATE: 04 APR 2023


ATTY. MARK ARTHUR M. CATABONA
Board Secretary V

A-8



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo De Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph

11 December 2019

HON. JOSE CH. ALVAREZ
Palawan Provincial Governor
Capitol Complex, Puerto Princesa City

Subject : **NOTICE TO PROCEED**

Dear **Governor Alvarez**:

This refers to the Coron Bay Development Project (CBDP) of the Provincial Government of Palawan.

Please be informed that in its 10 December 2019 Meeting, the PRA Governing Board has approved the issuance of the Notice to Proceed (NTP) through PRA Board Resolution No. 5078, series of 2019 (**Annex A**).

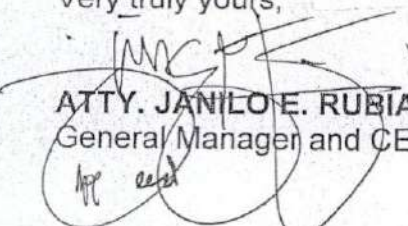
Pursuant thereto, the Province is hereby authorized to proceed with the implementation of the Project subject to compliance with the herein Additional Requirements (**Annex B**) set forth as conditions and requirements enumerated in the abovementioned resolution. Also herein as **Annex C** is the Payment Advise pursuant to the required fees, for consideration.

Failure to comply with any of such requirements and conditions within the prescribed period as specified in the above resolution shall cause PRA to move for the nullification of this NTP.

Thank you.

EXHIBIT 9-A

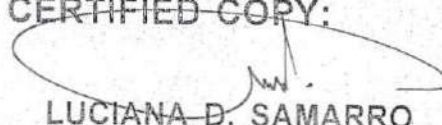
Very truly yours,

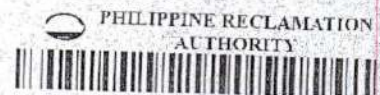

ATTY. JANILO E. RUBIATO
General Manager and CEO

Received by:

NAME: Karla Mercado
Designation: _____
Company: _____
Date: Dec 23, 2019

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A



12-077-2019.0152

193160669050

December 13, 2019 14:09:23

APR 04 2023



Republic of the Philippines
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 459-5000 • Facsimile No.: (02) 815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph



SECRETARY'S CERTIFICATE

SO THE PUBLIC MAY KNOW:

I, **BAI SAUDIA SHAHARA B. AMPATUAN**, of legal age, Filipino, with office address at 8th Floor, Legaspi Towers 200 Building, 107 Paseo de Roxas, Legaspi Village, Makati City, after having been duly sworn to in accordance with law, do hereby certify that:

1. I am the Board Secretary V of the Philippine Reclamation Authority (PRA); and
2. At the 574th Regular Meeting of the PRA Board of Directors on 10 December 2019 duly called for the purpose, a quorum being present and acted throughout, with General Manager and CEO Atty. Janilo E. Rubiato voluntarily inhibiting himself from the discussion and voting, the following resolution was adopted unanimously with the concurrence of the Chairman, and is now in full force and effect, to wit:

RESOLUTION NO. 5078

Series of 2019

APPROVAL OF THE ISSUANCE OF NOTICE TO PROCEED IN FAVOR OF THE PROVINCIAL GOVERNMENT OF PALAWAN FOR THE RECLAMATION AND LAND DEVELOPMENT OF THE CORON BAY DEVELOPMENT PROJECT

RESOLVED, That the issuance of the Notice to Proceed (NTP) by Philippine Reclamation Authority (PRA) to the Provincial Government of Palawan for the reclamation and land development of the Coron Bay Development Project (CBDP) located within the municipal waters of the Municipality of Coron, Palawan is hereby **APPROVED**, subject to compliance with the following terms and conditions:

A. Requirements Prior to Actual Reclamation Works:

- i. That the basis of project implementation shall be the final design for the above reclamation project by the Provincial Government of Palawan;
- ii. That the Provincial Government of Palawan shall submit to PRA the final design not later than one hundred eighty (180) calendar days from the date of issuance of NTP. Failure to comply with such period as required shall be a valid cause for PRA to move for nullification of the NTP and termination of the Memorandum of Agreement (MOA) by PRA as stipulated under Section VIII of the MOA;



CERTIFIED TRUE COPY

Bai Saudia Shahara B. Ampatuan
ATTY. BAI SAUDIA SHAHARA AMPATUAN
Corporate Secretary

CERTIFIED COPY:

Luciana D. Samarro
LUCIANA D. SAMARRO
RECORDS OFFICER I
APR 04 2023

iii. That the PRA shall approve the final design and compliance with the conditions and/or requirements by the concerned government agencies including the DENR as enumerated in the pertinent ECC;

iv. That the Provincial Government of Palawan shall submit the Final assessment of the following, namely:

- the location of the respective land shares of the parties;
- administrative and operational details;
- project implementation management;
- compliance with regulatory requirements by other government agencies vis-à-vis the final design.

B. The land sharing shall be as follows:

PRA Standard Sharing Computation			PRA (all saleable)	Net Saleable for LGUs	Palawan and Coron Share	
					Province	Coron
Gross Project Area, Has.	40.00	(Has)	12%		60%	40%
RDS (Gov), hectares	30%	12.00				
Government, hectares	21%	8.40	4.80	3.60	2.16	1.44
Private, hectares	49%	19.60				
Totals	100%	40.00	4.80	3.60	2.16	1.44

C. Requirements for the Effectivity of the NTP:

i. That the Provincial Government of Palawan shall pay PRA the 20% initial amount concerning the following fees in the total amount of Php 17,145,600.00 as basis for the effectivity of the NTP within a period not later than fifteen (15) working days:

a) Regulatory fee in the amount of P12,633,600.00 (VAT inclusive); and

b) Social Environment Fund (SEF) equivalent to 20% of the P22,560,000.00 or P4,512,000.00. The remaining 80% shall be paid upon billing after approval of the final design.



CERTIFIED TRUE COPY

ATTY. BAL SANDRA SHANARA AMPATUAN
Procurator Secretary



Page 2 of 3

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 11 4 2023

PROVIDED FURTHER. That failure of the Provincial Government of Palawan to pay the above-mentioned fees within the prescribed period shall be a valid cause for PRA to declare the NTP null and void;

RESOLVED FINALLY. That the PRA General Manager and CEO is hereby **AUTHORIZED** to issue the NTP to the Provincial Government of Palawan subject to full compliance with the terms and conditions set forth therein.

3. The foregoing resolution has not been repealed, amended nor modified, and remains to be valid and subsisting as of date hereof.

Signed on 10 December 2019 at Makati City, Metro Manila.


BAI SAUDIA SHAHARA B. AMPATUAN
Board Secretary V

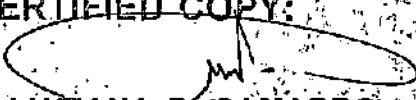


CERTIFIED TRUE COPY


ATTY. BAI SAUDIA SHAHARA AMPATUAN
Corporate Secretary



CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER - A

APR 04 2020



Annex B

LIST OF ADDITIONAL REQUIREMENTS

In accordance with PRA Board Resolution No. 5078, series of 2019 issued on 10 December 2019, the Province of Palawan is required to comply with the terms and conditions in the approval of the Notice to Proceed (NTP) for the Coron Bay Development Project, to wit:

A. Requirements Prior to Actual Reclamation Works

1. That the basis of project implementation shall be the final design for the above reclamation project by Palawan Province as required herein no. 2 below;
2. Submission of the final design to PRA by Palawan Province shall not be later than one hundred eighty (180) calendar days from the date of issuance of NTP. Failure to comply within such period as required shall be a valid cause for PRA to move for nullification of the NTP and termination of the MOA by PRA as stipulated under Section Article VIII of the MOA;
3. Approval by PRA Board of the final design and compliance with conditions and/or requirements of concerned government agencies including the DENR as enumerated in the ECC issued for the project.
4. Final assessment of certain matters of concern as follows:
 - a) the location of the respective land shares of the parties;
 - b) administrative and operational details;
 - c) project implementation management;
 - d) compliance with regulatory requirements by other government agencies vis-à-vis the final design.

B. The land sharing for this project shall be as per the matrix, as follows:

PRA Standard Sharing Computation			PRA (all saleable)	Net Saleable for LGUs	Palawan and Coron Share	
					Province	Coron
Gross Project Area, Has.	40.00	(Has)	12%		60%	40%
ROS (Gov), hectares	30%	12.00				
Government, hectares	21%	8.40	4.80	3.60	2.16	1.44
Private, hectares	49%	19.60				
Totals	100%	40.00	4.80	3.60	2.16	1.44

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023

C. Requirements for the Effectivity of the NTP

Payment by the Palawan Province to PRA of the 20% initial amount concerning the following fees as basis for the effectivity of the NTP within a period not later than fifteen (15) working days from the date of receipt of the NTP:

- a) Regulatory fee in the amount of **Php12,633,600.00** (VAT inclusive); and,
- b) SEF equivalent to 20% of the P22,560,000 or **Php4,512,000.00**.
Payment of the 80% balance shall be upon PRA advise after approval of the VEA or the final design.

CERTIFIED COPY

LUCIANA D. SAMARRO
RECORDS OFFICER - A

APR 04 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo De Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2862
Website: www.pea.gov.ph • Email: info@pea.gov.ph

ORDER OF PAYMENT

PAYEE : PROVINCIAL GOVERNMENT OF PALAWAN
PROJECT : Coron Bay Development Project
ADDRESS : Puerto Princesa City, Palawan
DATE : 11 December 2019

For the following charges:

Particulars: 20% INITIAL PAYMENT OF SOCIAL ENVIRONMENT FUND (SEF)

Details:

Est. Reclamation Cost	2,256,000,000.00
SEF (1% of Est. Reclamation Cost)	22,560,000.00
20% Required Initial Payment	4,512,000.00

TOTAL AMOUNT PAYABLE	₱ 4,512,000.00
-----------------------------	-----------------------

Note: PRA shall issue Acknowledgment Receipt in lieu of the Official Receipt.

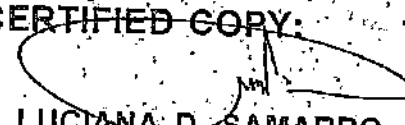
Prepared by:


ATTY. JOSEPH JOHN M. LITERAL
Assistant General Manager
Reclamation & Regulation Office

Approved by:


ATTY. JANILO E. RUBIATO
General Manager and CEO

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Pasen De Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662
Website: www.pea.gov.ph • Email: info@pea.gov.ph

ORDER OF PAYMENT

PAYEE : PROVINCIAL GOVERNMENT OF PALAWAN
PROJECT : Coron Bay Development Project
ADDRESS : Puerto Princesa City, Palawan
DATE : 11 December 2019

For the following charges:

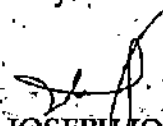
Particulars: 20% INITIAL PAYMENT OF REGULATORY FEE

Details:

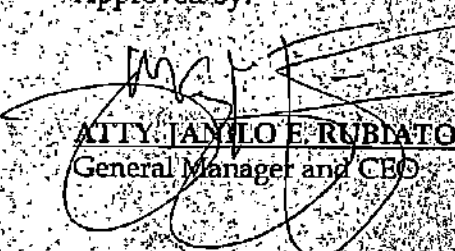
Est. Reclamation Cost	2,256,000,000.00
Regulatory Fee (2.5% of Est. Reclamation Cost)	56,400,000.00
20% Required Initial Payment	11,280,000.00
Plus: 12% VAT	1,353,600.00
<u>Total Cost</u>	<u>P 12,633,600.00</u>
Less: EWHT (2%)	225,600.00
<u>TOTAL AMOUNT PAYABLE</u>	<u>P12,408,000.00</u>

Please provide PRA Certificate of Creditable Tax Withheld at Source - BIR Form No. 2307

Prepared by:


ATTY. JOSEPH JOHN M. LITERAL
Assistant General Manager
Reclamation & Regulation Office

Approved by:


ATTY. DANILLO E. RUBIATO
General Manager and CEO

CERTIFIED COPY


LUCIANA D. SAMARRO
RECORDS OFFICER - A

APR 04 2023



Republic of the Philippines
Provincial Government of Palawan
OFFICE OF THE GOVERNOR
Puerto Princesa City, Palawan

May 15, 2020

ATTY. JANILO E. RUBIATO

General Manager and CEO
Philippine Reclamation Authority
8th Floor Legaspi Towers 200, Paseo de Roxas St.
Legaspi Village, Makati City

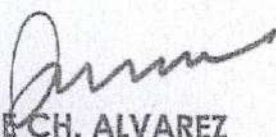
Dear Atty. Rubiato:

This refers to your letter dated December 11, 2019 to the undersigned pertaining to the Notice to Proceed with the implementation of the Coron Bay Development Project by the Provincial Government of Palawan subject to the compliance with the submission of additional requirements within a period of One Hundred Eighty (180) days. However, given the present circumstances brought about by the Covid-19 Pandemic, and the resulting declaration of the State of Emergency by His Excellency President Rodrigo R. Duterte, we have encountered numerous delays in the process of completion of the additional requirements due to supervening events and other concerns that needed our immediate attention.

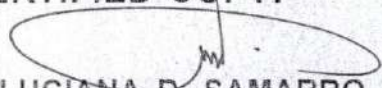
We respectfully request your good office for an extension of One Hundred Twenty (120) days within which to comply with your directive to submit the additional requirements, to be reckoned from the date of listing of the community quarantine.

We sincerely hope that this request will merit a favorable response.

Very truly yours,


JOSE CH. ALVAREZ
Governor

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Pasco De Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 459-5000 • Facsimile No.: (02) 815-2682
Website: www.pra.gov.ph • Email: info@pra.gov.ph

ANNEX
EXHIBIT II

27 July 2020

HON. JOSE CHAVES ALVAREZ
Palawan Provincial Governor
Fernandez Street, Puerto Princesa City
Palawan

Subject : **CORON BAY RECLAMATION PROJECT**

Dear Governor Alvarez:

In response to the request of the Honorable Provincial Governor per letter to this Agency dated 15 May 2020, please be informed that under Resolution No. 5130 s2020 (Annex A) the PRA Governing Board has approved the 120-day additional period requested by Palawan Province within which to prepare and submit and/or comply with the conditions set forth by PRA in the Notice to Proceed (NTP) for the above project.

The above period of extension shall commence upon receipt of this letter by the Palawan Province.

For the guidance of the Provincial Governor.

Thank you.

Very truly yours,

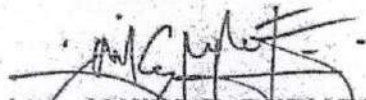
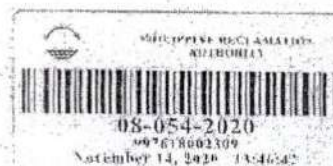
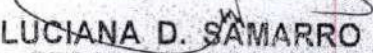

Atty. JANILO E. RUBIATO
General Manager and CEO

EXHIBIT II A



CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 03 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th Floor, Legaspi Towers 200 Bldg., 107, Pasco De Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662
Website: www.pra.gov.ph • Email: pra@pra.gov.ph

SECRETARY'S CERTIFICATE

SO THE PUBLIC MAY KNOW:

I, **BAI SAUDIA SHAHARA B. AMPATUAN**, of legal age, Filipino, with office address at 8th Floor, Legaspi Towers 200 Building, 107, Pasco de Roxas, Legaspi Village, Makati City, after having been duly sworn to in accordance with law, do hereby certify that:

1. I am the Board Secretary V of the Philippine Reclamation Authority (PRA); and
2. At the Special Meeting of the PRA Board of Directors on 03 July 2020 via teleconference in accordance with Section 2.2.1 (a) of GCG Memorandum Circular No. 2014-06 duly called for the purpose, a quorum being present and acted throughout, the following resolution was unanimously adopted with the concurrence of the Chairman, and is now in full force and effect, to wit:

RESOLUTION NO. 5130
Series of 2020

APPROVAL OF THE REQUEST OF THE OFFICE OF GOVERNOR OF THE PROVINCIAL GOVERNMENT OF PALAWAN FOR AN EXTENSION OF ONE HUNDRED TWENTY DAYS TO COMPLY WITH THE SUBMISSION OF ADDITIONAL REQUIREMENTS CONTAINED IN PHILIPPINE RECLAMATION AUTHORITY LETTER DATED 11 DECEMBER 2019

RESOLVED, That the request of the Office of Governor of the Provincial Government of Palawan, through Letter dated 15 May 2020, for an extension of one hundred twenty (120) days from receipt of notice hereof to comply with the submission of additional requirements set forth in Philippine Reclamation Authority (PRA) Letter dated 11 December 2019 is hereby APPROVED.

The foregoing resolution has not been repealed, amended nor modified, and remains to be valid and subsisting as of date hereof.

Signed on 01 September 2020 at Makati City, Metro Manila:

Bai Saudia Shahara B. Ampatuan
BAI SAUDIA SHAHARA B. AMPATUAN
Board Secretary V

Page 1 of 1

CERTIFIED COPY:

Luciana D. Samarro
LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 03 2023

Request for extension

PEA info <info@pea.gov.ph>

Wed 15 Aug 2020 10:40 AM

To: palawan.governor@gmail.com <palawan.governor@gmail.com>

Cc: PEA records <records@pea.gov.ph>

2 attachments (837 KB)

BR5130- Extension for Province of Palawan (2).pdf; CORON-BR5130.pdf

Greetings,

Please refer to the attached document. For your acknowledgement, please

Thank you.

Philippine Reclamation Authority

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 03 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo De Roxas St., Legaspi Village, 1226 City of Makati
Tel. No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662
Website: www.pra.gov.ph • Email: info@pra.gov.ph

23 February 2021

HON. JOSE CH. ALVAREZ

Governor

Province of Palawan

Capitol Complex, Puerto Princesa City

Let # 1270 0867 3441 / 02.26.2021

Dear Gov. Alvarez:

This is to acknowledge receipt of the following technical documents/studies submitted by Ms. Myraflor Gonzalez, for and in behalf of your Joint Venture (JV) Partners, 428 Hi-Tech Group, Inc. and BCT Construction and Trading, on 18 December 2020 for the Coron Bay Development Project (CBDP), to wit:

7. Landform Plan with technical descriptions;
8. Design plans and details of the reclamation and the containment structure/s;
9. Updated Project Feasibility Study;
10. Geotechnical Reports;
11. Final Survey Report; and
12. Engineering Geological and Geohazard Assessment Report (EGGAR).

May we respectfully inform the Honorable Governor that the said documents shall be considered in the review and assessment for the issuance of the final Notice to Proceed (NTP).

Please inform your JV Partners to also submit to this Office the following documents:

9. Final Master Development Plan and Land Use Plan for the project;
10. Reclamation methodology;
11. Plan for the source/s of fill materials;
12. Drainage plan vis-à-vis the landform approved by the DPWH;
13. Detailed project cost estimates and quantity take-off per item of work for the reclamation, containment structure and soil consolidation;
14. Organizational chart of the construction arm, manning table and equipment schedule;
15. Project timetable (PERT/CPM) for the project construction period; and
16. Area Clearance from the Department of Environment and Natural Resources (DENR).

Thank you.

Very truly yours,

ATTY. JANILO E. RUBIATO
General Manager and CEO

Cf: Myraflor Gonzales
Finance Manager, 428 Hi-Tech Group, Inc.
San Pedro National Highway
Puerto Princesa City, Palawan
8463-0260

Let # 1270 0867 3451 / 02.26.2021

EXHIBIT 12-A



CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 03 2023

Customer's Job



THIS SERVES AS AN OFFICIAL RECEIPT
 HIM 21508821511015628
 Serial No. 3003275500
 Official Barcode No. 312021508821511015628

1270 0857 3451

SHIFTER

CONSUMER, 10/1/12

PHILIPPINE REGISTRATION AUTHORITY

GONZALES MYRAFLOR

Address: 7F LEGASPI TOWER, 200, PASEO DE ROA
5, LEGASPI VILL., MAKATI CITY, METRO MANILA
Contact: Mr. J. 8230-0210, 8232-1010

Address: SAN PEDRO NATIONAL HIGHWAY

Contact No. (s) : 9263614219 / 9263614219
Card Number : TIM-

PUERTO PRINCESA, PALAUA

Enatt 3

Contact No. (s): 900330000

1. $\frac{1}{2}$ 2. $\frac{1}{2}$

Courier N-Pouch Regular

Order No.	00000000000000000000
Trans. Date	02/26/2021 03:20:02 PM
Delivery Date	03/01/2021 02:03:2021
Recd. Date	03/01/2021 02:03:2021
Trans. Type	03/01/2021 02:03:2021
Est. Off	03/01/2021 02:03:2021
Actual Net (Exp.)	03/01/2021 02:03:2021

Vehicle (of Freight)	1	104.46
VAT-Exempt	1	0.00
VAT-Zero-Rated	1	0.00
IRAF Pickup Fee	1	0.00
Discount	1	0.00
Total Sales		104.46
TAX VAT	2	12.84
Amount Due		117.00
Mode	1	CASH

Thank you, Sir!

http://www.1628express.com

Talk to our Care Representative

www.168express.com

Tel: (632) 8858-6999

1-800-15-9585-999

10-10-68

Let us meet at your earliest convenience

FIGURE 1. Comparison of the

Autrey Express, Inc.

Sold in container : CONTRACTING OR DOCUMENTS and

Due to pandemic, delivery date may change without prior notice.
 LBC Express online your product, for more info about our shipping policy,
 visit www.lbcexpress.com/shipping-policy
 SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF LOSS ARE
 LIMITED UP TO ACTUAL DECLARED VALUE ONLY.
 I hereby agree to be bound with the terms and conditions written at the
 back set forth by the express.

PAUL DONTHOUS GERELENH
Signature of Associate

PHILIPPINE RECLAMATION AUTHORITY
Signature of Signatory

[illegible]

02-153-2021

CERTIFIED COPY

LUCIANO D. SAMARRO
RECORDS OFFICER A
APR 03 2023

LBC EXPRESS, INC.
S/A DELA ROSA 2, CARPAK, Bldg., LEGASPI
VALHART, MAKATI CITY
Tel. No. : (632) 885-5999
VAT TIN : 009-702-140-8813

Customer Copy



1270 0867 3441

THIS SERVES AS AN OFFICIAL RECEIPT
Official Receipt No. : 31221008673441

SHIPPER:

PHILIPPINE RECLAMATION AUTHORITY
Address: 7F LEGASPI TOWER 200, PASSENGER ROXA
S. LEGASPI VILL., MAKATI CITY, METRO MANILA
Contact No. (a): 8253014219 / 9253014219
Card Number: TIN:
Email:

CONSIGNEE:

Address: PROVINCE OF PALAWAN-CAPITOL COMPLEX
PUERTO PRINCESA, PALAWAN
Contact No. (c): 8882000000

Courier N-Pouch Regular

Origin	MANILA-SOUTH CARPAK DELA ROSA VALHART (P. 101.46
Trans. Date	02/25/2021 03/25/2021 PH. 0.00
Delivery Date	03/01/2021 03/01/2021 0.00
Area Code	South Luzon 0.00
Trans. Type	Delivery 0.00
City-Off.	0300 PH 0.00
Amount Due	117.00
Mode	CASH

Said to Contain: CONTAINING OF DOCUMENTS ONLY

Due to pandemic, delivery date may change without prior notice.
LBC Express will not be responsible for loss or damage to cargo.
SHIPPER AGREES THAT THE SHIPMENT HAS NO CASH INSIDE CLAIMS OR CARGO HAS
LIMITED TO THE ACTUAL DECLARED VALUE ONLY.
I hereby agree to be bound with the terms and conditions written of this
back and forth by LBC Express.

PAUL MARTINEZ, GENERAL MANA
Signature of Associate

PHILIPPINE RECLAMATION AUTHORITY
Signature of Shipper

OR Series No. : 31221008673441 to 31221008673441
LBC Accreditation No. : 12200070210201868318 Date Issued: 06/26/2015 valid until 07/31/2025
THIS INVOICE/RECEIPT SHALL BE VALID FOR FIVE(5) YEARS FROM THE DATE OF THE PERMIT TO USE.

Track your package at:
www.lbcexpress.com
Talk to our Care Representative
www.lbcexpress.com
Tel. (632) 8858-5999
1-800-10-8585-899
Let us know of your experience
survey.lbcexpress.com

62-153-2021

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 03 2021



Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
MIMAROPA Region

1/F, DENR Building, 14-6 Roxas Boulevard, Coron, Marikina
Telephone No. (052) 506-0213 • FAX (052) 113-1100
E-mail: region4b@mgd.gov.ph

EXHIBIT "13"

02 December 2021

MEMORANDUM

FOR : The Regional Executive Director
Department of Environment and Natural Resources
MIMAROPA Region

FROM : The Regional Director
This Office

SUBJECT : Investigation Report on the Complaint Filed to DENR Action Center with Reference No. DENR-PACC 2021-11-19-0001 regarding the Request to Stop the Continued Quarrying Activities in Coron

We are respectfully forwarding the 24 November 2021 Memorandum from the CENRO - Coron providing this Office a copy of the report dated 23 November 2021.

The above-mentioned report confirms that the Coron Bay Development Project, a fifty (50) hectares reclamation project of the Provincial Government of Palawan, has violated the Cease and Desist Order (CDO) issued by the DENR-CENRO Cotabato.

Furthermore, please be informed that this Office issued a CDO dated 01 December 2021 (copy attached) to Ms. Bella C. Bistangco for conducting quarrying operation outside her permit area.

For the Regional Executive Director's information and further action, please


GLENN MARCELO C. NOBLE

cc: The DENR Action Center Division

1. Mr. [Name] (052) 506-0213

The Regional Executive Director

Department of Environment and Natural Resources
MIMAROPA Region

Mr. [Name] (052) 506-0213

Mr. [Name] (052) 506-0213

The Public and Government Safety (PAGES) Unit

1. Mr. [Name] (052) 506-0213

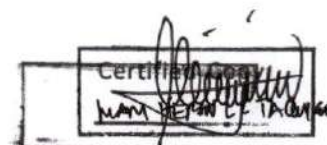
The Regional Executive Director

Department of Environment and Natural Resources
MIMAROPA Region

Mr. [Name] (052) 506-0213

Mr. [Name] (052) 506-0213

The Regional Director
Office of the Regional Director
MIMAROPA Region


Certified by
[Name]
4-4-27

"MINING SHALL BE PRO-PEOPLE AND PRO-ENVIRONMENT
IN SUSTAINING WEALTH CREATION AND IMPROVED QUALITY OF LIFE"



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati

Tel.No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662

Website: www.pea.gov.ph • Email: info@pea.gov.ph

24 March 2022

HON. JOSE CH. ALVAREZ

Governor

Province of Palawan

Capitol Complex, Puerto Princesa City

1271 DOGO 4915/13. 25. 2022



Dear Gov. Alvarez:

This refers to the complaint filed by the *Sagip-Coron, Palawan* group to the Office of the President (OP) and this Office relative to the reclamation of the Coron Bay Reclamation and Development Project (CBRDP) of the Provincial Government of Palawan.

The complaint alleges that the Provincial Government and its private joint venture partners have undertaken reclamation activity sans compliance with the conditions set forth by the PRA.

Relative thereto, you are hereby ordered to immediately CEASE AND DESIST from further undertaking reclamation activities until all governmental requirements and conditions have been fully complied with including but not limited to the conditions of the Notice to Proceed (NTP) issued by PRA, foremost of which is the requirement of an Area Clearance from the Department of Environment and Natural Resources (DENR).

The Philippine National Police (PNP) and National Bureau of Investigation (NBI) are hereby enjoined to assist the PRA in the enforcement of this Cease and Desist Order (CDO) and other regulatory orders.

For strict compliance.

Very truly yours,

ATTY. JANILO E. RUBIATO
General Manager and CEO

EXHIBIT 14-A

Office of the Chief
Philippine National Police

MAR 28 2022
RECEIVED
By: NUP ML VICTORIA 2:40 PM

Cf: (1) **HON. SALVADOR C. MEDIALDEA**
Executive Secretary
Office of the President
Malacañang, Manila

(2) **Sec. JIM O. SAMPULNA, CESO I**
Acting Secretary, Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
osec@denr.gov.ph

DEPT. OF ENVIRONMENT AND NATURAL RESOURCES
RECORDS MANAGEMENT DIVISION

RECEIVED
MAR 28 2022
TIME 12:30 SIG: JHO

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023



PHILIPPINE RECLAMATION
AUTHORITY



03-160-2022
961936246486
March 25, 2022 10:22:00

Page 1 of 2

الع

A-41

- (3) PGen DIONARDO B. CARLOS
Chief, Philippine National Police
Camp Rafael Crame, EDSA, Quezon City
- (4) DIR. ERIC. B. DISTOR
Director, National Bureau of Investigation
United Nations Avenue, Manila City
director@nbi.gov.ph
- (5) PGen SIDNEY S. HERNIA
Regional Director, Philippine National Police
Police Regional Office MIMAROPA
Camp BGen Efigenio C Navarro
Barangay Suqui, Calapan City, Oriental Mindoro
pro4b@pnp.gov.ph
Tel # 1271 0060 4935 / 03. 75. 2022
- (6) MR. ROMMEL VALLEJO
Acting Director, National Bureau of Investigation
MIMAROPA Regional Office
Barangay Sta. Isabel
Calapan City, Oriental Mindoro
mimaropa@nbi.gov.ph
Tel # 1271 0060 4925 / 03. 75. 2022
- (7) HON. MARIO T. REYES, JR.
Coron Municipal Mayor
Real Street, Coron, Palawan
tanggapanngpunongbayancoron@gmail.com
Tel # 1271 0060 4945 / 03. 75. 2022
- (8) MR. TEODORO JOSE S. MATTA
Executive Director III
Palawan Council for Sustainable Development
PCSD Building, Sports Complex Road
Sta. Monica, Puerto Princesa City, Palawan
Tel # 1271 0060 4955 / 03. 75. 2022



Office of the President
REPUBLIC OF THE PHILIPPINES

Sender's Copy



032822-MRO-101451



CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

Page 2 of 2

FW: Complaint filed relative to the Coron Bay Reclamation and Development Project of the Provincial Government of Palawan

PEA Info <info@pea.gov.ph>

Mon 28 Mar 2022 11:43 AM

To: Records Section <records@pea.gov.ph>



PHILIPPINE RECLAMATION AUTHORITY

Email: info@pea.gov.ph
Website: www.pea.gov.ph
Telephone: (02) 8459-5000
Address: 7th Floor Legaspi Towers 200 Bldg.,
107 Paseo De Roxas St. Legaspi Village, 1226
Makati City

This email message is confidential and may also be privileged. If you are not the intended recipient, please notify the sender immediately and delete this email from your system. You should not copy or use it, or any portion of it, for any purpose, nor disclose its contents to any other person.

From: Office of the Director <director@nbi.gov.ph>

Sent: Monday, 28 March 2022 11:40 AM

To: PEA Info <info@pea.gov.ph>

Subject: Re: Complaint filed relative to the Coron Bay Reclamation and Development Project of the Provincial Government of Palawan

Good day! Confirming receipt of your email. We will forward this matter to the proper Service for appropriate action. Thank you.

From: PEA Info <info@pea.gov.ph>

To: "palawan.governor@gmail.com" <palawan.governor@gmail.com>

Cc: Malacanang Records Office <mro@malacanang.gov.ph>, Office of the Secretary <osec@denr.gov.ph>, "director@nbi.gov.ph" <director@nbi.gov.ph>, "pro4b@pnp.gov.ph" <pro4b@pnp.gov.ph>, "mimaropa@nbi.gov.ph" <mimaropa@nbi.gov.ph>, "tanggapanngpunongbayancoron@gmail.com" <tanggapanngpunongbayancoron@gmail.com>, "oed@pcsd.gov.ph" <oed@pcsd.gov.ph>

Date: Sun, 27 Mar 2022 23:39:11 +0000

Subject: Complaint filed relative to the Coron Bay Reclamation and Development Project of the Provincial Government of Palawan

Dear Sir/Ma'am,

For your acknowledgment, please. Thank you.



PHILIPPINE RECLAMATION AUTHORITY

Email: info@pea.gov.ph
Website: www.pea.gov.ph
Telephone: (02) 8459-5000
Address: 7th Floor Legaspi Towers 200 Bldg.,
107 Paseo De Roxas St. Legaspi Village, 1226
Makati City

This email message is confidential and may also be privileged. If you are not the intended recipient, please notify the sender immediately and delete this email from your system. You should not copy or use it, or any portion of it, for any purpose, nor disclose its contents to any other person.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati

Tel No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662

Website: www.pea.gov.ph • Email: info@pea.gov.ph

EXHIBIT 15

SECRETARY'S CERTIFICATE

SO THE PUBLIC MAY KNOW:

I, **MARK ARTHUR M. CATABONA**, of legal age, Filipino, with office address at 8th Floor, Legaspi Towers 200 Building, 107 Paseo de Roxas, Legaspi Village, Makati City, after having been duly sworn to in accordance with law, do hereby certify that:

1. I am the Acting Board Secretary of the Philippine Reclamation Authority (PRA);
2. At the 602nd Regular Meeting of the PRA Board of Directors on 16 June 2022 duly called for the purpose, a quorum being present and acted throughout, the following resolution was adopted by the majority of the members of the Board with the concurrence of the Chair, and is now in full force and effect, to wit:

RESOLUTION NO. 5541

Series of 2022

APPROVAL OF THE TOTAL FORFEITURE OF THE INCOMPLETE CORON PHASE 2 RECLAMATION PROJECT IN FAVOR OF THE NATIONAL GOVERNMENT AND THE AUTHORIZATION TO APPLY AND COMPLY WITH THE REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE ISSUANCE OF PRESIDENTIAL PROCLAMATION, SPECIAL PATENT AND EVENTUAL TITLING THEREOF

***RESOLVED**, That upon the recommendation of the Management in its Memorandum for the Board of Directors dated 15 June 2022, in view of the unauthorized reclamation undertaken by the Provincial Government of Palawan and its joint venture partners without Area Clearance from the Department of Environment and Natural Resources (DENR) and pursuant to the Directive of the President on 22 March 2022 to the Philippine Reclamation Authority (PRA) to totally forfeit the said reclaimed land in favor of the National Government, the **TOTAL FORFEITURE** of the incomplete Coron Phase 2 Reclamation Project situated in the Municipality of Coron, Palawan with a total area of about twenty-two (22) hectares, more or less, subject to final survey, is hereby **APPROVED**; and*

***RESOLVED FURTHER**, That in view of the total forfeiture of the said reclaimed land, the PRA Management is also hereby **GRANTED** with*

Page 1 of 2

CERTIFIED COPY

DATE: **04 APR 2023**


ATTY. MARK ARTHUR M. CATABONA
Board Secretary V

AUTHORITY to apply and comply with the DENR requirements for Presidential Proclamation declaring the land alienable and disposable and no longer needed for public use, issuance of a Special Patent, and eventual titling thereof.

3. The foregoing resolution has not been repealed, amended nor modified, and remains to be valid and subsisting as of date hereof.

Signed on 16 June 2022 at Taguig City, Metro Manila.

EXHIBIT 15A


MARK ARTHUR M. CATABONA
Acting Board Secretary



Page 2 of 2

CERTIFIED COPY

DATE: 04 APR 2023


ATTY. MARK ARTHUR M. CATABONA
Board Secretary V



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati

Tel.No.: (02) 8459-5000, Facsimile No.: (02) 8815-2662

Website: www.pea.gov.ph • Email: info@pea.gov.ph

February 23, 2023

VICTORINO DENNIS M. SOCRATES
THE PROVINCIAL GOVERNOR
PROVINCIAL GOVERNMENT OF PALAWAN

Capitol Bldg. Rizal. Cor. Fernandez St.

Bgy. Tanglaw, Puerto Princesa City

LBC # 1272 0046 7461 / 02.27.2023

MS. BELLA C. TIOTANGCO
BCT TRADING AND CONSTRUCTION
National Highway, Brgy. San Pedro
Puerto Princesa City

LBC # 1272 0046 7451 / 02.27.2023

MR. ERNESTO MERCADO
428 HI-TECH GROUP, INC.
Reclamation Area, Bgy. Poblacion V
Coron, Palawan
LBC # 1272 0046 7481 / 02.27.2023

Dear Sirs/Madame:

Please be informed that pursuant to the Directive of the President on 22 March 2022 to the Philippine Reclamation Authority (PRA) to totally forfeit the unauthorized reclamation undertaken by the Provincial Government of Palawan and its joint venture partner, the PRA Governing Board has approved the total forfeiture in favor of the National Government of the incomplete Coron Phase 2 Reclamation Project situated in the Municipality of Coron, Palawan with a total area of about twenty-two (22) hectares, more or less, subject to final survey.

As discussed during the meetings of the concerned government agencies and different stakeholders, there is a need to implement the rehabilitation of Coron, specifically the mitigating actions over the forfeited reclaimed land which will involve the excavation of the portion of land that blocks the water circulation in the mangrove forest, the opening of the waterway for the dumped/trapped mangroves, and installation of the sea wall on the excavated sites. Said measures are important undertakings as they will lessen the adverse environmental impact caused by the reclamation project on Coron's wetlands and marine biodiversity.

Moreover, during the meeting of the Inter-Agency Task Force (IATF) for the Rehabilitation of Coron held at the Luxent Hotel, Quezon City on February 9, 2023, the IATF agreed to implement the mitigation measures on February 27, 2023.

In this regard, we need your assistance in making available the backhoe and other equipment, silt curtains/silt traps and other materials necessary to implement the above mitigating measures.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
MAY 03 2023



PHILIPPINE RECLAMATION
AUTHORITY



02-172-2023

051706638083

February 27, 2023 10:22:00

This undertaking will be under the supervision of the PRA, the Department of Public Works and Highways (DPWH), the Department of Environment and Natural Resources (DENR) and Coron LGU.

Your kind assistance on this worthy undertaking is highly appreciated.

Thank you.

Very truly yours,

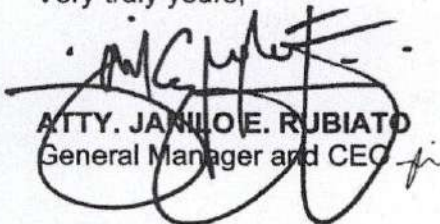

ATTY. JANLOE E. RUBIATO
General Manager and CEO

EXHIBIT **16-A**

Copy furnished:

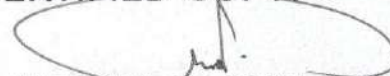
Hon. MANUEL M. BONOAN
Secretary
Department of Public Works and Highways
Bonifacio Drive, Port Area, Manila
bonoan.manuel@dpwh.gov.ph

Dir. LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director
Department of Environment and Natural Resources – MIMAROPA
3rd flr., 1515 DENR by the Bay Bldg.
Roxas Boulevard, Brgy. 668
Ermita, Manila
mimaroparegion@denr.gov.ph

MR. FELIZARDO B. CAYATOC
PENRO Palawan
Brgy. Sta. Monica, Puerto Princesa City
Palawan
penropalawan@denr.gov.ph

MR. RODNEY G. VERIAN
OIC-CENRO
CENRO, Coron, Palawan
Brgy. Poblacion 6, Coron
Palawan
cenrocoron@denr.gov.ph

CERTIFIED COPY:


LUCIANA D. SAMARRO
RECORDS OFFICER A

MAY 03 2023



Customer's Copy



THIS SERVES AS AN OFFICIAL RECEIPT
 NIN : 15062917015330420
 Serial No : 3043582240
 Official Receipt No : B0C018R09

1272 0046 7451

SHIPPER:

CONSIGNEE:
Rmd of/ corn of r/

PHILIPPINE RECLAMATION AUTHORITY
Address: BLDG3 PNOG COMPOUND ENERGY CENTER R
IZAL DRIVE FORT, TAGUIG CITY, METRO MANILA
Contact No.(s): 9168915971 /9168915971
Card Number: TIN: Bus. Style:
Email:

TIOTANGO BELLA
Address: ACT TRADING AND CORPORATION. NATIONAL HIGHWAY
Y BRGY.
SAN PEDRO, PUERTO PRINCESA, PALAWAN
Contact No. (s) : 4334455 / 9999999999

Courier N-Pouch Regular

Origin: MM-BGCA-MARKET MARKET
 Tran. Date: 02/27/2023 06:33:56 PM
 Delivery Date: 03/01/2023 - 03/02/2023
 Area Desc: South Luzon
 Tran. Type: Delivery
 Cut-Off: 07:00 PM
 Actual: No (Kd.) = 0.00

VATable(Freight)	1	104.48
Supplier's Exp	1	(0.00)
VAT-Exempt	1	0.00
VAT Zero-Rated	1	0.00
100% Pickup Fee	1	0.00
Total Sales		104.48
12% VAT	1	12.44
Amount Due :		117.00
Discount	1	0.00
Mode :		CASH

Track your padala at:
www.libexpress.com
Talk to our Care Representative
www.libexpress.com
Tel. (632) 8858-5999

Sold to Employer - DOCUMENTS ONLY.

Due to pandemic, delivery date may change without prior notice
LBC Express values your privacy. For more info on our privacy policy
visit www.lbcexpress.com/privacy-policy
SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF CARGO ARE
LIMITED UP TO ACTUAL DECLARED VALUE ONLY
I hereby agree to be bound with the terms and conditions written at the
back of forth by LBC EXPRESS

Let us know of your experience:
survey.lbcexpress.com

JENNIFER COSTILLAS
Signature of Appellant

PHILIPPINE DECLARATION AUTHORITY
Signature of Shipper:

OR Serial No 1: BGC011020000001 to BGC010999999999 OR Final PVID: FP000015-123-005102-00426
 OR Start/End/Action No: 123007021420010505010 Date Issued: 08/28/2015

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

MAY 03 2023

Customer's Copy



THIS SERVES AS AN OFFICIAL RECEIPT
MIN : 1500291701532042
Serial No : 56H350R2N0
Official Receipt No : B9C016097

SHIPPER:

CONSIGNEE:
And or/ care of: /

PHILIPPINE RECLAMATION AUTHORITY

SOCRATES, VICTORINO DENNIS B

Address: BLDG3 PNOC COMPOUND ENERGY CENTER R
IZAL DRIVE FORT. TAGUIG CITY, METRO MANILA

Address: THE PROVINCIAL GOVERNMENT OF PALAMAN CAPI

Contact No. (s) : 9168915971 / 9168915971

OL BLDG. RIZAL COR. FERNANDEZ ST. BRGY

Card Number: TIN: Bus. Style:
Email:

TANGLAW, PUERTO PRINCESA, PALAWAN

Contact No.(s): 1234567 / 9000000000

Courier N-Pouch Regular

Origin : HPA-BGC01-MARKET MARKET
 Tran. Date : 02/27/2023 06:38:23 PM
 Delivery Date : 03/01/2023 - 03/02/2023
 Area Dest. : South Luzon
 Tran. Type : Delivery
 Cut-Off : 07:30 PM
 Actual Wt (Kg.) : 0.00

VATable(Freight)	104.46
Supplies Fee	(8.00)
VAT-Exempt	0.00
VAT Zero-Rated	0.00
100% Pickup Fee	0.00
Total Sales	104.46
12% VAT	12.54
Amount Due :	117.00
Discount	0.00
Mode :	CASH

Track your padala at:

www.lbcexpress.com

Talk to our Care Representative

www.lbcexpress.com

Tel. (632) 8858-5999

1-800-10-8585-999

*Only for PH outside NCR

Let us know of your experience.

survey.lbcexpress.com

Due to pandemic, delivery date may change without prior notice.

BC Express values your privacy. For more info on our privacy policy
visit www.bcexpress.com/privacy

SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLOATHS OF COVERED ONE

LIMITED UP TO ACTUAL DECLARED VALUE ONLY
I hereby agree to be bound with the terms and conditions written at the
back put forth by LBC EXPRESS

JENNIFER COSTILLAS

Signature of Associate _____

PHILIPPINE RECLAMATION AUTHORITY

Signature of Shipper

OR Series No : 06C01000000001 to 06C0109999999999 BIR Final P/UN:FP082015-122-0051382-00420
BIR Accreditation No: 1220007821402010060118 Date Issued: 06/26/2015

~~CERTIFIED COPY:~~

LUCIANA D. SAMARRO
RECORDS OFFICER A

MAY 03 2023

LBC EXPRESS, INC.
SPACE 4292 2ND FLR, MARKET MARKET, GLOBE
L CITY, TAGUIG
Tel. No : (632) 2 - 88581979
VAT TIN : 008-702-140-80428

Customer's Copy



1272 0046 7481

THIS SERVES AS AN OFFICIAL RECEIPT
RIN
Serial No
Official Receipt No : 060018025

SHIPPER:

PHILIPPINE RECLAMATION AUTHORITY
Address: BLDG3 PNOC COMPOUND ENERGY CENTER 8
IZAL DRIVE FORT, TAGUIG CITY, METRO MANILA
Contact No.(s): 9188918971 / 9168915971
Card Number: TIN: Bus. Style:
Email:

CONSIGNEE:

And or / care of:

MERCADO, ERNESTO
Address: 420 HI-TECH GROUP INC. RECLAMATION AREA BA
GY. POBLACION V
CORON, PALAWAN
Contact No.(s): 9097479369

Courier N-Pouch Regular

Origin : NCR-60001-MARKET MARKET
Trans. Date : 02/27/2023 08:20:08 PM
Delivery Date : 03/02/2023 - 03/03/2023
Area Dest. : South Luzon
Trans. Type : Delivery
Cut-Off : 07:30 PM
Actual Wt (Kg.) : 0.00

Variable(Freight) : 122.32
Surcharge Fee : (0.00)
VAT-Exempt : 0.00
VAT-Zero-Rated : 0.00
30M-Pickup Fee : 0.00
Total Sales : 122.32
12% VAT : 14.68
Amount Due : 137.00
Discount : 0.00
Mode : CASH

Sold to Contain : DOCUMENTS ONLY

Due to pandemic, delivery date may change without prior notice

LBC Express values your privacy. For more info on our privacy policy

Visit www.lbcexpress.com/privacy-policy

SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF CARGO ARE

LIMITED UP TO ACTUAL DECLARED VALUE ONLY

I hereby agree to be bound with the terms and conditions written at the

back set forth by LBC EXPRESS

Track your parcels at:
www.lbcexpress.com
Talk to our Care Representative
www.lbcexpress.com
Tel. (632) 8858-5999
1-800-10-8585-999
Only for PH outside MCR
Let us know of your experience:
survey.lbcexpress.com

JENNIFER COSTILLAS

Signature of Addressee

PHILIPPINE RECLAMATION AUTHORITY

Signature of Shipper

OR Serial No : 06001800800001 to 06001800899999 RIN Final PTIN:FP007018-122-0351102-88428
BIN Revalidation No: 1220807021402010060310 Date Issued: 04/26/2019

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

MAY 03 2023

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Coron, Palawan
Branch 163

BCT TRADING AND
CONSTRUCTION AND 428 HI-TECH
GROUP, INC.,

Plaintiffs,

-versus-

Civil Case CRN-1084
For: Injunction and Damages

ROBERTO B. MAGALLANES AND
JOSE B. MAGALLANES, JR., ET AL.,
Defendants.

x-----x

JUDICIAL AFFIDAVIT OF
ENGR. DIOMEDES TAN

I, ENGR. DIOMEDES TAN, Filipino, of legal age, with address at Blk 20, Lot 1, Montreal St., Green Breeze 2 Subdivision, Brgy. Langkaan 2, Dasmarinas City, Cavite, under oath, hereby respectfully submits my Judicial Affidavit to constitute as my direct testimony in the above case. I was examined by Atty. Marc Gregory M. Solano who holds office at the Philippine Reclamation Authority temporarily located at Bldg. 3 PNO Compound, Energy Center, Rizal Drive, Bonifacio Global City, Taguig City. My examination was likewise held at the Office of the Philippine Reclamation Authority (PRA). I answered all his questions fully conscious that I do so under oath and that I may face criminal liability for false testimony and perjury.

FORMAL OFFER OF TESTIMONY OF WITNESS

The testimony of this witness is being offered to prove the following:

1. No contract or agreement was issued by PRA to plaintiffs to conduct reclamation activities in the subject area.

2. The Provincial Government of Palawan, not the plaintiffs, is the proper party in this case;

3. The Provincial Government of Palawan failed to comply with the governmental requirements and conditions that brought about the Cease and Desist Order issued by PRA;

4. The continued failure by the Provincial Government of Palawan to comply with the governmental requirements and conditions brought about the Forfeiture Order issued by PRA;

5. PRA acted in accordance with law and its mandate.

6. The illegal reclamation activity cause environmental damage in the area beyond pecuniary estimation;

7. The excavation activity conducted in the area was for the purpose of rehabilitating and mitigating the damage already suffered by the surrounding environment brought about by the illegal reclamation activity.

8. The witness will also identify and authenticate documents, contracts and/or communications relevant to the instant case.

DIRECT-EXAMINATION

1.	Q:	Please state your name and your personal circumstances.
	A:	My name is Engr. Diomedes Tan and currently employed at the Philippine Reclamation Authority (PRA).
2.	Q:	What is your position in PRA?
	A:	I hold the position of Department Manager in the Reclamation Department of PRA.
3.	Q:	What is your proof that you are an employee of the PRA?
	A:	I have my Identification Card (ID) issued by PRA to me.
		<i>Witness handed to me his Identification Card No. 089102, issued by PRA. Requesting the Honorable Court that the same be marked as Exhibit "17-PRA".</i>
4.	Q:	You mentioned of the Reclamation Department in the PRA. What are the functions assigned to this Department?
	A:	The function of the Reclamation Department is to regulate and/or administer the implementation of contracts involving reclamation projects.

5.	Q:	As Department Manager, what are your duties and functions?
	A:	<p>My duties and functions generally include:</p> <ol style="list-style-type: none"> 1. Monitoring reclamation activities throughout the country to ensure compliance with existing laws, policies, and guidelines. 2. Monitoring and regulating ongoing reclamation works covered/issued with PRA clearance/permits. 3. Coordinating with the police authorities, local government units, Department of Environment and Natural Resources (DENR) and other government agencies in apprehending violators and in enforcing PRA issued cease and desist orders (CDO's). 4. Reviewing and submitting reports on any violation of existing reclamation laws and regulations and recommends for appropriate legal actions. 5. Coordinating with concerned government agencies to ensure proper and effective regulations and implementations of reclamation projects. 6. Supervising technical personnel assigned as PRA representatives in the survey of completed reclaimed lands to be conducted jointly with parties concerned and DENR. 7. Supervising the implementation of all reclamation contracts to ensure compliance with contractual obligations of all parties concerned. 8. Recommending issuance of certificate of reclamation project completion/acceptance. 9. Reviewing and recommending conveyance of land shares of other parties in accordance with the reclamation contract. 10. Performing other functions, tasks and services as may be assigned by the Assistant General Manager and/or General Manager/CEO.
6.	Q:	How long have you been holding that position?
	A:	I was Acting Department Manager from 2008 to 2010 and then I assumed as Department Manager of the same Reclamation Department from 2010 to the present.
7.	Q:	Mr. Witness, you mentioned that one of your duties include the enforcement of a Cease and Desist Order (CDO) issued

		by the PRA. Can you tell us what is the process you follow in the issuance of a Cease and Desist Order?
	A:	A Cease and Desist Order is issued by the PRA to an individual or juridical entity, whenever there is/are findings that such individual or juridical entity has been found to have undertaken reclamation activities without securing the necessary clearance from the PRA. Under the Cease and Desist Order, the reclaimer is immediately ordered to cease and desist from further undertaking the reclamation activities until all government requirements and conditions have been fully complied with.
8.	Q:	Have you read the Complaint in this case?
	A:	Yes Attorney.
9.	Q:	I would like you to go over Paragraph 2.21 of the Complaint. It mentioned there of a certain Cease and Desist Order (CDO) issued by PRA dated 24 March 2022. Can you tell us whether or not PRA issued a CDO on such date?
	A:	Yes, PRA issued that CDO mentioned in Paragraph 2.21.
10.	Q:	If this CDO will be shown to you, will you be able to identify it?
	A:	Yes Attorney.
11.	Q:	Showing you a CDO dated 24 March 2022. What is the relation of this document with the one you mentioned earlier?
	A:	That is the same CDO that I mentioned earlier.
12.	Q:	On the lower portion of this CDO is a signature above the name of "Atty. Janilo E. Rubiato". Do you know whose signature is this?
	A:	Yes, that is the signature of Atty. Janilo E. Rubiato, the General Manager of PRA.
13.	Q:	Why do you know his signature?
	A:	I became familiar with his signature having worked with him in PRA for several years.
		<i>Requesting the Honorable Court that the CDO dated 24 March 2022 be marked as Exhibit "14-PRA" and the signature of Atty. Janilo E. Rubiato be bracketed and sub-marked as Exhibit "14-PRA-A".</i>

14.	Q:	Who prepared the CDO prior to PRA General Manager Atty. Janilo E. Rubiato signing the same?
	A:	Our Department did.
15.	Q:	It was mentioned in the CDO that it was the Provincial Government of Palawan that was directed to cease and desist from further undertaking reclamation activities in the area. Can you tell us whether or not the Plaintiff BCT Trading and Construction and the Provincial Government of Palawan is one and the same entity?
	A:	No, the Provincial Government of Palawan and plaintiff BCT Trading and Construction is not one and the same entity.
16.	Q:	What about plaintiff 428 Hi-Tech Group, Inc, is it one and the same entity with the Provincial Government of Palawan?
		No, the Provincial Government of Palawan and plaintiff 428 Hi-Tech Group, Inc., is not one and the same entity.
17.	Q:	Why did PRA not include the plaintiffs in the CDO it issued?
	A:	We did not include the plaintiffs because PRA does not have any Agreement or transaction with them and thus, the plaintiffs are total strangers to PRA.
18.	Q:	It was also mentioned in the CDO that the Provincial Government of Palawan was directed to cease and desist from further undertaking reclamation activities in the area until all governmental requirements and conditions have been fully complied with by the Provincial Government. What are those requirements and conditions that were not complied with by the Provincial Government?
	A:	The Provincial Government failed to submit the <i>Area Clearance</i> , along with other documents, as follows: a) Final Master Development Plan and Land Use Plan for the project; b) Reclamation methodology; c) Plan for the source/s of fill materials; d) Drainage plan vis-a-vis the landform approved by the DPWH;

		<p>e) Detailed project cost estimates and quantity take-off per item of work for the reclamation, containment structure and soil consolidation;</p> <p>f) Organizational chart of the construction arm, manning table and equipment schedule; and</p> <p>g) Project timetable (PERT/CM) for the project construction period.</p>
19.	Q:	As Department Manager of the Reclamation Department and in the performance of your duties and functions, can you tell us under what authority does PRA derive its power to issue a Cease and Desist Order?
	A:	<p>PRA derives its authority from the following:</p> <ul style="list-style-type: none"> (a) Presidential Decree No. (PD) 3-A, stating that all reclamation made without authority from the State shall be forfeited to the State without need of judicial action; (b) Sections 4 (a) and Section 5 (p) of PD 1084, or PRA's Charter, which authorizes PRA to reclaim land and promulgate rules and regulations necessary to carry out its purpose; (c) Executive Order No. 525 (s. 1979), mandating the PRA to be primarily responsible for integrating, directing and coordinating all reclamation projects for and on behalf of the National Government; (d) EO 543 (s. 2006), delegating the PRA the power to approve reclamation projects; and (e) PRA Administrative Order No. (AO) 2007-2, providing the Implementing Rules and Regulations of EO 543 (s. 2006)
		<i>At this juncture Your Honor, may I request that PD No. 3-A, PD 1084, and EO 525 (s. 1979), EO 543 (s. 2006), and PRA AO 2007-2 be put on Judicial Notice, the same being an existing law.</i>
20.	Q:	At present time, can you tell us whether or not the Provincial Government of Palawan was able to comply with the governmental requirements and conditions to be able to pursue reclamation activities in the area?
	A:	No, the Government of Palawan was not able to comply with the government requirements and conditions prior to pursuing the reclamation activities in the area, including the submission of the Area Clearance from the DENR.

21.	Q:	Considering that the Provincial Government was not able to comply with the governmental requirements imposed upon them in the CDO, prior to undertaking the reclamation activities, what action did PRA take next?
	A:	After non-compliance with the Cease and Desist Order, the PRA Board approved on 16 June 2022, the forfeiture of the reclaimed area.
22.	Q:	What is your proof of this?
	A:	The PRA Board of Directors under Board Resolution No. 5541, Series of 2022, pursuant to the directive of the President of the Philippines.
23.	Q:	What were the grounds for the PRA Board's approval of the forfeiture, based on the Board Resolution?
	A:	Based on the PRA's Board Resolution, the grounds for the forfeiture were: (1) the undertaking of the reclamation activity without Area Clearance from the DENR; and (2) pursuant to the directive from the President on 22 March 2022 to totally forfeit the reclaimed land.
24.	Q:	If this Board Resolution will be shown to you, will you be able to identify it?
	A:	Yes, Attorney.
25.	Q:	Showing you a Secretary's Certificate embodying PRA Board Resolution No. 5541, Series of 2022. What is the relation of this document with the Board Resolution you mentioned earlier?
	A:	This is the same Board Resolution that I mentioned earlier.
26.	Q:	On this Certification is a signature above the name of Mark Arthur M. Catabona. Do you know whose signature is this?
	A:	Yes, that is the signature of the Corporate Secretary of PRA.
27.	Q:	Why do you know his signature?
	A:	I became familiar with his signature having worked with him in PRA for several years.
		<i>Requesting the Honorable Court that the Secretary's Certificate embodying PRA Board Resolution No. 5541, Series of 2022 be marked as Exhibit "15-PRA". and the signature of Mark</i>

		<i>Arthur M. Catabona be bracketed and sub-marked as Exhibit "15-PRA-A."</i>
28.	Q:	After the issuance of Board Resolution No. 5541, Series of 2022, what action did the PRA take next?
	A:	The PRA transmitted a letter dated 23 February 2023, addressed to the Provincial Government of Palawan and the plaintiffs, informing them that pursuant to the PRA's Board Resolution, the reclaimed area had been forfeited.
29.	Q:	If this Forfeiture Letter/Order will be shown to you, will you be able to identify it?
	A:	Yes, Attorney.
30.	Q:	Showing you 23 February 2023 letter of PRA addressed to the Provincial Government of Palawan and plaintiffs, what is the relation of this document with the Forfeiture Order/Letter you mentioned earlier?
	A:	This is the same Forfeiture Order/Letter issued by PRA that I mentioned earlier.
31.	Q:	On the 2 nd page of this Forfeiture Order/Letter is a signature above the name of "Atty. Janilo E. Rubiato". Do you know whose signature is this?
	A:	Yes, that is the signature of Atty. Janilo E. Rubiato, the General Manager of PRA.
32.	Q:	Why do you know his signature?
	A:	I became familiar with his signature having worked with him in PRA for several years.
33.	Q:	Mr. Witness, can you tell us whether or not the Provincial Government of Palawan received the 23 February 2023 Forfeiture Letter/Order?
	A:	Yes, the Provincial Government of Palawan received it on 1 March 2023.
34.	Q:	What is your proof of this?
	A:	My proof is the LBC Customer's Copy of the Receipt, indicating the date of delivery to the recipient Provincial Government of Palawan, on 1 March 2023.
		<i>Requesting the Honorable Court that the 23 February 2023 Forfeiture Letter/Order be marked as Exhibit "16-PRA". and</i>

		<i>the signature of Atty. Janilo E. Rubiato be bracketed and sub-marked as Exhibit "16-PRA-A", while the Stamp Received dated 1 March 2023 be sub-marked as Exhibit "16-PRA-B".</i>
35.	Q:	With the non-compliance by the Provincial Government of Palawan of the governmental requirements and conditions for this reclamation project, what is now the classification of this reclamation activity in PRA's records?
	A:	It is classified as an illegal reclamation.
36.	Q:	As Department Manager of the Reclamation Department and in the performance of your duties and functions, can you tell us under what authority does PRA derive its power to issue a Forfeiture Letter/Order?
	A:	PRA derives its authority to forfeit pursuant to Presidential Decree No. (PD) 3-A, which states that all reclamation made without authority from the State shall be forfeited to the State without need of judicial action.
		<i>At this juncture Your Honor, may I manifest that PD No. 3-A, was previously requested to be put on Judicial Notice, the same being an existing law.</i>
37.	Q:	It was mentioned in the 23 February 2023 Forfeiture Order/Letter that there was a meeting conducted by an Inter-Agency Task Force (IATF) on 9 February 2023. What is this IATF all about?
	A:	The task force, consisting of concerned government agencies, conducted the said meeting to discuss the various measures to be taken to mitigate the deteriorating conditions of the mangroves affected by the reclamation activities.
38.	Q:	Who are the members of this IATF?
	A:	The members of the IATF were the concerned government agencies, such as the PRA; DENR-4B, DPWH-4B, and Environment Management Bureau (EMB), the National Commission for Indigenous Peoples (NCIP), and the Local Government of Coron.
39.	Q:	It was also mentioned in the 23 February 2023 Forfeiture Letter/Order that there was a need to excavate a portion of the land. Why was it necessary to excavate said portion?
	A:	The excavation of the said portion of land was identified as a mitigating measure in view of the deteriorating condition of

		the mangroves in the area brought about by the reclamation works.
40.	Q:	How did you come to know of this?
	A:	I went to the site itself and saw the environmental damage caused by the illegal reclamation conducted in the area.
41.	Q:	From what you have seen, can you estimate how much is the cost of the damage in the environment due to the illegal reclamation activities conducted therein?
	A:	It is beyond pecuniary estimation as this involves the environment.
42.	Q:	Aside from the foregoing, is there anything else you want to say?
	A:	That is all for now..


Affiant further sayeth naught.

Signed at _____, Philippines, this _____ day of _____ 2023.


ENGR. DIOMEDES TAN
Affiant

22nd day of MAY 2023 by _____ who has satisfactorily proven to me his identity through his PRA Identification Card with No. 089102 issued at Makati City by PRA and that he is the same person who personally signed before me the foregoing affidavit and acknowledged that he executed the same.

Doc. No. 45 ;
Book No. 10 ;
Page No. III ;
Series of 2023.


CARL PHILIP N. BATUCAN
Appointment No. 56 (2022-2023)
Notary Public for Taguig City
Until 31 December 2023
PNOC Bldg. VI, Energy Center, Rizal Drive
Bonifacio Global City, Taguig.
Roll No. 67061
PTR No. A-5701182/Taguig City/01-12-2023
IBP No. 289325/01-17-2023
MCLE Compliance No. VII-0009702

LAWYER'S ATTESTATION

I, **ATTY. MARC GREGORY SOLANO**, Filipino, of legal age, with office address at Bldg. 3 PNOC Compound, Energy Center, Rizal Drive, Bonifacio Global City, Taguig City, hereby attest that:

1. I am a lawyer at the Legal Department of the Philippine Reclamation Authority (PRA), one of the defendants in the case entitled: "*BCT Trading et al. vs. Roberto B. Magallanes et al.*" docketed as Civil Case CRN-1084 filed before Branch 163, Coron, Palawan;
2. I faithfully recorded or caused to be recorded the questions asked and the corresponding answers that Engr. Diomedes Tan has provided; and
3. Neither I nor any other person then present or assisting me coached the witness regarding the latter's answers.

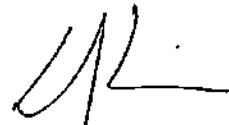
SIGNED this ____ day of May 2023, in Taguig City.


ATTY. MARC GREGORY SOLANO
Affiant

SUBSCRIBED AND SWORN to before me this 22nd of MAY 2023, affiant exhibited his PRA ID No. 217602

WITNESS MY HAND AND SEAL on the date and place first above-written.

Doc. No. 46
Page No. II
Book No. III
Series of 2023.


CARL PHILIP N. BATUCAN
Appointment No. 56 (2022-2023)
Notary Public for Taguig City
Until 31 December 2023
PNOC Bldg. VI, Energy Center, Rizal Drive
Bonifacio Global City, Taguig
Roll No. 67061
PTR No. A-5701182/Taguig City/01-12-2023
ISP No. 289325/01-17-2023
MCLE Compliance No. VII-0009702

Copy furnished:

ALAMPAY AND TAMASE LAW OFFICE

Counsel for the Plaintiffs

12th Floor, PDCP Bank Centre cor.

Rufino and Leviste Sts., Salcedo Village, Makati City

alampaytamase@gmail.com

SAN DIEGO LAW OFFICE

c/o ATTY. SHEILLA F. SAN DIEGO

Counsel for Messrs. Roberto and Jose Magallanes

Suite 2301, Makati Prime Citadel,

5007 P. Burgos cor. Caceres St.,

Makati City

sheilasandiego@gmail.com

ROBERTO B. MAGALLANES

JOSE B. MAGALLANES

Defendants

Nueva Street, Brgy. Poblacion IV,

Coron, Palawan

DEPARTMENT OF ENVIRONMENT &

NATURAL RESOURCES-MIMAROPA

Defendant

1515 Roxas Blvd.,

Ermita, Manila

mimaroparegion@denr.gov.ph

**DEPARTMENT OF PUBLIC WORKS & HIGHWAYS-
MIMAROPA**

Defendant

790 Epifanio de Los Santos Avenue,

Diliman, Quezon City

pacanan.gerald@dpwh.gov.ph

LOCAL GOVERNMENT OF CORON, PALAWAN

c/o OFFICE OF THE MAYOR

Defendant

Municipal Hall of Coron, Palawan

EXPLANATION

Resort is made to filing and service by registered mail with return card due to constraints in time and manpower, as well as the physical restrictions imposed by COVID-19 pandemic. In accordance with par. 4 of Administrative Circular No. 41-2020 dated 29 May 2020, a copy of this *Judicial Affidavit* is also filed electronically.


MARC GREGORY SOLANO



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati

Tel.No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662

Website: www.pea.gov.ph • Email: info@pea.gov.ph

24 March 2022

HON. JOSE CH. ALVAREZ

Governor

Province of Palawan

Capitol Complex, Puerto Princesa City

W # 1271 DOLO 4915 / B. 75. WZ

Dear Gov. Alvarez:

This refers to the complaint filed by the *Sagip-Coron, Palawan* group to the Office of the President (OP) and this Office relative to the reclamation of the Coron Bay Reclamation and Development Project (CBRDP) of the Provincial Government of Palawan.

The complaint alleges that the Provincial Government and its private joint venture partners have undertaken reclamation activity sans compliance with the conditions set forth by the PRA.

Relative thereto, you are hereby ordered to immediately CEASE AND DESIST from further undertaking reclamation activities until all governmental requirements and conditions have been fully complied with including but not limited to the conditions of the Notice to Proceed (NTP) issued by PRA, foremost of which is the requirement of an Area Clearance from the Department of Environment and Natural Resources (DENR).

The Philippine National Police (PNP) and National Bureau of Investigation (NBI) are hereby enjoined to assist the PRA in the enforcement of this Cease and Desist Order (CDO) and other regulatory orders.

For strict compliance.

Very truly yours,

ATTY. JANILO E. RUBIATO
General Manager and CEO

EXHIBIT 14-4

Office of the Chief
Philippine National Police

MAR 28 2022

RECEIVED
By: NUP ML VICTORIA 2:46pm

Cf: (1) **HON. SALVADOR C. MEDIALDEA**
Executive Secretary
Office of the President
Malacañang, Manila

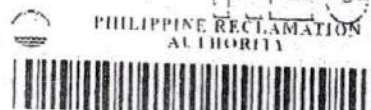
(2) **Sec. JIM O. SAMPULNA, CESO I**
Acting Secretary, Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
osec@denr.gov.ph

DEPT. OF ENVIRONMENT AND NATURAL RESOURCES
RECORDS MANAGEMENT DIVISION

RECEIVED
MAR 28 2022
TIME 12:30 SIG: JHO

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023



03-160-2022
961936246486
March 28, 2022 10:22:06

Page 1 of 2

- (3) **PGen DIONARDO B. CARLOS**
Chief, Philippine National Police
Camp Rafael Crame, EDSA, Quezon City
- (4) **DIR. ERIC. B. DISTOR**
Director, National Bureau of Investigation
United Nations Avenue, Manila City
director@nbi.gov.ph
- (5) **PBGen SIDNEY S. HERNIA**
Regional Director, Philippine National Police
Police Regional Office MIMAROPA
Camp BGen Efigenio C Navarro
Barangay Suquii, Calapan City, Oriental Mindoro
pro4b@pnp.gov.ph
Tel # 1271 0060 4935 / 03. 75. 2002
- (6) **MR. ROMMEL VALLEJO**
Acting Director, National Bureau of Investigation
MIMAROPA Regional Office
Barangay Sta. Isabel
Calapan City, Oriental Mindoro
mimaropa@nbi.gov.ph
Tel # 1271 0060 4925 / 03. 75. 2002
- (7) **HON. MARIO T. REYES, JR.**
Coron Municipal Mayor
Real Street, Coron, Palawan
tanggapanngpunongbayancoron@gmail.com
Tel # 1271 0060 4945 / 03. 75. 2002
- (8) **MR. TEDDORO JOSE S. MATTA**
Executive Director III
Palawan Council for Sustainable Development
PCSD Building, Sports Complex Road
Sta. Monica, Puerto Princesa City, Palawan
Tel # 1271 0060 4955 / 03. 75. 2002



Office of the President
REPUBLIC OF THE PHILIPPINES

Sender's Copy



032822-MRO-101451



CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

Page 2 of 2

FW: Complaint filed relative to the Coron Bay Reclamation and Development Project of the Provincial Government of Palawan

PEA Info <info@pea.gov.ph>

Mon 28 Mar 2022 11:43 AM

To: Records Section <records@pea.gov.ph>



PHILIPPINE RECLAMATION AUTHORITY

Email: info@pea.gov.ph
Website: www.pea.gov.ph
Telephone: (02) 8459-5000
Address: 7th Floor Legaspi Towers 200 Bldg.,
107 Paseo De Roxas St. Legaspi Village, 1226
Makati City

This email message is confidential and may also be privileged. If you are not the intended recipient, please notify the sender immediately and delete this email from your system. You should not copy or use it, or any portion of it, for any purpose, nor disclose its contents to any other person.

From: Office of the Director <director@nbi.gov.ph>

Sent: Monday, 28 March 2022 11:40 AM

To: PEA Info <info@pea.gov.ph>

Subject: Re: Complaint filed relative to the Coron Bay Reclamation and Development Project of the Provincial Government of Palawan

Good day! Confirming receipt of your email. We will forward this matter to the proper Service for appropriate action. Thank you

From: PEA Info <info@pea.gov.ph>

To: "palawan.governor@gmail.com" <palawan.governor@gmail.com>

Cc: Malacanang Records Office <mro@malacanang.gov.ph>, Office of the Secretary <osec@denr.gov.ph>, "director@nbi.gov.ph" <director@nbi.gov.ph>, "pro4b@pnp.gov.ph" <pro4b@pnp.gov.ph>, "mimaropa@nbi.gov.ph" <mimaropa@nbi.gov.ph>, "tanggapanngpunongbayancoron@gmail.com" <tanggapanngpunongbayancoron@gmail.com>, "oed@pcsd.gov.ph" <oed@pcsd.gov.ph>

Date: Sun, 27 Mar 2022 23:39:11 +0000

Subject: Complaint filed relative to the Coron Bay Reclamation and Development Project of the Provincial Government of Palawan

Dear Sir/Ma'am,

For your acknowledgment, please. Thank you.



PHILIPPINE RECLAMATION AUTHORITY

Email: info@pes.gov.ph
Website: www.pea.gov.ph
Telephone: (02) 8459-5000
Address: 7th Floor Legaspi Towers 200 Bldg.,
107 Paseo De Roxas St. Legaspi Village, 1226
Makati City

This email message is confidential and may also be privileged. If you are not the intended recipient, please notify the sender immediately and delete this email from your system. You should not copy or use it, or any portion of it, for any purpose, nor disclose its contents to any other person.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati

Tel. No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662

Website: www.pea.gov.ph • Email: info@pea.gov.ph

EXHIBIT 15

SECRETARY'S CERTIFICATE

SO THE PUBLIC MAY KNOW:

I, **MARK ARTHUR M. CATABONA**, of legal age, Filipino, with office address at 8th Floor, Legaspi Towers 200 Building, 107 Paseo de Roxas, Legaspi Village, Makati City, after having been duly sworn to in accordance with law, do hereby certify that:

1. I am the Acting Board Secretary of the Philippine Reclamation Authority (PRA);
2. At the 602nd Regular Meeting of the PRA Board of Directors on 16 June 2022 duly called for the purpose, a quorum being present and acted throughout, the following resolution was adopted by the majority of the members of the Board with the concurrence of the Chair, and is now in full force and effect, to wit:

RESOLUTION NO. 5541
Series of 2022

APPROVAL OF THE TOTAL FORFEITURE OF THE INCOMPLETE CORON PHASE 2 RECLAMATION PROJECT IN FAVOR OF THE NATIONAL GOVERNMENT AND THE AUTHORIZATION TO APPLY AND COMPLY WITH THE REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE ISSUANCE OF PRESIDENTIAL PROCLAMATION, SPECIAL PATENT AND EVENTUAL TITLING THEREOF

RESOLVED, That upon the recommendation of the Management in its Memorandum for the Board of Directors dated 15 June 2022, in view of the unauthorized reclamation undertaken by the Provincial Government of Palawan and its joint venture partners without Area Clearance from the Department of Environment and Natural Resources (DENR) and pursuant to the Directive of the President on 22 March 2022 to the Philippine Reclamation Authority (PRA) to totally forfeit the said reclaimed land in favor of the National Government, the **TOTAL FORFEITURE** of the incomplete Coron Phase 2 Reclamation Project situated in the Municipality of Coron, Palawan with a total area of about twenty-two (22) hectares, more or less, subject to final survey, is hereby **APPROVED**; and

RESOLVED FURTHER, That in view of the total forfeiture of the said reclaimed land, the PRA Management is also hereby **GRANTED** with

Page 1 of 2

CERTIFIED COPY

DATE: **04 APR 2022**


ATTY. MARK ARTHUR M. CATABONA
Board Secretary V

AUTHORITY to apply and comply with the DENR requirements for Presidential Proclamation declaring the land alienable and disposable and no longer needed for public use, issuance of a Special Patent, and eventual titling thereof.

3. The foregoing resolution has not been repealed, amended nor modified, and remains to be valid and subsisting as of date hereof.

Signed on 16 June 2022 at Taguig City, Metro Manila.

EXHIBIT 15-A


MARK ARTHUR M. CATABONA
Acting Board Secretary



Page 2 of 2

CERTIFIED COPY

DATE: 04 APR 2023


ATTY. MARK ARTHUR M. CATABONA
Board Secretary V



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati

Tel.No.: (02) 8459-5000 . Facsimile No.: (02) 8815-2662

Website: www.pea.gov.ph . Email: info@pea.gov.ph

February 23, 2023

VICTORINO DENNIS M. SOCRATES
THE PROVINCIAL GOVERNOR
PROVINCIAL GOVERNMENT OF PALAWAN

Capitol Bldg. Rizal. Cor. Fernandez St.

Bgy. Tanglaw, Puerto Princesa City

LBc # 1272 0046 7461 / 02.27.2023

MS. BELLA C. TIOANGCO
BCT TRADING AND CONSTRUCTION

National Highway, Brgy. San Pedro

Puerto Princesa City

LBc # 1272 0046 7451 / 02.27.2023

MR. ERNESTO MERCADO

428 HI-TECH GROUP, INC.

Reclamation Area, Bgy. Poblacion V

Coron, Palawan

LBc # 1272 0046 7481 / 02.27.2023

Dear Sirs/Madame:

Please be informed that pursuant to the Directive of the President on 22 March 2022 to the Philippine Reclamation Authority (PRA) to totally forfeit the unauthorized reclamation undertaken by the Provincial Government of Palawan and its joint venture partner, the PRA Governing Board has approved the total forfeiture in favor of the National Government of the incomplete Coron Phase 2 Reclamation Project situated in the Municipality of Coron, Palawan with a total area of about twenty-two (22) hectares, more or less, subject to final survey.

As discussed during the meetings of the concerned government agencies and different stakeholders, there is a need to implement the rehabilitation of Coron, specifically the mitigating actions over the forfeited reclaimed land which will involve the excavation of the portion of land that blocks the water circulation in the mangrove forest, the opening of the waterway for the dumped/trapped mangroves, and installation of the sea wall on the excavated sites. Said measures are important undertakings as they will lessen the adverse environmental impact caused by the reclamation project on Coron's wetlands and marine biodiversity.

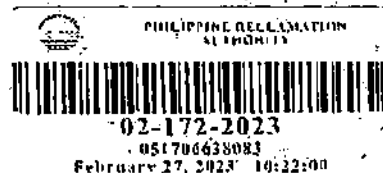
Moreover, during the meeting of the Inter-Agency Task Force (IATF) for the Rehabilitation of Coron held at the Luxent Hotel, Quezon City on February 9, 2023, the IATF agreed to implement the mitigation measures on February 27, 2023.

In this regard, we need your assistance in making available the backhoe and other equipment, silt curtains/silt traps and other materials necessary to implement the above mitigating measures.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

MAY 03 2023

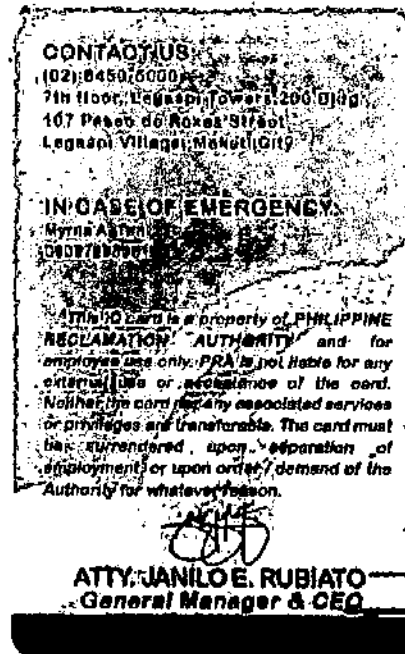


02-172-2023

051706638083

February 27, 2023 10:22:00

EXHIBIT 17



[Handwritten signature]

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Coron, Palawan
Branch 163

**BCT TRADING AND
CONSTRUCTION AND 428 HI-TECH
GROUP, INC.,**

Plaintiffs,

-versus-

Civil Case CRN-1084
For: Injunction and Damages

**ROBERTO B. MAGALLANES AND
JOSE B. MAGALLANES, JR., ET AL.,**

Defendants.

x-----x

**JUDICIAL AFFIDAVIT
OF ATTY. JANILO E. RUBIATO**

I, **ATTY. JANILO E. RUBIATO**, Filipino, of legal age, with address at Philippine Reclamation Authority, 7th Floor Legaspi Towers 200 Bldg., Paseo De Roxas, Legaspi Village, Brgy. San Lorenzo, Makati City, and at present temporarily holding office at PNOC Bldg. No. 3, Department of Energy Compound, Rizal Drive, Bonifacio Global City, Taguig City, under oath, hereby respectfully submits my Judicial Affidavit to constitute as my direct testimony in the above case. I was examined by Atty. Marc Gregory M. Solano of the PRA Legal Department and my examination was held at the temporary office of the Philippine Reclamation Authority (PRA) located at Bldg. 3 PNOC Compound, Energy Center, Rizal Drive, Bonifacio Global City, Taguig City. I answered all his questions fully conscious that I do so under oath and that I may face criminal liability for false testimony and perjury.

FORMAL OFFER OF TESTIMONY OF WITNESS

The testimony of this witness is being offered to prove the following:

1. Meeting called by former President Rodrigo R. Duterte at the Malago Clubhouse, PSG Compound, Malacanang, Manila on March 22, 2022.

2. Directive of Former President Rodrigo R. Duterte to the PRA to immediately stop the reported illegal reclamation in Coron, Palawan, and to implement appropriate actions pertaining thereto, including the forfeiture of the illegally reclaimed land and to make it green.

DIRECT-EXAMINATION

1.	Q:	Please state your name and your personal circumstances.
	A:	My name is Janilo E. Rubiato and currently employed at the Philippine Reclamation Authority (PRA).
2.	Q:	What is your position in PRA?
	A:	I hold the position of General Manager & CEO in the Philippine Reclamation Authority.
3.	Q:	What is your proof that you are an employee of the PRA?
	A:	I have my Identification Card (ID) issued by PRA to me.
		<i>Witness handed to me his Identification Card No. 216582, issued by PRA. Requesting the Honorable Court that the same be marked as Exhibit "18-PRA".</i>
4.	Q:	As General Manager and CEO, what are your duties and functions?
	A:	My duties and functions generally include: 1. Acts as Chief Executive of the Authority; 2. Executes and administer the policies, plans, programs, rules and regulations approved or promulgated by the Governing Board of the Authority; 3. Prepares the agenda for the meetings of the Board of Directors and submits for reconsideration of the Board such policies, measures, plans and programs as I may deem necessary to carry out the provisions and purposes of the charter of the corporation and agreements/contracts the corporation has entered into; 4. Direct and supervises the operation and administration of the corporation and for this purpose, delegates some or any of its powers and duties to subordinate offices



		<p>and departments;</p> <p>5. Represent the Authority in all dealings with offices, agencies and instrumentalities of the government and with all persons and other entities, public or private, domestic or foreign;</p> <p>6. Recommends to the Board the appointment, transfer, promotion, assignment, re-assignment, demotion, dismissal and compensation of the corporation's officials Department Manager and above; and</p> <p>7. Exercises such other powers and performs such other duties provided in the By-Laws vested in him by the Board of Directors.</p>
5.	Q:	How long have been holding that position?
	A:	I assumed as General Manager and CEO of the PRA in November 2016 up to the present.
6.	Q:	Have you read the Complaint in this case?
	A:	Yes.
7.	Q:	You mentioned that one of your duties include representing the PRA in all dealings with offices, agencies and instrumentalities of the government. Can you tell us of one of those dealings in connection with this case?
	A:	I was invited to the Office of the President for a meeting with then President Rodrigo Roa Duterte to discuss the complaint of the group SAGIP CORON PALAWAN.
8.	Q:	What was the complaint of the group SAGIP CORON PALAWAN that you just mentioned?
	A:	The complaint of SAGIP CORON PALAWAN was about the alleged unauthorized reclamation in Coron and the reports of its alleged adverse environmental impact, such as stagnation and slow death of sea living creatures and organisms within the area, such as trapped mangroves, caused by the said reclamation activities.
9.	Q:	What transpired during the said meeting with the former President?
	A:	The former President directed the PRA to immediately stop the reported unauthorized or illegal reclamation in Coron,

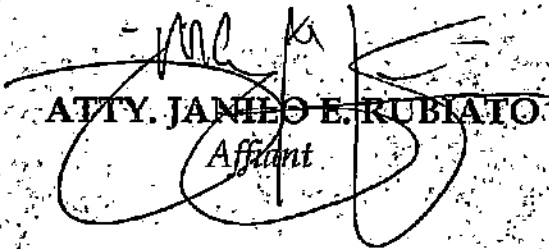
		and to implement appropriate actions pertaining thereto, including the forfeiture of the reclaimed land and to make it green.
10.	Q:	In view of the former President's directive, what did your PRA do, if any?
	A:	Our Office issued a Cease and Desist Order (CDO) dated 24 March 2022.
11.	Q:	Showing you a CDO dated 24 March 2022. What is the relation of this document with the one you mentioned earlier?
	A:	That is the same CDO that I mentioned earlier.
12.	Q:	On the lower portion of this CDO is a signature above the name of Atty. Janilo E. Rubiato. Do you know whose signature is this?
	A:	Yes, that is my signature as the General Manager of PRA.
		<i>Requesting the Honorable Court that the CDO dated 24 March 2022 be marked as Exhibit "14-PRA" and the signature of Atty. Janilo E. Rubiato be bracketed and sub-marked as Exhibit "14-PRA-A."</i>
13.	Q:	What did the Province do in relation to the directive to comply with the submission of the mandatory requirements for its reclamation project in Coron, if any?
	A:	The Government of Palawan was not able to comply with all the government requirements and conditions prior to doing the actual reclamation works in Coron.
14.	Q:	Considering that the Provincial Government was not able to comply with all the governmental requirements prior to undertaking the actual reclamation activities, what action did PRA take next, if any?
	A:	The Reclamation and Regulation Office, through my Office, as General Manager and CEO, endorsed for the approval of the PRA Board, the total forfeiture of the Coron reclamation project.
15.	Q:	What happened next, if any, after this recommendation was made?
	A:	The PRA Board, through its Board Resolution No. 5541, Series of 2022, approved the total forfeiture of the

		reclamation project in favor of the National Government.
16.	Q:	If this Board Resolution will be shown to you, will you be able to identify it?
	A:	Yes.
17.	Q:	Showing you a Secretary's Certificate embodying PRA Board Resolution No. 5541, Series of 2022. What is the relation of this document with the Board Resolution you mentioned earlier?
	A:	This is the same Board Resolution that I mentioned earlier.
18.	Q:	On this Certification is a signature above the name of "MARK ARTHUR M. CATABONA". Do you know whose signature is this?
	A:	Yes, that is the signature of the Corporate Secretary of PRA.
19.	Q:	Why do you know his signature?
	A:	I am familiar with his signature having worked with him in the PRA and having seen his signature in other corporate documents.
		<i>Requesting the Honorable Court that the Secretary's Certificate embodying PRA Board Resolution No. 5541, Series of 2022 be marked as Exhibit "15-PRA" and the signature of Mark Arthur M. Catabona be encircled and sub-marked as Exhibit "15-PRA-A."</i>
20.	Q:	What happened next, if any, after the PRA Board approved the total forfeiture of the reclaimed land?
	A:	The PRA transmitted a Forfeiture Letter/Order dated 23 February 2023, addressed to the Provincial Government of Palawan and the plaintiffs, informing them that pursuant to the PRA's Board Resolution, the reclaimed area had been forfeited in favor of the State.
21.	Q:	If this Forfeiture Letter/Order will be shown to you, will you be able to identify it?
	A:	Yes.
22.	Q:	Showing you 23 February 2023 letter of PRA addressed to the Provincial Government of Palawan and plaintiffs, what is the relation of this document with the Forfeiture Letter/Order you mentioned earlier?

	A:	This is the same Forfeiture Letter/Order issued by PRA that I mentioned earlier.
23.	Q:	On the 2 nd page of this Forfeiture Letter/Order is a signature above the name of Atty. Janilo E. Rubiato. Do you know whose signature is this?
	A:	Yes, that is my signature as the General Manager of PRA.
		<i>Requesting the Honorable Court that the 23 February 2023 Forfeiture Letter/Order be marked as Exhibit "16-PRA" and the signature of Atty. Janilo E. Rubiato be bracketed and sub-marked as Exhibit "16-PRA-A."</i>
24.	Q:	Aside from the foregoing, is there anything else you want to say?
	A:	That is all for now.


Affiant further sayeth naught.

Signed at _____, Philippines, this ____ day of _____ 2023.


ATTY. JANILO E. RUBIATO
Affiant

SUBSCRIBED AND SWORN to before me in the City of TAGUIG, this 22nd day of MAY 2023 by _____ who has satisfactorily proven to me his identity through his PRA Identification Card with number 216582 issued at MACAT by PRA and that he is the same person who personally signed before me the foregoing affidavit and acknowledged that he executed the same.

Doc. No. 47;
Book No. II;
Page No. III;
Series of 2023.


CARL PHILIP N. BATUCAN
Appointment No. 56 (2022-2023)
Notary Public for Taguig City
Until 31 December 2023
PNOC Bldg. VI, Energy Center, Rizal Drive
Bonifacio Global City, Taguig
Roll No. 67061
PTR No. A-5701182/Taguig City/01-12-2023
IBP No. 289325/01-17-2023
MCLE Compliance No. VII-0009702

LAWYER'S ATTESTATION

I, **ATTY. MARC GREGORY SOLANO**, Filipino, of legal age, with office address at Bldg. 3 PNO Compound, Energy Center, Rizal Drive, Bonifacio Global City, Taguig City, hereby attest that:

1. I am a lawyer at the Legal Department of the Philippine Reclamation Authority (PRA), one of the defendants in the case entitled: "*BCT Trading et al. vs. Roberto B. Magallanes et al.*" docketed as Civil Case CRN-1084 filed before Branch 163, Coron, Palawan;
2. I faithfully recorded or caused to be recorded the questions asked and the corresponding answers that Atty. Janilo E. Rubiato has provided; and
3. Neither I nor any other person then present or assisting me coached the witness regarding the latter's answers.


SIGNED this ____ day of May 2023, in Taguig City.


ATTY. MARC GREGORY M. SOLANO
Affiant

SUBSCRIBED AND SWORN to before me this 22nd of MAY 2023, affiant exhibited his PRA ID No. 217602.

WITNESS MY HAND AND SEAL on the date and place first above-written.

Doc. No. 48
Page No. II
Book No. III
Series of 2023.


CARL PHILIP N. BATUCAN
Appointment No. 56 (2022-2023)
Notary Public for Taguig City
Until 31 December 2023
PNO Bldg. VI, Energy Center, Rizal Drive
Bonifacio Global City, Taguig
Roll No. 67061
PTR No. A-5701182/Taguig City/01-12-2023
IBP No. 289325/01-17-2023
MCLE Compliance No. VII-0009702

Copy furnished:

ALAMPAY AND TAMASE LAW OFFICE

Counsel for the Plaintiffs

12th Floor, PDCP Bank Centre cor.

Rufino and Leviste Sts., Salcedo Village, Makati City

alampaytamase@gmail.com

SAN DIEGO LAW OFFICE

c/o ATTY. SHEILLA F. SAN DIEGO

Counsel for Messrs. Roberto and Jose Magallanes

Suite 2301, Makati Prime Citadel,

5007 P. Burgos cor. Caceres St.,

Makati City

sheilasandiego@gmail.com

ROBERTO B. MAGALLANES

JOSE B. MAGALLANES

Defendants

Nueva Street, Brgy. Poblacion IV,

Coron, Palawan

**DEPARTMENT OF ENVIRONMENT &
NATURAL RESOURCES-MIMAROPA**

Defendant

1515 Roxas Blvd.,

Ermita, Manila

mimaroparegion@denr.gov.ph

**DEPARTMENT OF PUBLIC WORKS & HIGHWAYS-
MIMAROPA**

Defendant

790 Epifanio de Los Santos Avenue,

Diliman, Quezon City

pacanan.gerald@dpwh.gov.ph

LOCAL GOVERNMENT OF CORON, PALAWAN

c/o OFFICE OF THE MAYOR

Defendant

Municipal Hall of Coron, Palawan

EXPLANATION

Resort is made to filing and service by registered mail with return card due to constraints in time and manpower, as well as the physical restrictions imposed by COVID-19 pandemic. In accordance with par. 4 of Administrative Circular No. 41-2020 dated 29 May 2020, a copy of this *Judicial Affidavit* is also filed electronically.


MARC GREGORY SOLANO



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Pasco de Roxas St., Legaspi Village, 1228 City of Makati
Tel.No.: (02) 8459-5000 . Facsimile No.: (02) 8815-2652
Website: www.pea.gov.ph . Email: info@pea.gov.ph

24 March 2022

HON. JOSE CH. ALVAREZ

Governor

Province of Palawan

Capitol Complex, Puerto Princesa City

1271 DOGO 4915 / B. 75. 2022

Dear Gov. Alvarez:

This refers to the complaint filed by the *Sagip-Coron, Palawan* group to the Office of the President (OP) and this Office relative to the reclamation of the Coron Bay Reclamation and Development Project (CBRDP) of the Provincial Government of Palawan.

The complaint alleges that the Provincial Government and its private joint venture partners have undertaken reclamation activity sans compliance with the conditions set forth by the PRA.

Relative thereto, you are hereby ordered to immediately CEASE AND DESIST from further undertaking reclamation activities until all governmental requirements and conditions have been fully complied with including but not limited to the conditions of the Notice to Proceed (NTP) issued by PRA, foremost of which is the requirement of an Area Clearance from the Department of Environment and Natural Resources (DENR).

The Philippine National Police (PNP) and National Bureau of Investigation (NBI) are hereby enjoined to assist the PRA in the enforcement of this Cease and Desist Order (CDO) and other regulatory orders.

For strict compliance.

Very truly yours,

ATTY. JANILLO E. RUBIATO
General Manager and CEO

EXHIBIT 14-4

Office of the Chief
Philippine National Police

MAR 28 2022
RECEIVED
By: NUP ML VICTORIA 2:40 PM

Cf: (1) **HON. SALVADOR C. MEDIALDEA**
Executive Secretary
Office of the President
Malacañang, Manila

(2) **Sec. JIM O. SAMPULNA, CESO I**
Acting Secretary, Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
osec@denr.gov.ph

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
APR 04 2023

DEPT. OF ENVIRONMENT AND NATURAL RESOURCES
RECORDS MANAGEMENT DIVISION

RECEIVED
MAR 28 2022
REVENUE 1230 SIG: JHO

PHILIPPINE RECLAMATION
AUTHORITY
03-160-2022
961936246486
March 25, 2022 10:22:00

Page 1 of 2

- (3) **PGen DIONARDO B. CARLOS**
Chief, Philippine National Police
Camp Rafael Crame, EDSA, Quezon City
- (4) **DIR. ERIC. B. DISTOR**
Director, National Bureau of Investigation
United Nations Avenue, Manila City
director@nbi.gov.ph
- (5) **PBGen SIDNEY S. HERNIA**
Regional Director, Philippine National Police
Police Regional Office MIMAROPA
Camp BGen Efigenio C Navarro
Barangay Suqui, Calapan City, Oriental Mindoro
pro4b@pnp.gov.ph
Tel # 1271 0060 4935 / 03. 25. 2022
- (6) **MR. ROMMEL VALLEJO**
Acting Director, National Bureau of Investigation
MIMAROPA Regional Office
Barangay Sta. Isabel
Calapan City, Oriental Mindoro
mimaropa@nbi.gov.ph
Tel # 1271 0060 4925 / 03. 25. 2022
- (7) **HON. MARIO T. REYES, JR.**
Coron Municipal Mayor
Real Street, Coron, Palawan
tanggapanngpunongbayancoron@gmail.com
Tel # 1271 0060 4945 / 03. 25. 2022
- (8) **MR. TEODORO JOSE S. MATTA**
Executive Director III
Palawan Council for Sustainable Development
PCSD Building, Sports Complex Road
Sta. Monica, Puerto Princesa City, Palawan
Tel # 1271 0060 4955 / 03. 25. 2022



Office of the President
REPUBLIC OF THE PHILIPPINES

Sender's Copy



032822-MRO-101451



CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023

Page 2 of 2

FW: Complaint filed relative to the Coron Bay Reclamation and Development Project of the Provincial Government of Palawan

PEA Info <info@pea.gov.ph>

Mon 28 Mar 2022 11:43 AM

To: Records Section <records@pea.gov.ph>



PHILIPPINE RECLAMATION AUTHORITY

Email: info@pea.gov.ph
Website: www.pea.gov.ph
Telephone: (02) 8459-5000
Address: 7th Floor Legaspi Towers 200 Bldg.,
107 Paseo De Roxas St. Legaspi Village, 1226
Makati City

This email message is confidential and may also be privileged. If you are not the intended recipient, please notify the sender immediately and delete this email from your system. You should not copy or use it, or any portion of it, for any purpose, nor disclose its contents to any other person.

From: Office of the Director <director@nbi.gov.ph>

Sent: Monday, 28 March 2022 11:40 AM

To: PEA Info <info@pea.gov.ph>

Subject: Re: Complaint filed relative to the Coron Bay Reclamation and Development Project of the Provincial Government of Palawan

Good day! Confirming receipt of your email. We will forward this matter to the proper Service for appropriate action. Thank you

From: PEA Info <info@pea.gov.ph>

To: "palawan.governor@gmail.com" <palawan.governor@gmail.com>

Cc: Malacanang Records Office <mro@malacanang.gov.ph>, Office of the Secretary <osec@denr.gov.ph>, "director@nbi.gov.ph" <director@nbi.gov.ph>, "pro4b@pnp.gov.ph" <pro4b@pnp.gov.ph>, "mimaropa@nbi.gov.ph" <mimaropa@nbi.gov.ph>, "tanggapanngpunongbayancoron@gmail.com" <tanggapanngpunongbayancoron@gmail.com>, "oed@pcsd.gov.ph" <oed@pcsd.gov.ph>

Date: Sun, 27 Mar 2022 23:39:11 +0000

Subject: Complaint filed relative to the Coron Bay Reclamation and Development Project of the Provincial Government of Palawan

Dear Sir/Ma'am,

For your acknowledgment, please. Thank you.



PHILIPPINE RECLAMATION AUTHORITY

Email: info@pea.gov.ph
Website: www.pea.gov.ph
Telephone: (02) 8459-5000
Address: 7th Floor Legaspi Towers 200 Bldg.,
107 Paseo De Roxas St. Legaspi Village, 1226
Makati City

This email message is confidential and may also be privileged. If you are not the intended recipient, please notify the sender immediately and delete this email from your system. You should not copy or use it, or any portion of it, for any purpose, nor disclose its contents to any other person.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A

APR 04 2023



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati

Tel.No.: (02) 8459-5000 . Facsimile No.: (02) 8816-2662

Website: www.pea.gov.ph . Email: info@pea.gov.ph

EXHIBIT 15

SECRETARY'S CERTIFICATE

SO THE PUBLIC MAY KNOW:

I, **MARK ARTHUR M. CATABONA**, of legal age, Filipino, with office address at 8th Floor, Legaspi Towers 200 Building, 107 Paseo de Roxas, Legaspi Village, Makati City, after having been duly sworn to in accordance with law, do hereby certify that:

1. I am the Acting Board Secretary of the Philippine Reclamation Authority (PRA);
2. At the 602nd Regular Meeting of the PRA Board of Directors on 16 June 2022 duly called for the purpose, a quorum being present and acted throughout, the following resolution was adopted by the majority of the members of the Board with the concurrence of the Chair, and is now in full force and effect, to wit:

RESOLUTION NO. 5541
Series of 2022

APPROVAL OF THE TOTAL FORFEITURE OF THE INCOMPLETE CORON PHASE 2 RECLAMATION PROJECT IN FAVOR OF THE NATIONAL GOVERNMENT AND THE AUTHORIZATION TO APPLY AND COMPLY WITH THE REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE ISSUANCE OF PRESIDENTIAL PROCLAMATION, SPECIAL PATENT AND EVENTUAL TITLING THEREOF

***RESOLVED**, That upon the recommendation of the Management in its Memorandum for the Board of Directors dated 15 June 2022, in view of the unauthorized reclamation undertaken by the Provincial Government of Palawan and its joint venture partners without Area Clearance from the Department of Environment and Natural Resources (DENR) and pursuant to the Directive of the President on 22 March 2022 to the Philippine Reclamation Authority (PRA) to totally forfeit the said reclaimed land in favor of the National Government, the **TOTAL FORFEITURE** of the incomplete Coron Phase 2 Reclamation Project situated in the Municipality of Coron, Palawan with a total area of about twenty-two (22) hectares, more or less, subject to final survey, is hereby **APPROVED**; and*

***RESOLVED FURTHER**, That in view of the total forfeiture of the said reclaimed land, the PRA Management is also hereby **GRANTED** with*

Page 1 of 2

CERTIFIED COPY

DATE: 04 APR 2023


ATTY. MARK ARTHUR M. CATABONA
Board Secretary V

AUTHORITY to apply and comply with the DENR requirements for Presidential Proclamation declaring the land alienable and disposable and no longer needed for public use, issuance of a Special Patent, and eventual titling thereof.

3. The foregoing resolution has not been repealed, amended nor modified, and remains to be valid and subsisting as of date hereof.

Signed on 16 June 2022 at Taguig City, Metro Manila.

EXHIBIT 15-A


MARK ARTHUR M. CATABONA
Acting Board Secretary



Page 2 of 2

CERTIFIED COPY

DATE: 04 APR 2023


ATTY. MARK ARTHUR M. CATABONA
Board Secretary V



Republic of the Philippines
OFFICE OF THE PRESIDENT
PHILIPPINE RECLAMATION AUTHORITY

7th floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati

Tel.No.: (02) 8459-5000 • Facsimile No.: (02) 8815-2662

Website: www.pea.gov.ph • Email: info@pea.gov.ph

February 23, 2023

VICTORINO DENNIS M. SOCRATES
THE PROVINCIAL GOVERNOR
PROVINCIAL GOVERNMENT OF PALAWAN
Capitol Bldg. Rizal. Cor. Fernandez St.
Bgy. Tanglaw, Puerto Princesa City
LBC # 1272 0046 7461 / 02.27.2023

MS. BELLA C. TIOANGCO
BCT TRADING AND CONSTRUCTION
National Highway, Brgy. San Pedro
Puerto Princesa City
LBC # 1272 0046 7451 / 02.27.2023

MR. ERNESTO MERCADO
428 HI-TECH GROUP, INC.
Reclamation Area, Bgy. Poblacion V
Coron, Palawan
LBC # 1272 0046 7481 / 02.27.2023

Dear Sirs/Madame:

Please be informed that pursuant to the Directive of the President on 22 March 2022 to the Philippine Reclamation Authority (PRA) to totally forfeit the unauthorized reclamation undertaken by the Provincial Government of Palawan and its joint venture partner, the PRA Governing Board has approved the total forfeiture in favor of the National Government of the incomplete Coron Phase 2 Reclamation Project situated in the Municipality of Coron, Palawan with a total area of about twenty-two (22) hectares, more or less, subject to final survey.

As discussed during the meetings of the concerned government agencies and different stakeholders, there is a need to implement the rehabilitation of Coron, specifically the mitigating actions over the forfeited reclaimed land which will involve the excavation of the portion of land that blocks the water circulation in the mangrove forest, the opening of the waterway for the dumped/trapped mangroves, and installation of the sea wall on the excavated sites. Said measures are important undertakings as they will lessen the adverse environmental impact caused by the reclamation project on Coron's wetlands and marine biodiversity.

Moreover, during the meeting of the Inter-Agency Task Force (IATF) for the Rehabilitation of Coron held at the Luxent Hotel, Quezon City on February 9, 2023, the IATF agreed to implement the mitigation measures on February 27, 2023.

In this regard, we need your assistance in making available the backhoe and other equipment, silt curtains/silt traps and other materials necessary to implement the above mitigating measures.

CERTIFIED COPY:

LUCIANA D. SAMARRO
RECORDS OFFICER A
MAY 03 2023

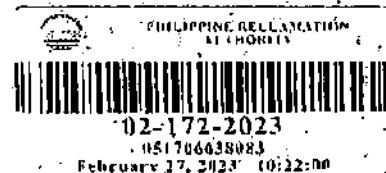
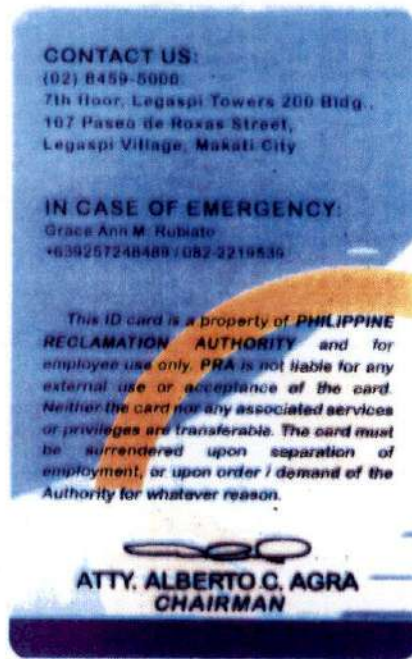


EXHIBIT "18"



[Handwritten signature]



[Handwritten signature]