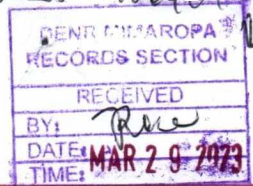




Republic of the Philippines
Department of Environment and Natural Resources
PENRO Marinduque



March 22, 2023

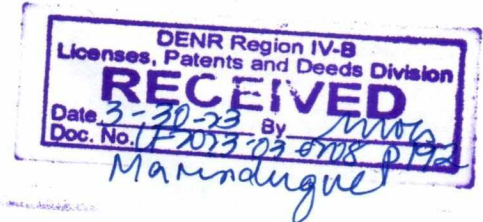
MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region

THRU : The OIC- Assistant Regional Director for Technical Services

FROM : The OIC-PENR Officer

SUBJECT : **APPLICATION OF PROVINCIAL GOVERNMENT OF MARINDUQUE FOR GRATUITOUS SPECIAL USE PERMIT (GSUP) FOR BALOGO PORT LOCATED AT BRGY. BALOGO, STA. CRUZ, MARINDUQUE**



Forwarded herewith is the request for issuance of Gratuitous Special Use Permit (GSUP) of Provincial Government of Marinduque, represented by Gov. Presbitero J. Velasco Jr., located at Brgy. Balogo, Sta. Cruz, Marinduque.

For your further verification and evaluation, attached are documents/requirements to support this application.

1. Letter of intent
2. Certification as to the Land Classification of the area being applied for GSUP (To be issued by the DENR)
3. GIS-Generated map of the area
4. Indicative Management Plan (DAO-2022-01 Annex B)
5. Proof of budget allocation for the development and management of the project
6. Resolution authorizing the local chief executive to apply for gratuitous special use permit (in case the applicant is LGU)
7. In case of LGUs, a proof that the proposed project is indicated in the Forest Land Use Plan (FLUP) and within the ambit of the approved Comprehensive Land Use Plan (CLUP)

For your consideration and approval.


IMELDA M. DIAZ



A&D Certification

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that a tract of lands situated in Brgy. Balogo, Sta. Cruz, Marinduque, containing an area of 403,735 sq. m. identified as Port Facilities, Port Area Causeway, Exisiting Mangrove, and Lot No. 5836, Cad'815-D, falls within Timberland Block B, of Project No. 05, Sta. Cruz, Marinduque per B.F. Land Classification Map No. 789 dated November 22, 1928.

This Certification is issued in compliance with standing policy on the issuance of Verification of land Status/Survey Authority this 23th day of November, 2021.

Plot & Verified By:

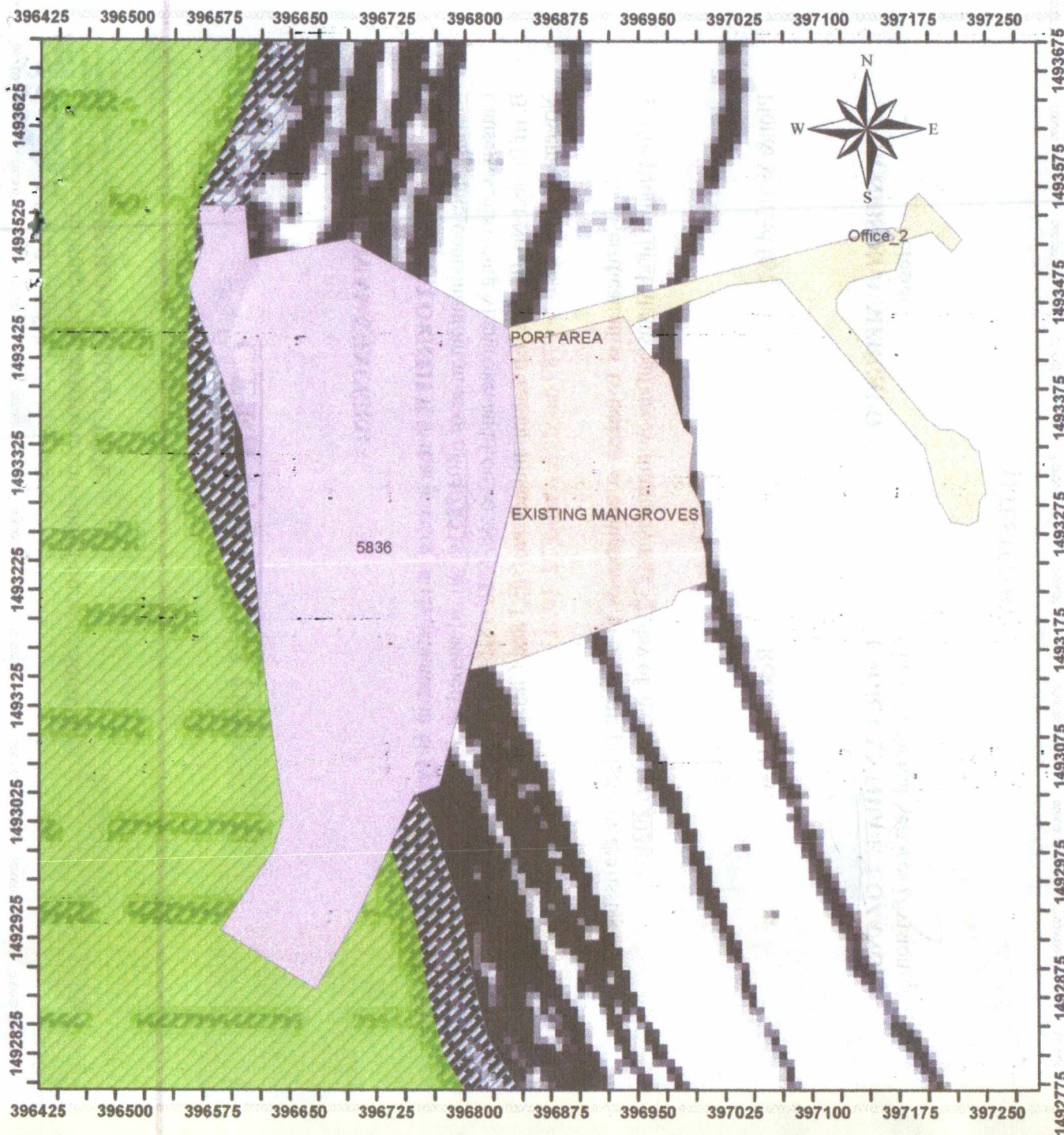
DON GIBSON D. MERCADO
Forester

Reviewed By:

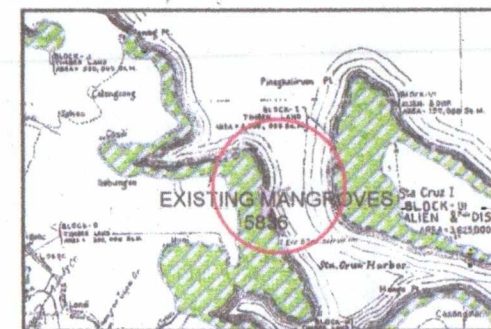
ENGR. CYNTHIA D. LOZANO
Chief, Technical Services Division

ATTESTED BY:

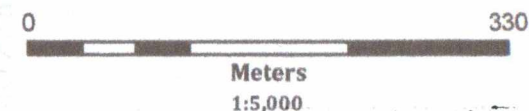
IMELDA M. DIAZ
OIC, PENR Officer



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
Boac, Marinduque



**MAP SHOWING THE LOCATION OF
BALOGO PORT**



Location

BALOGO, STA. CRUZ, MARINDUQUE

Projection: Philippines Traverse Mercator Zone III
Datum: LUZON_1911

Legend

- EXISTING MANGROVE
- PORT FACILITIES
- PORT AREA CAUSEWAY
- LOT 5836 CAD 815-D
- Timber Land
- Buffer zone (40 meters)

Prepared by:

Reviewed by:

DON GIBSON D. MERCADO
Forester I

ENGR. CYNTHIA A. LOZANO
Chief, TSD



CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that a tract of lands situated in Brgy. Balogo, Sta. Cruz, Marinduque, containing an area of 403,735 sq. m. identified as Port Facilities, Port Area Causeway, Existing Mangrove, and Lot No. 5836, Cad' 815-D, falls within Timberland Block B, of Project No. 05, Sta. Cruz, Marinduque per B.F. Land Classification Map No. 789 dated November 22, 1928.

This Certification is issued in compliance with standing policy on the issuance of Verification of land Status/Survey Authority this 23th day of November, 2021.

Plot & Verified By:

Reviewed By:

DON GIBSON D. MERCADO
Forester

ENGR. CYNTHIA D. LOZANO
Chief, Technical Services Division

ATTESTED BY:

IMELDA M. DIAZ
OIC, PENR Officer



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
Boac, Marinduque

OFFICE

RECEIVED

BY: *g*

DATE: *09-07-23*

TIME: *03:49*

PENRO DOCUMENT ACTION AND TRACKING SLIP

DOCUMENT INFORMATION

Document Category: Incoming

Document No.: 2023-IN-000619

Sender/s:

- Presbitero Velasco Jr.

Originating Office:

Classification: Simple

Subject: Letter of intent to lease Balogo lots

Encoded By: Manoel Christian Munar

Document Type: Letter

Control Code:

Date & Time Received: 03/07/2023 03:43 PM

Address:

Is This Urgent?: Yes

HISTORY LOGS

DOC. FROM	DOC. TO	RECEIVED	RELEASED	RUNTIME	ACTION TO BE TAKEN	REMARKS	ATTACHMENTS
<ul style="list-style-type: none">• Presbitero Velasco Jr.	<ul style="list-style-type: none">• Imelda Diaz	03/07/2023 03:43 PM	03/07/2023 03:44 PM	1 min	For evaluation and comment/s		
<ul style="list-style-type: none">• Imelda Diaz	<i>R.Ps, Sir Tony</i>				<i>FOR appropriate action please</i> <i>TS.</i> <i>Joyberl</i>		

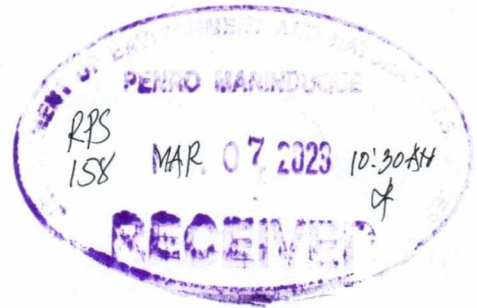


Republic of the Philippines
Provincial Government of Marinduque
OFFICE OF THE GOVERNOR

February 28, 2023

HON. MA. ANTONIA TONI YULO-LUISAGA
SECRETARY

Department of Environment and Natural Resources
DENR Building Visayas Avenue 1101
Quezon City, Manila



SUBJECT: LETTER OF INTENT TO LEASE BALOGO LOTS

ATTENTION: PENRO IMELDA M. DIAZ
DENR, Marinduque

Dear Secretary Yulo-Luisaga,

This is to express our intention to lease the lots in Brgy. Balogo, Port, Sta. Cruz, Marinduque under the Gratuitos Permits for Special Uses for Forest Lands (GSUP).

Relative to the establishment of Balogo International Port and Economic Zone and our application for accreditation with Philippine Economic Zone Authority (PEZA), we have identified Balogo Port Facilities formerly leased to Marcopper Mining Corporation as the location for this economic zone.

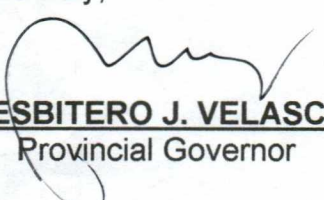
In this regard, we signify our intention to apply Gratuitous Permits for Special Uses of Forest Lands (GSUP) for Lot No. 5143 with a total area of 79,211 sqm., Lot No. 5836 with an area of 113,494 sqm., Mangroves with a total area of 190,739 sqm., and Port with a total area of 20,291 sqm. based on the cadastral survey, located at Balogo, Sta. Cruz, Marinduque. Lots are presently declared for real property taxation purposes as mineral, while portion of Lot No. 5836 are classified as residential and special.

Thereafter, PENR Officer IMELDA M. DIAZ, DENR Marinduque with the ELEPS and our Provincial Legal Officer took possession of the said premises. Considering the said possession, there is no legal impediment to enter into OLP Lease Agreement with the Provincial Government of Marinduque

Attached for your reference are the copies of the requirements submitted to the PENRO for your consideration and approval.

Anticipating your usual prompt assistance and favorable action.

Yours truly,


PRESBITERO J. VELASCO, JR.
Provincial Governor

Application for Gratuitous Special Use Permit
Application No. _____

Ms. IMELDA M. DIAZ

OIC PENRO

Department of Environment and Natural Resources

Boac, Marinduque

Region MIMAROPA

Madam Diaz:

Pursuant to the provisions of DENR Administrative Order No. 2022-01 dated _____, and other relevant laws, policies and regulations, I hereby apply for a Gratuitous Special Use Permit (GSUP), the particulars of which are as follows:

Type of special forest land use or project: Other lawful purposes - Balogo International Port

Approximately area (110.): 40.373

Location Province : Marinduque

Municipality/City : Sta. Cruz

Barangay : Balogo

Sitio's

Geographic coordinates : Easting 1.492.281.560

Northing 605 173.450

I that the filing of this application does not convey the right to enter, occupy or develop the area applied for, until the GSUP has been issued to me/us by the Department of Environment and Natural Resources through its concerned Regional Executive Director in this region.

All application requirements as stipulated in the guidelines on the matter are enclosed together with the required no-refundable application fee in the amount of P 3 000.00.

Very truly yours,

PRESBITERO J. VELASCO JR.

Provincial Governor
Applicant

Provincial Capitol Compound

Barangay Santol, Boac

Marinduque 4900

Contact numbers: 042-7040072; 042-7040144

Republic of the Philippines

Province of Marinduque

Municipality of Boac

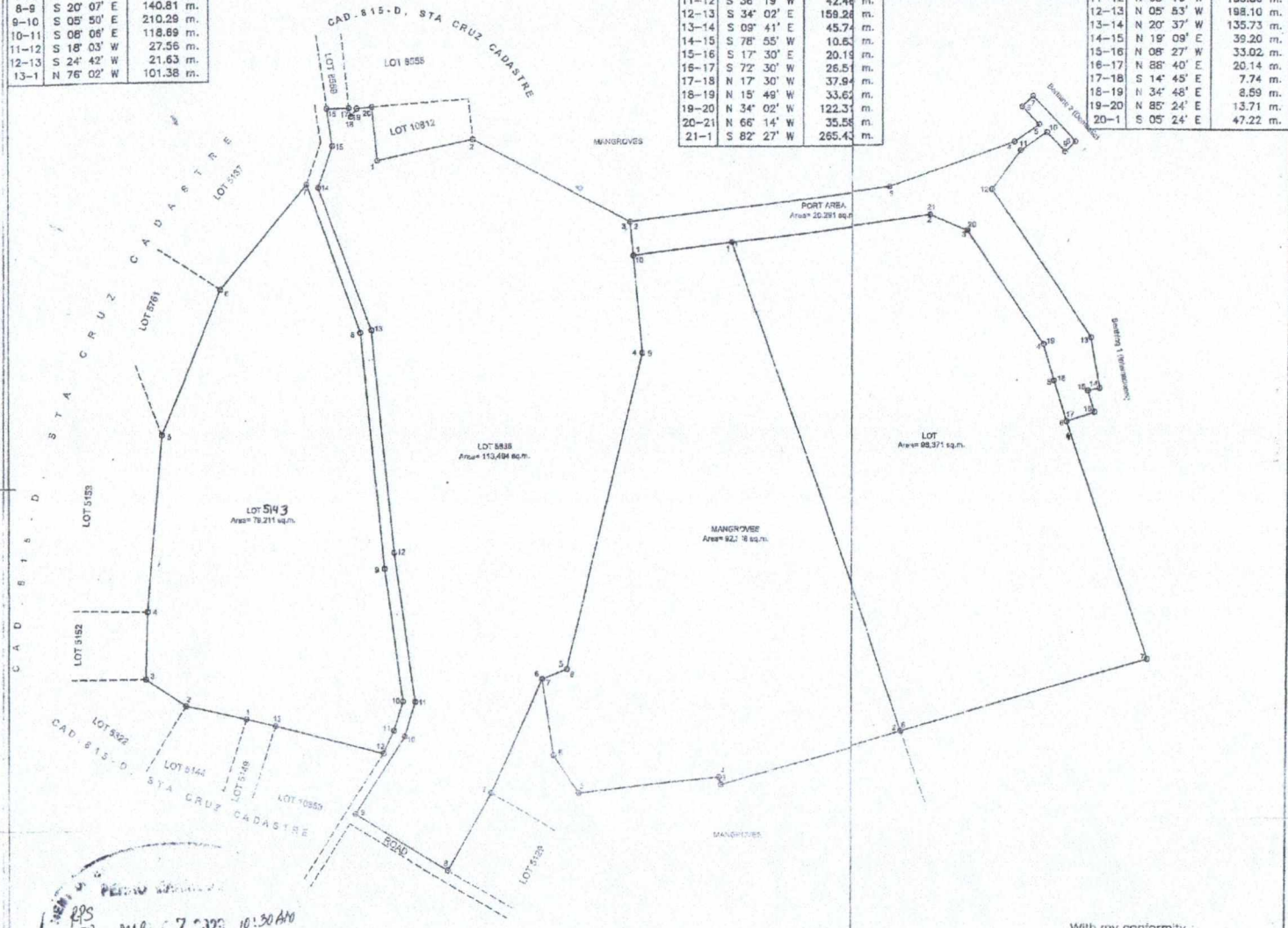
SUBSCRIBED AND SWORN to be before me this 14th day of October. Affiant exhibited to me his/her government issued identification card bearing the code _____.

Doc. No. 294
Page. No. 61
Book. No. 46
Series of 2022

ATTY. ROMMEL P. FERNANDEZ
Notary Public for and in the Province of Marinduque
Until December 2023
PTR NO. 2239835-1-18-2022
ISP NO. 140625-10-15-2020
Attorney's Roll No. 55877
N.C. Compliance NO. VI-0027803

1-2	N 76° 48' W	26.93 m.	4-5	S 15° 49' E	33.62 m.
2-3	N 77° 19' W	55.81 m.	5-6	S 17° 30' E	37.84 m.
3-4	N 54° 37' W	42.22 m.	6-7	S 19° 06' E	223.25 m.
4-5	N 01° 19' E	59.92 m.	7-8	S 73° 55' W	227.08 m.
5-6	N 04° 44' E	157.00 m.	8-1	N 19° 06' W	460.33 m.
6-7	N 22° 01' E	138.09 m.			
7-8	N 40° 05' E	121.85 m.			
8-9	S 20° 07' E	140.81 m.			
9-10	S 05° 50' E	210.29 m.			
10-11	S 08° 08' E	118.89 m.			
11-12	S 18° 03' W	27.56 m.			
12-13	S 24° 42' W	21.63 m.			
13-1	N 76° 02' W	101.38 m.			

4-5	N 55° 39' E	26.52 m.	4-5	S 84° 13' W	126.46 m.	4-5	S 13° 31' W	287.00 m.
5-6	N 43° 24' W	21.82 m.	5-6	N 33° 37' W	40.47 m.	5-6	S 68° 58' W	23.62 m.
6-7	N 46° 36' E	13.00 m.	6-7	N 08° 42' W	68.57 m.	6-7	S 24° 14' W	109.67 m.
7-8	S 43° 24' E	54.96 m.	7-8	N 68° 58' E	23.62 m.	7-8	S 28° 01' W	78.20 m.
8-9	S 46° 36' W	13.00 m.	8-9	N 13° 31' E	287.00 m.	8-9	N 58° 33' W	97.03 m.
9-10	N 43° 24' W	23.31 m.	9-10	N 05° 28' W	86.72 m.	9-10	N 33° 04' E	81.23 m.
10-11	S 55° 39' W	27.88 m.	10-1	N 82° 27' E	69.70 m.	10-11	N 17° 03' E	32.11 m.
11-12	S 36° 19' W	42.46 m.				11-12	N 08° 10' W	133.80 m.
12-13	S 34° 02' E	159.28 m.				12-13	N 05° 53' W	198.10 m.
13-14	S 09° 41' E	45.74 m.				13-14	N 20° 37' W	135.73 m.
14-15	S 78° 55' W	10.63 m.				14-15	N 19° 09' E	39.20 m.
15-16	S 17° 30' E	20.19 m.				15-16	N 08° 27' W	33.02 m.
16-17	S 72° 30' W	26.51 m.				16-17	N 86° 40' E	20.14 m.
17-18	N 17° 49' W	37.84 m.				17-18	S 14° 45' E	7.74 m.
18-19	N 15° 49' W	33.62 m.				18-19	N 34° 48' E	8.59 m.
19-20	N 34° 02' W	122.31 m.				19-20	N 85° 24' E	13.71 m.
20-21	N 66° 14' W	35.58 m.				20-1	S 05° 24' E	47.22 m.
21-1	S 82° 27' W	265.42 m.						



Lot No. _____ Patent No. _____ Date _____
Decreed _____ 20 _____ LRC Rec. No. _____
OCT No. _____ Dated _____ Issued to _____
TCT No. _____ Dated _____ Issued to _____

**SKETCH
PLAN OF LAND
OF LOTS 4153 and 5836, CAD.815-D
STA CRUZ CADASTRE
AS SURVEYED FOR
PROVINCIAL GOVERNMENT
OF MARINDUQUE
SITUATED IN THE**

RURBAN CODE:
BARANGAY OF: BALOGO
MUN. / CITY OF: STA CRUZ
PROVINCE OF: MARINDUQUE
ISLAND OF: MARINDUQUE

CONTAINING AN AREA OF **403,735** SQ. M.

PPCS - PTM/PRS-82 ZONE NO.:
BEARING: GRID
SCALE 1: 4000

0 20 40 100 200 400 m.

I hereby certify that this is a correct plan of the survey made by me personally, or under my direct supervision in conformity with the provision of R.A. 8550, as amended, otherwise known as "The Geodetic Engineering Act of 1998" and the rules and regulations of the Department of Environment and Natural Resources.

I further certify that this plan accurately indicates the boundaries of the property as pointed to me on the ground by the survey claimant or his authorized representative and/or based on the available legal and/or official technical documents and that I assume full responsibility for the technical correctness of the survey and accuracy of the monument setting.

MARCH 1, 2023
Date of Survey

JOVITO T. CADATAL
GEODETIC ENGINEER
PRC ID No. : 3999 Date : 8-09-04
PTR No. : 0575066 Date : 01-02-2023
TIN No. : 175-111-127-000

Republic of the Philippines
Department of Environment and Natural Resources
TECHNICAL SERVICES
Regional Office IV-B, MIMAROPA
Roxas Blvd

The survey plotted herein is found to be in order as per submitted survey returns by the Geodetic Engineer and therefore recommended for approval.

CHIEF, Surveys & Mapping Division

APPROVED: _____
This approved plan, however, shall not be construed as title to the land.

Asst. Regional Director for Technical Services

DATE SUBMITTED	DATE RETURNED	REMARKS	DOCUMENTS RECEIVED BY:

Printed Name & Signature _____ Date _____

Position verified by _____
Plotted on P.M. _____ N. _____ E. by: _____
Field Notes checked by: _____
Computation checked by: _____
Astronomical / Traverse / Lot Data _____
Plotted / Inked by: _____
Traced by: _____
Checked and Verified by: _____

ADDITIONAL INFORMATION AFTER DATE OF APPROVAL

With my conformity:

LAND OWNER
Land Owner
(FOR SIMPLE SUBDIVISION ONLY)

VERIFICATION FEE
Paid Under
O.R. No. _____

NOTE: All corners not otherwise described are Old P.S. cyl. conc. mons. 15x40 cms.

RECEIVED
MAR 07 2023 10:30 AM
RPS
158

Application for Gratuitous Special Use Permit

- 4.3. Gratuitous Special Use Permit – a 5-year permit authorizing a head of a government agency and/or local chief executive to use certain portions of forest lands free of charge for the development of government-managed projects of national interest and infrastructures for public service and use, and non-commercial projects of GOCCs.
- 4.4. Initial Environmental Examination (IEE) – the document required of proponents describing the environmental impact of, and mitigation and enhancement measures for, projects or undertakings located in an Environmentally Critical Area.
- 4.5. Infrastructures for public service and use - shall refer to infrastructure projects intended for public service and use such as roads, bridges, schools, hospitals, health centers, flood control facilities, water reservoir or impounding dam and its related facilities, air strip, landing site, harbor, public market, public plazas, and evacuation site.
- 4.6. Projects of national interest- refers to identified priority projects that are to be implemented and/or being managed by the government.

SECTION 5. Qualification of Applicants. The following are qualified to apply for GSUP:

- 5.1. Head of government agency or its duly authorized representative; and
- 5.2. Local chief executive at the municipal, city or provincial level duly authorized by the local legislative bodies.

SECTION 6. Application requirements. The following requirements shall be submitted by the applicant together with the duly accomplished application form (Annex A):

- a. Letter of Intent
- b. Certification as to the land classification of the area being applied for GSUP to be issued by DENR (Penro)
- c. GIS-generated map of the area
- d. Appropriate certification from the National Commission on Indigenous Peoples * ①
- e. Indicative Management Plan (Annex B)
- f. Proof of budget allocation for the development and management of the project
- g. Agency resolution or authorization designating the authorized representative of the national government agency/ies and other relevant agencies to officially apply with the DENR regarding gratuitous permit acquisition.
- h. Local Government Unit (LGU) endorsement (in case the applicant is an NGA)
- i. Resolution authorizing the local chief executive to apply for gratuitous special use permit (in case the applicant is an LGU)
- j. In case of LGUs, a proof that proposed project is indicated in the Forest Land Use Plan (FLUP) and within the ambit of the approved Comprehensive Land Use Plan (CLUP) * ②
- k. Appropriate clearance from the Palawan Council for Sustainable Development (if the project is located in Palawan).

SECTION 7. Submission of application, processing, and approval of GSUP. For the purpose of this Order, the following procedures are hereby issued for the processing and approval of GSUP applications. The process flows are attached as Annex C.1 and Annex C.2 herein.

- 7.1. Government agencies and LGUs must file the duly accomplished application form with the corresponding documentary requirements prescribed by the Department at the CENRO/Implementing PENRO and the proponent to pay the amount of P3,000.00 per application to cover administrative costs.



Application for Gratuitous Special Use Permit

Application No. _____

MS. IMELDA M. DIAZ

OIC PENRO

Department of Environment and Natural Resources

Boac, Marinduque

Region MIMAROPA

Madam Diaz:

Pursuant to the provisions of DENR Administrative Order No. 2022-01 dated _____, and other relevant laws, policies and regulations, I hereby apply for a Gratuitous Special Use Permit (GSUP), the particulars of which are as follows:

Type of special forest land use or project: Other lawful purposes - Balogo International Port

Approximately area (ha.) : 44.0894

LocationProvince : Marinduque

Municipality/City : Sta. Cruz

Barangay : Balogo

Sitio's


Geographic coordinates (UTM): Easting 1,492,281.560

Northing 605,173.450

I understand that the filing of this application does not convey the right to enter, occupy or develop the area applied for, until the GSUP has been issued to me/us by the Department of Environment and Natural Resources through its concerned Regional Executive Director in this region.

All application requirements as stipulated in the guidelines on the matter are enclosed together with the required no-refundable application fee in the amount of P 3,000.00.

Very truly yours,

 **PRESBITERO J. VELASCO, Jr.**
Provincial Governor
Applicant

Provincial Capitol Compound

Barangay Santol, Boac

Marinduque 4900

Contact numbers: 042-7040072; 042-7040144


Republic of the Philippines

Province of Marinduque

Municipality of Boac

SUBSCRIBED AND SWORN to be before me this 14TH day of OCTOBER. Affiant exhibited to me his/her government issued identification card bearing the code _____.

Doc. No. 294
Page No. 61
Book No. 46
Series of 2022


ATTY. ROMMEL P. FERNANDEZ
Notary Public for and in the Province of Marinduque
Until December 2023
PTR NO. 2238835-1-18-2022
IBP NO. 140625-10-15-2020
Attorney's Roll No. 55877
MCLE Compliance NO. VI-0027803

130

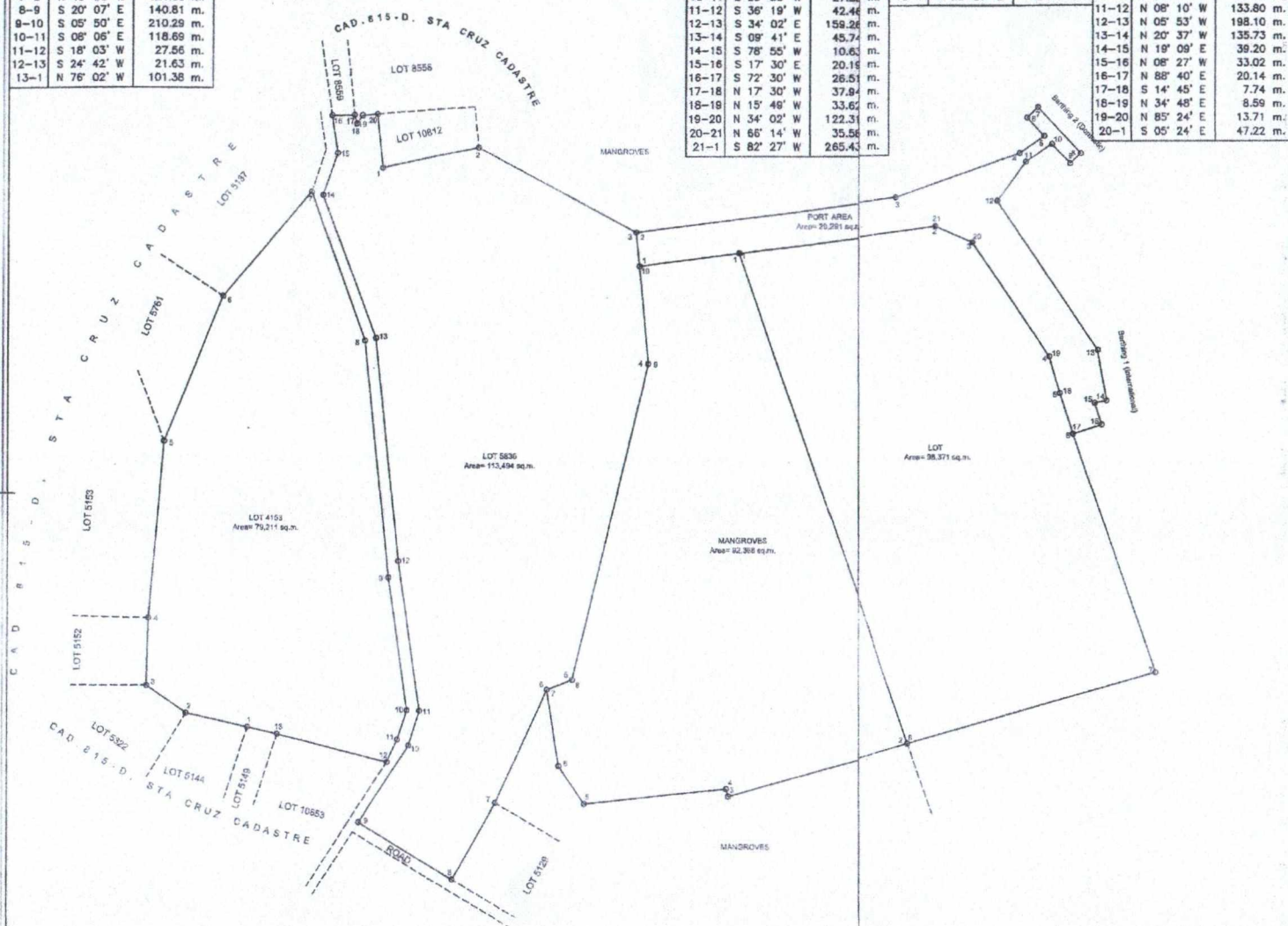
TECHNICAL DESCRIPTION		
LINES	BEARINGS	DISTANCES
LOT 4153		
1-2	N 76° 48' W	26.63 m.
2-3	N 77° 19' W	55.81 m.
3-4	N 54° 37' W	42.22 m.
4-5	N 01° 19' E	59.92 m.
5-6	N 04° 44' E	157.00 m.
6-7	N 22° 01' E	138.09 m.
7-8	N 40° 05' E	121.66 m.
8-9	S 20° 07' E	140.81 m.
9-10	S 05° 50' E	210.29 m.
10-11	S 08° 06' E	118.69 m.
11-12	S 18° 03' W	27.56 m.
12-13	S 24° 42' W	21.63 m.
13-1	N 76° 02' W	101.38 m.

LOT		
1-2	N 82° 27' E	175.73 m.
2-3	S 66° 14' E	35.56 m.
3-4	S 34° 02' E	122.31 m.
4-5	S 15° 49' E	33.62 m.
5-6	S 17° 30' E	37.94 m.
6-7	S 19° 08' E	223.25 m.
7-8	S 73° 55' W	227.08 m.
8-1	N 19° 06' W	460.33 m.

PORT AREA		
1-2	N 05° 28' W	30.03 m.
2-3	N 82° 27' E	232.71 m.
3-4	N 70° 31' E	115.85 m.
4-5	N 55° 39' E	26.52 m.
5-6	N 43° 24' W	21.82 m.
6-7	N 46° 36' E	13.00 m.
7-8	S 43° 24' E	54.96 m.
8-9	S 46° 36' W	13.00 m.
9-10	N 43° 24' W	23.31 m.
10-11	S 55° 39' W	27.85 m.
11-12	S 36° 19' W	42.46 m.
12-13	S 34° 02' E	159.26 m.
13-14	S 09° 41' E	45.74 m.
14-15	S 78° 55' W	10.63 m.
15-16	S 17° 30' E	20.19 m.
16-17	S 72° 30' W	26.51 m.
17-18	N 17° 30' W	37.94 m.
18-19	N 15° 46' W	33.62 m.
19-20	N 34° 02' W	122.31 m.
20-21	N 66° 14' W	35.56 m.
21-1	S 82° 27' W	265.43 m.

MANGROVES		
1-2	S 19° 06' E	460.33 m.
2-3	S 73° 55' W	166.53 m.
3-4	N 15° 34' W	6.97 m.
4-5	S 84° 13' W	126.46 m.
5-6	N 33° 37' W	40.47 m.
6-7	N 08° 42' W	68.57 m.
7-8	N 68° 58' E	23.62 m.
8-9	N 13° 31' E	287.00 m.
9-10	N 05° 28' W	86.72 m.
10-1	N 82° 27' E	89.70 m.

LOT 5836		
1-2	N 70° 00' E	86.86 m.
2-3	S 81° 27' E	156.23 m.
3-4	S 05° 28' E	116.80 m.
4-5	S 13° 31' W	287.00 m.
5-6	S 68° 58' W	23.62 m.
6-7	S 24° 14' W	109.67 m.
7-8	S 29° 01' W	78.20 m.
8-9	N 58° 33' W	97.03 m.
9-10	N 33° 04' E	81.23 m.
10-11	N 17° 03' E	32.11 m.
11-12	N 08° 10' W	133.80 m.
12-13	N 05° 53' W	198.10 m.
13-14	N 20° 37' W	135.73 m.
14-15	N 19° 09' E	39.20 m.
15-16	N 08° 27' W	33.02 m.
16-17	N 88° 40' E	20.14 m.
17-18	S 14° 45' E	7.74 m.
18-19	N 34° 48' E	8.59 m.
19-20	N 85° 24' E	13.71 m.
20-1	S 05° 24' E	47.22 m.



* NOTE:
All corners not otherwise described are Old P.S. cyl. conc. mons. 15x40 cms.

With my conformity :

LAND OWNER
Lend Owner

(FOR SIMPLE SUBDIVISION ONLY)

VERIFICATION FEE

Paid Under
O.R. No.
Date:
Lot/s. Corners

ORIGINAL SURVEY: Surveyed _____ Approved _____
Cad. PLE/ODE: CAD.815-D, STA CRUZ CADASTRE
Lot No. _____ Patent No. _____ Date _____
Decree No. _____ LRC Reg. No. _____
OCT No. _____ Issued to _____
TCT No. _____ Dated _____ Issued to _____

SKETCH PLAN OF LAND OF LOTS 4153 and 5836, CAD.815-D STA CRUZ CADASTRE AS SURVEYED FOR PROVINCIAL GOVERNMENT OF MARINDUQUE SITUATED IN THE

RURBAN CODE:
BARANGAY OF: BALOGO
MUN. /OFFY OF: STA CRUZ
PROVINCE OF: MARINDUQUE
ISLAND OF: MARINDUQUE
CONTAINING AN AREA OF 403,735 SQ. M.
PPCS - PTM/PRS-92 ZONE NO.:
BEARING: GRID
SCALE 1:4000
0 20 40 100 200 400 m.

I hereby certify that this is a correct plan of the survey made by me personally, or under my direct supervision in conformity with the provision of RA 8560, as amended, otherwise known as "The Geodetic Engineering Act of 1998" and the rules and regulations of the Department of Environment and Natural Resources.

I further certify that this plan accurately indicates the boundaries of the property as pointed to me on the ground by the survey claimant or his authorized representative and/or based on the available legal and/or official technical documents and that I assume full responsibility for the technical correctness of the survey and accuracy of the monument setting.

MARCH 1, 2023
Date of Survey
JOVITO T. CADASTAL
GEODETIC ENGINEER
PRC ID No.: 3995 Date: 6-06-04
PTR No.: 0876066 Date: 01-02-2023
TIN No.: 175-111-127-000
Republic of the Philippines
Department of Environment and Natural Resources
TECHNICAL SERVICES
Regional Office IV-B, MIMAROPA
Roxas Blvd

The survey plotted herein is found to be in order as per submitted survey returns by the Geodetic Engineer and therefore recommended for approval.

CHIEF, Surveys & Mapping Division

APPROVED: _____
This approved plan, however, shall not be construed as title to the land.

Asst. Regional Director for Technical Services

DATE SUBMITTED/RE-SUBMITTED	DATE RETURNED	REMARKS	DOCUMENTS RECEIVED BY

Printed Name & Signature _____ Date _____
Position verified by _____
Plotted on P.M. _____ N. _____ E. by: _____
Field Notes checked by: _____
Computation checked by: _____
Astronomical / Traverses / Lot Data _____
Plotted / Inked by: _____
Traced by: _____
Checked and Verified by: _____

ADDITIONAL INFORMATION AFTER DATE OF APPROVAL

INDICATIVE MANAGEMENT PLAN

INTRODUCTION

Since time immemorial the commodity requirements for Marinduque, mostly manufactured in CALABARZON and Metro Manila, and some export products were handled thru the national Port of Balanacan in the town of Mogpog, which is considered more of a ferry/ro-ro port being operated by the Philippine Ports Authority (PPA). With the development of Cawit Pier in the Town of Boac (with 120 meter wharf and ro-ro ramp), Marinduque has now an alternative gateway for the handling of its commodity requirements and also rice and other agricultural products directly from Oriental Mindoro. The drawback from the Cawit Pier in terms of handling cargoes is that it is not an all-weather port, the berthing facilities in same port cannot be used for a substantial amount of time during southwest monsoon.

The Provincial Government of Marinduque, consistent with the Vision of Governor Presbitero Jose Velasco, Jr. to convert the province to an industrial and logistic hub for MIMAROPA, has allocated a substantial area of public/national government land in the town of Sta. Cruz for an International Port Development. The proposed International Port would require a service port that could handle foreign container traffic as well as general cargo traffic. The port to be established in Sta. Cruz will be named Balogo International Port. The same port could also cater to cruise ships operating in the region for the promotion of tourism in the province.

PROJECT DESCRIPTION

The proposed port is a conversion of former marine facilities in Brgy. Balogo of Sta. Cruz, Marinduque, formerly used by Marcopper Mining Corporation, into an international port to cater to foreign container vessels as well as domestic general cargo vessels. The project includes the construction of foreign container berth, domestic general cargo berth, reclamation for container/general cargo storage area, rehabilitation/upgrading of existing facilities, dredging works and construction of port administration building and support facilities and utilities.

Due to budget constraints, the proposed Balogo International Port is recommended for implementation in two (2) phase and calls for the construction of the following facilities:

Phase 1

- 200 m x 35 m foreign container berth (alternately as cruise ship berth);
- 50 m x 15 m domestic general cargo berth extension;
- Rehabilitation/upgrading of existing causeway and wharf;
- Dredging works;
- Administration building, gates and other amenities; and
- Utilities to include water supply and drainage/sewerage systems, port lighting and telecommunications system.

Phase 2

- 1.41-hectare reclaimed port back-up area for temporary storage of incoming and outgoing containers and general cargos and support facilities;
- Rockworks for shore protection works;
- Roads and pavements;
- Water supply and drainage/sewerage systems; and
- Port lighting and telecommunications.

OBJECTIVES:

General Objective

The general objective of the project is to develop the international port that will expand the market opportunity for both national and international container trade by expanding the port cargo base and hinterland. Balogo International Port will play a major role in most parts of MIMAROPA and western part of Quezon province in terms of trade and economic development. The strategic location of Balogo International Port relative to its proximity to Quezon province and MIMAROPA makes the port the most viable alternative in transporting products within the region.

The following specific objectives are as follows:

- To improve the existing port layout to meet the standard and future port demand forecast;
- To improve the safety in the cargo handling operations and passenger traffic;
- To provide safe and comfortable trip for passengers who use the port to depart to/ arrive from Manila, MIMAROPA, Quezon, etc. using ferry/ro-ro and or international cruise ships; and
- To provide wide reaching employment and investment generation mechanism in the province.
-

Area Description:

Location

Barangay Balogo is located in the municipality of Sta.Cruz which is bounded on the north by the Tayabas Bay, on the east by the Polo Island, on the west by Barangay Hupi and on the south by the Barangay Bitik.

Barangays Balogo is located 3.8 kilometres from the town center of the municipality of Sta. Cruz, and 36 kilometres away from the Provincial Capitol in municipality of Boac. It is accessible through the national highway and provincial road. (Please see Figure). The project area is about 36.0 nautical miles away from Dalahican National Sea Port in Lucena City, Quezon Province.

Topography

The general feature of the project area ranges from flat terrain to sloping and rolling terrain, Barangay Balogo is a coastal barangay with highest elevation of 98.0 meters above sea level using

Barangay Buyabod as benchmark. The coastal area of Barangay Balogo is covered by mangrove areas with areas devoted to fish pond, the semi-flat parcels of land are devoted to rice, corn and the hilly areas are mostly planted with coconut intercrop with various fruit trees and cash crops.

PROJECT SCHEDULE:

The fundamental factors in determining the project implementation is the availability of following items, detailed engineering design (DED), program of works (POW), project cost estimate, application of required permits, and environmental compliance to concerned national government agencies. The civil works component, which includes construction of marine and functional facilities utilities, and port lighting and dredging of harbor basin will be completed in about eighteen (18) months. The provincial government is on the process of complying the above requirements and targeted the project Ground-Breaking on March 2022, target Start of Project Construction implementation on April 2022, and expected to start the Operation by October 2023.

TECHNICAL ASPECT:

Project Components

Facilities	No. of Units	Area (sq.m)/length (km)/capacity	Specification/Description
Phase 1			
1. Mooring Facility			
- Foreign Container Berth	Sq.m.	7,000.00	Construction of reinforced concrete Foreign Container Berth – 35.0m width x 200.0 meter long supported by reinforced concrete pile columns as indicated in the <i>Detailed Engineering Design (DED)</i> following the National Building Code and DPWH Standard– Conventional Method, with necessary facilities such as quay crane rails, fenders, bollards, safety ladders, including facility for hatch laydown area following the PPA standards
- Domestic General Cargo Berth Extension	Sq.m.	750.00	Construction of reinforced concrete Domestic General Cargo Berth Extension – 15.0m width x 50.0 meter long supported by reinforced concrete pile columns as indicated in the DED following the National Building Code and DPWH Standards – Conventional Method.
- Dredging Works (Provisional Sum)	Lot	1	Dredging works at -11.00 meter dredge level along foreign container berth, and -6.50 meter dredge level along domestic general cargo berth as indicated in the DED shall be done to provide safe navigation, turning, loading and unloading of vessels following the National Building Code and DPWH Standard
2. Access and Pier Facility			
- Existing Causeway and Wharf	Sq.m.	9,855.00	Rehabilitation/Upgrading of Causeway 12.00 meter width x 355.00 meter long x 230mm thick PCC Pavement (plain), slope protection/shear wall of causeway and wharf, construction of parapet wall, and provision of thermoplastic pavement marking following DPWH Standards as indicated in the DED –

			Conventional Method
3. Administration Office Building, Guard House and Gates	Sq.m.	400.00	Construction of 1 unit Two (2) Storey reinforced concrete Administration Office Building – 10.0m x 20.0m, reinforced concrete Two (2) units Guard House – 2.5m x 2.7m as indicated in the , and Two (2) sets of Vehicular Metal Gates covered with canopy
4. Water Supply System	Lot	1	Construction of one (1) unit elevated water tank, one (1) unit cistern tank, (1) unit deep well & drilling works, and installation of water distribution pipe lines
5. Drainage, Sewerage System and Solid Waste Management Facility	Lot	1	Construction of concrete line canal and storm drainage system with RCCP drainage crossing, sewerage treatment tanks/STP, and Materials Recovery Facility (MRF)
6. Port Lighting and Telecommunication	Lot	1	Installation of port area lighting facility – LED solar lights, stand-by generator set, and provision of landline telecommunication units
Phase 2			
1. Temporary Holding Area for Containers/ General Cargo	Sq.m.	14,100.00	Reclamation/backfilling of 14.0 hectares coastal area
2. Roads, sidewalk, etc.	Sq.m.	2,820.00	Construction of Access/Alternate Road 12.00 meter width x 235.00 meter long x 230mm thick with sidewalk PCC Pavement (plain) and embankment slope protection– Conventional Method
3. Drainage and Sewerage System	Ln.m.	500.00	Construction of concrete line canal and storm drainage system with RCCP drainage crossing
4. Water Supply	Lot	1	Construction of additional one (1) unit elevated water tank with electric motor pump, and installation of water distribution pipe lines
5. Port Lighting/ Telecommunication	Lot	1	Installation of port area lighting facility – LED solar lights, and provision of landline telecommunication units

Utilities/Requirements:

Power/Energy, Water and other Requirements

Utilities	Estimated Demand/ Consumption (Total)	Source Breakdown	Project Breakdown from Source Specified	
			Construction	Operation
Power / Electricity	Construction: 100.0kwh	Grid	80.0kwh	364.0kwh
	Operation: 364.0	Generator Set	20.0kwh	-
		Others, please specify: Solar	-	120.0kwh
Water	Construction: 971.75 m ³ /day	Local Water Utility Provider	2.0 m ³ /day	m ³ /day
		Deep Well in Brgy. Balogo	-	-
		Baliis Creek	12.0 m ³ /day	-
	Operation: 60.0 m ³ /day	Deep Well in Brgy. Balogo	-	60.0m ³ /day
Sand and Gravel	Construction:	Source:		

	Sand and Gravel 4,259.26 m ³ /day	Boac River Quarry, Boac	72.0 m ³ /day	0.0 m ³ /day
Other materials and requirements	Boulders: 5,258.5MT	Source: Boac River Quarry, Boac	90.0 m ³ /day	-
	Common Borrow Materials: 69,372.0MT	San Antonio (Former MMC Dump Site) Quarry Site, Sta. Cruz	240.0m ³ /day	m ³ /day

MANAGEMENT ASPECTS:

The proposed Balogo International Port is proposed to be a Local Economic Enterprise of the Provincial Government of Marinduque and is important to the realization of the province's development strategies with the main goal to improve the people's living condition and provide them safe, secured and decent way of living by increasing access economic services and facilities, without compromising the environmental integrity.

The management and operation of the international port shall be open for public private partnership (PPP) to minimize the burden of management and operation cost to the provincial government.

The revenue to be generated from the economic enterprise will be invested in social services programs, projects and activities that will contribute to the economic prosperity of society including youth programs and services, promotes health, education, job creation, safe and secure living. It will improve the well-being of every individual in our local community.

FINANCIAL ASPECTS:

Project Cost

The estimated preliminary project costs for both phases of the proposed international port is Php1,827,200,000.00 and are broken down as follows:

PHASE 1

Item of Work	Amount (PhP)
Division A: Preparatory Works	
Item 1 Mobilization/Demobilization, Temporary Works, Site Survey, etc.	<u>9,750,000.00</u>
Sub-total Preparatory Works	9,750,000.00
Division B: Basic Port Facilities	
Item 1 Foreign Container Berth (35m x 200m)	928,500,000.00
Item 2 Rehabilitation/Upgrading of Existing Wharf/ves and Causeway	138,500,000.00
Item 3 Domestic General Cargo Berth Extension	69,500,000.00
Item 4 Dredging Works (Provisional Sum)	<u>79,500,000.00</u>
Sub-total Basic Port Facilities	1,216,000,000.00
Division C: Civil Works	
Item 2 Drainage and sewerage System	19,500,000.00
Item 3 Water Supply	<u>68,500,000.00</u>
Sub-total Civil Works	88,000,000.00
Division D: Building Works	
Item 1 Administration Office Building	15,000,000.00
Item 2 Guard House	3,500,000.00
Item 3 Gates	<u>2,850,000.00</u>

Sub-total Building Works	21,350,000.00
Division E: Port Lighting/Telecommunication Works	
Item 1 Port Lighting/ Telecommunication	<u>49,500,000.00</u>
Sub-total Port Lighting/ Telecommunication	49,500,000.00
Division F: Detailed Engineering Design (Incl. Site Works)	
Item 1 Feasibility Study and Detailed Engineering Design	<u>29,500,000.00</u>
Sub-total FS and DED	29,500,000.00
GRAND TOTAL	1,414,100,000.00

PHASE 2

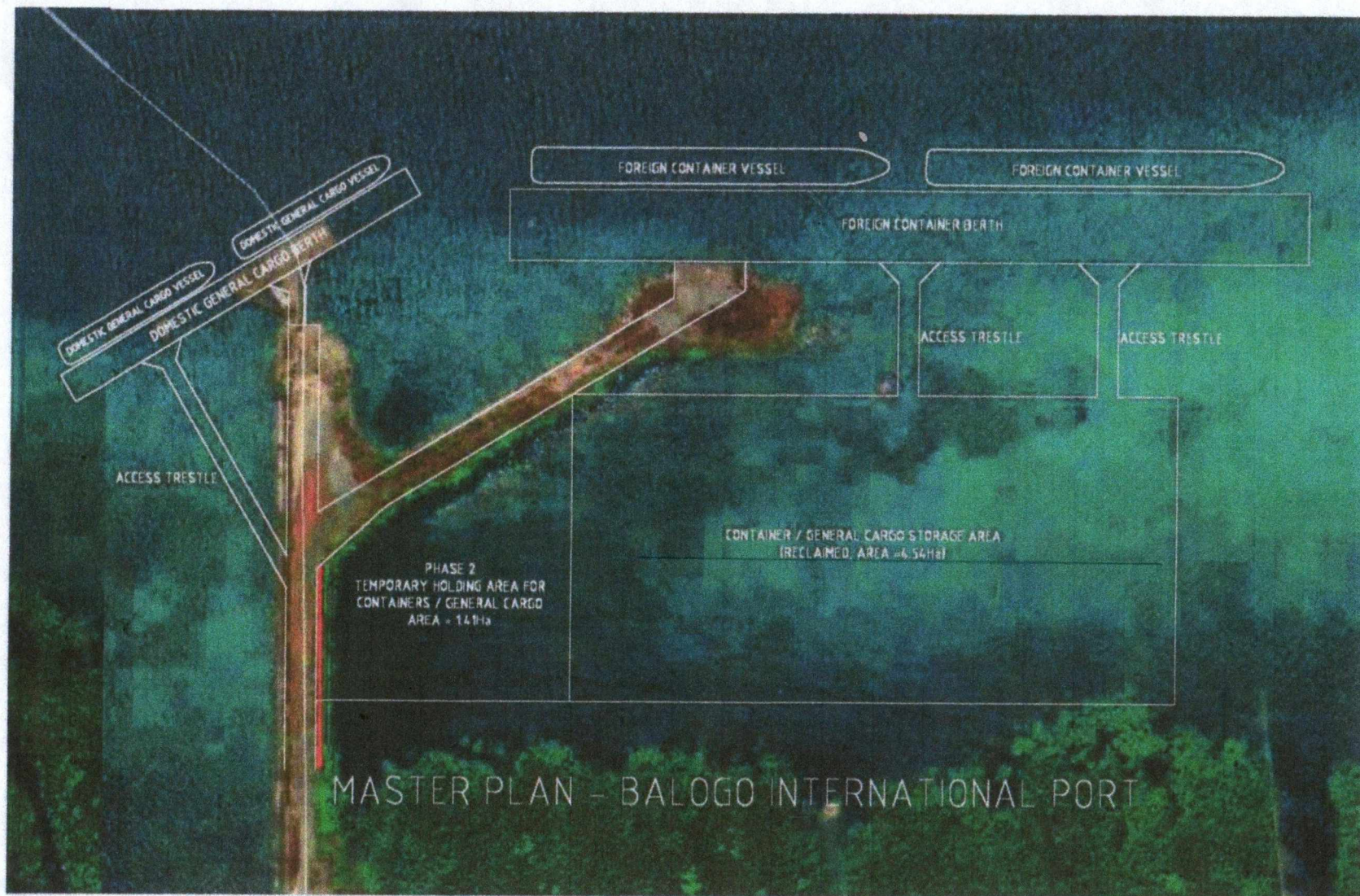
Item of Work	Amount (PhP)
Division A: Preparatory Works	
Item 1 Mobilization/Demobilization, Temporary Works, Site Survey, etc.	<u>5,800,000.00</u>
Sub-total Preparatory Works	5,800,000.00
Division B: Basic Port Facilities	
Item 1 Reclamation Works (dry fill)	58,500,000.00
Item 2 Rockworks	<u>175,800,000.00</u>
Sub-total Basic Port Facilities	234,300,000.00
Division C: Civil Works	
Item 1 Pavement (road, sidewalk, etc.)	69,500,000.00
Item 2 Drainage and Sewerage System	39,500,000.00
Item 3 Water Supply	<u>19,500,000.00</u>
Sub-total Civil Works	128,500,000.00
Division E: Port Lighting/Telecommunication Works	
Item 1 Port Lighting/ Telecommunication	<u>29,500,000.00</u>
Sub-total Port Lighting/ Telecommunication Works	29,500,000.00
Division F: Detailed Engineering Design (Incl. Site Works)	
Item 1 Feasibility Study and Detailed Engineering Design	<u>15,000,000.00</u>
Sub-total FS and DED	15,000,000.00
GRAND TOTAL	413,100,000.00

Sources of Funds

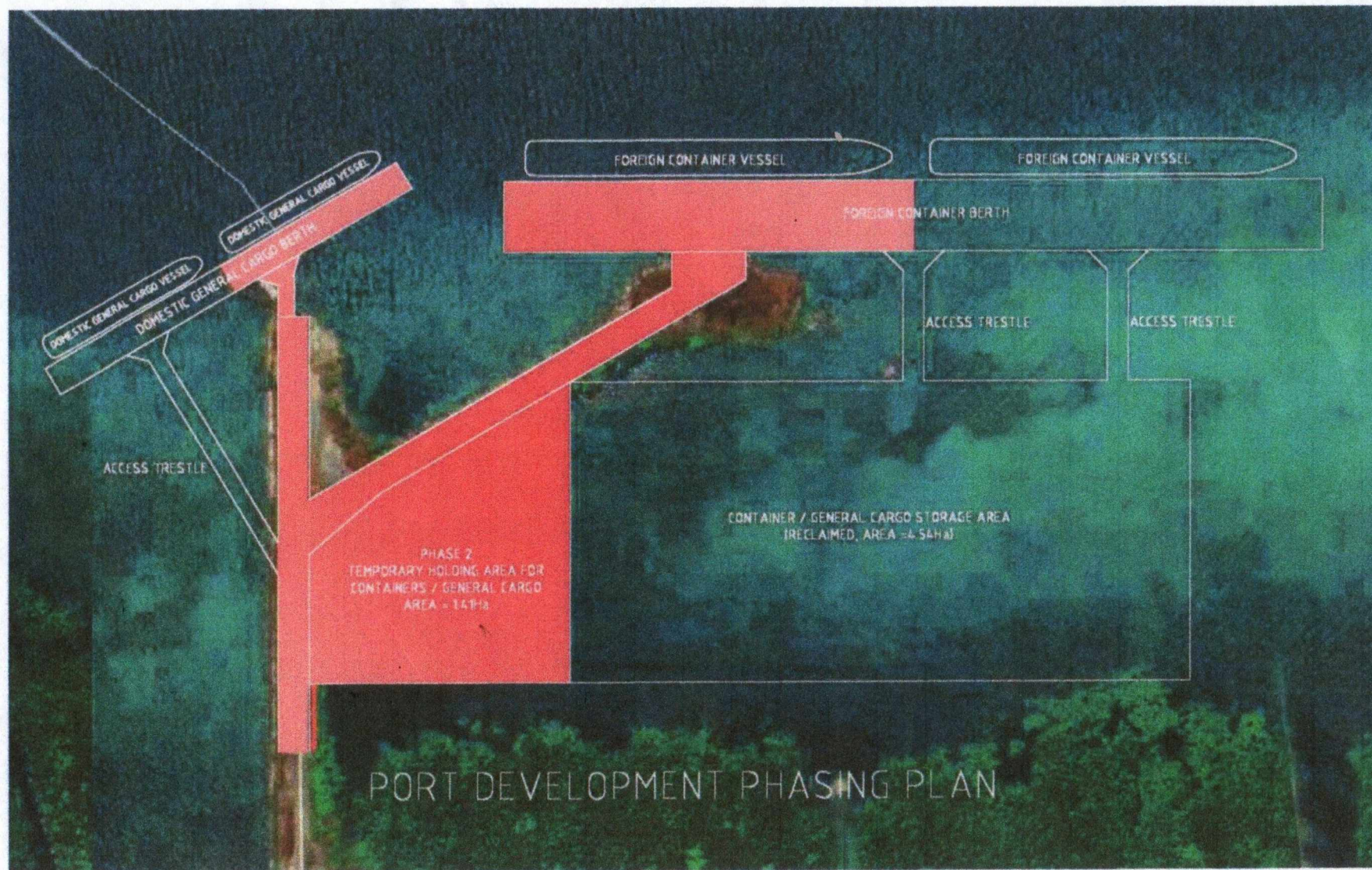
The proposed Balogo International Port could either be funded by the national government through the General Appropriation Act (GAA) or from concession loans from international financial institution on one hand. On the other hand, the port rates could be increase to make it attractive for private investors for possible PPP arrangement.

Financial Projection

The financial and economic evaluation for Balogo International Port was not undertaken in this report but will definitely be included in the next stage of study, which is the full blown feasibility study. The financial and economic evaluation will determine the financial and economic viability of the project.



MASTER PLAN



PORT DEVELOPMENT PHASING PLAN

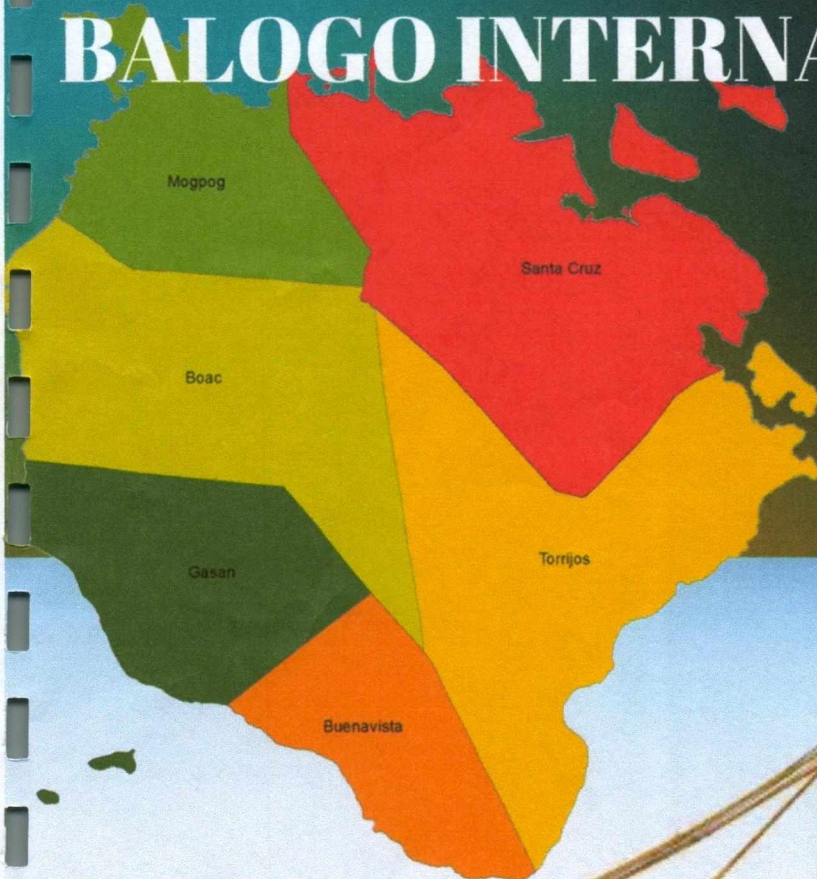
TECHNICAL DESCRIPTION		
LINES	BEARINGS	DISTANCES
LOT 4153		
1-2	N 76' 48' W	26.83 m.
2-3	N 77' 19' W	55.81 m.
3-4	N 54' 37' W	42.22 m.
4-5	N 01' 19' E	59.92 m.
5-6	N 04' 44' E	157.00 m.
6-7	N 22' 01' E	138.09 m.
7-8	N 40' 05' E	121.66 m.
8-9	S 20' 07' E	140.81 m.
9-10	S 05' 50' E	210.29
10-11	S 08' 06' E	118.69 m.
11-12	S 18' 03' W	27.56 m.
12-13	S 24' 42' W	21.63 m.
13-1	N 76' 02' W	101.38 m.
LOT 5836		
1-2	N 78' 00' E	86.86 m
2-3	S 61' 27' E	156.23 m.
3-4	S 05' 28' E	116.80 m.
4-5	S 13' 31' W	287.00 m.
5-6	S 88' 58' W	23.82 m.
6-7	S 24' 14' W	109.87 m.
7-8	S 29' 01' W	78.20 m.
8-9	N 58' 33' W	97.03 m.
9-10	N 33' 04' E	81.23 m.
10-11	N 17' 03' E	32.11 m.
11-12	N 08' 10' W	133.80 m.
12-13	N 05' 53' W	198.10 m.
13-14	N 20' 37' W	135.73 m.
14-15	N 19' 09' E	39.20 m.
15-16	N 08' 27' W	33.02 m.
16-17	N 88' 40' E	20.14 m.
17-18	S 14' 45' E	7.74 m.
18-19	N 34' 48' E	8.59 m.
19-20	N 85' 24' E	13.71 m.
20-1	S 05' 24' E	47.22 m.
MANGROVES		
1-2	S 19' 06' E	460.33 m.
2-3	S 73' 55' W	166.53 m.
3-4	N 15' 34' W	6.97 m.
4-5	S 84' 13' W	126.46 m.
5-6	N 33' 37' W	40.47 m.
6-7	N 08' 42' W	68.57 m.
7-8	N 68' 58' E	23.62 m.
8-9	N 13' 31' E	287.00 m.
9-10	N 05' 28' W	86.72 m.
10-1	N 82' 27' E	89.70 m.

PORT AREA		
1-2	N 05' 28' W	30.03 m.
2-3	N 82' 27' E	232.03 m.
3-4	N 70' 31' E	115.85 m.
4-5	N 55' 39' E	26.52 m.
5-6	N 43' 24' W	21.82 m.
6-7	N 46' 36' E	13.00 m.
7-8	S 43' 24' E	54.96 m.
8-9	S 46' 36' W	13.00 m.
9-10	N 43' 24' W	23.31 m.
10-11	S 55' 39' W	27.89 m.
11-12	S 36' 19' W	42.48 m.
12-13	S 34' 02' E	159.26 m.
13-14	S 09' 41' E	45.74 m.
14-15	S 78' 55' W	10.63 m.
15-16	S 17' 30' E	20.19 m.
16-17	S 72' 30' W	26.51 m.
17-18	N 17' 30' W	37.94 m.
18-19	N 15' 49' W	33.62 m.
19-20	N 34' 02' W	122.31 m.
20-21	N 66' 14' W	36.56 m.
21-1	S 82' 27' W	265.43 m.
LOT		
1-2	N 82' 27' E	175.73 m.
2-3	S 66' 14' E	35.58 m.
3-4	S 34' 02' E	122.31 m.
4-5	S 15' 49' E	33.62 m.
5-6	S 17' 30' E	37.94 m.
6-7	S 19' 06' E	223.25 m.
7-8	S 73' 55' W	227.08 m.
8-1	N 19' 06' W	460.33 m.

PORT AREA		
1-2	N 05' 28' W	30.03 m.
2-3	N 82' 27' E	232.03 m.
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BALOGO INTERNATIONAL PORT



Comprehensive
Development and
Management Plan For
Gratuitous for Special
Use Permit (GSUP)

COMPREHENSIVE DEVELOPMENT AND MANAGEMENT PLAN FOR GRATUITOUS SPECIAL USE PERMIT (GSUP)

NAME of AGREEMENT Holder: Provincial Government of Marinduque

Approximate Area: 40.3735 Hectares

Location:

Region: MIMAROPA Region

Province: Marinduque

Municipality: Sta. Cruz

Barangay: Balogo

Boundaries:

Geographic Coordinates of the Project Area:

TECHNICAL DESCRIPTION		
LINES	BEARINGS	DISTANCES
LOT 4153		
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2-3	N 77' 19' W	55.81 m.
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OBJECTIVES

General Objectives

The general objective of the project is to develop the international port that will expand the market opportunity for both national and international container trade by expanding the port cargo base and hinterland. Balogo International Port will play a major role in most parts of MIMAROPA and western part of Quezon province in terms of trade and economic development. The strategic location of Balogo International Port relative to its proximity to Quezon province and MIMAROPA makes the port the most viable alternative in transporting products within the region.

The following specific objectives are as follows:

- To improve the existing port layout to meet the standard and future port demand forecast;
- To improve the safety in the cargo handling operations and passenger traffic;
- To provide safe and comfortable trip for passengers who use the port to depart to/ arrive from Manila, MIMAROPA, Quezon, etc. using ferry/ro-ro and or international cruise ships; and
- To provide wide reaching employment and investment generation mechanism in the province.

AREA DESCRIPTION

Location

Barangay Balogo, a costal barangay, is located in the municipality of Sta.Cruz which is bounded on the north by the Tayabas Bay, on the east by the Polo Island, on the west by Barangay Hupi and on the south by the Barangay Bitik. It has an area of 287.9082 hectares.

Barangays Balogo is located 3.8 kilometres from the town center of the municipality of Sta. Cruz, and 36 kilometres away from the Provincial Capitol in municipality of Boac. It is accessible through the national highway and provincial road. (Please see Figure 1). The project area is about 36.0 nautical miles away from Dalahican National Sea Port in Lucena City, Quezon Province.

History of Barangay Balogo

Barangay Balogo was formerly part of Barangay Hupi as a sitio. Long ago, the people of Barangay Hupi were using instrument called "Tambuli" or "Budyong" to invite people to convene. Because this sitio is too far away, most of the people can't hear the sound of the Tambuli and can't attend the meeting, that's why they petition to separate from Barangay Hupi. It was declared as separate barangay on 1934.

The word "Balogo" was derived from the "Bago" which they used as source of shampoo in this barangay.

List of Past Barangay Leaders

1. Gaudencio Redugerio	1934-1935
2. Silvestre Ricamata	1935-1939
3. Mariano Barganza	1939-1947
4. Isabelo Ricohermoso	1948-1952
5. Francisco Ricafort	1953-1954
6. Proceso Regencia	1955-1965
7. Lorenzo Reforma	1966-1988
8. Jose Y. Reforma	1988-2002
9. Lilio Ricohermoso	2002-2006
10. Ronald Reforma	2006-Present

Topography

The topography of the project area is characterized by an extensive flat to sloping and rolling terrain with slope ranging from 0% to 3%. Around 80% are flat to sloping and rolling terrain and only 20% are hilly portion on the northwest section of the barangay confluence area, Barangay Balogo is a coastal barangay with highest elevation of 98.0 meters above sea level using Barangay Buyabod as benchmark. The coastal area of Barangay Balogo is generally covered by mangrove areas with some areas devoted to fish pond, the semi-flat parcels of land are devoted to rice, corn and the hilly areas are mostly planted with coconut intercrop with various fruit trees and cash crops.

Drainage

There is no existing river system or creek with in the area of Barangay Balogo and surface runoff during rainy and storm events is being drawn down by the natural slopes directing to the coast. Earth canal are present along the road system with reinforced concrete pipe culverts that served as drainage crossing to manage the stream flow during storm and rainy events.

Based on the Mines and Geosciences Bureau (MGB) flood susceptibility map below (Figure 2) shows that the coastal Mangrove areas are highly susceptible to flooding and the adjacent low-lying rice land are moderately susceptible to flooding. However, the project site that is located within the mangrove/timberland is a former company seaport that has been developed, backfilled and properly graded to make it free from flooding.

Climate

The climate that prevails in the whole province is categorized as Type IV of the Coronas Classification and has no distinct boundary between dry and wet season. Southwest monsoon (Habagat) winds occurred in May to October and Northeast monsoon (Amihan) also starts in October and ends in March while April to May is the transition from northeast to southwest monsoon season. However, for the past ten years, a change in climate pattern was observed and based on the Climate Information Risk Analysis Matrix or CLIRAM at high emission scenario for the Province of Marinduque in the Mid-21st Century (2036-2065) the highest possible future rainfall change amounting to 332.8mm during the Northeast (NE) Monsoon or Amihan during the month of December, January and February shows an increase of 28%. This increase could be detrimental to some sectors of the community, as this season correspond to the wettest months over the province. The projected seasonal mean temperature with the hottest season is in the months of March, April and May with mean temperature of 29.6 °C to 30.5 °C.

Geology of Soil

The geology of the project area is a recent alluvium formation of fluvial sand and gravel, beach deposit and a flood plain.

The proposed project site is located within low to moderate susceptibility area to landslide based on the Landslide Susceptibility Map as shown in Figure3 below. Likewise, the soil texture in the area is classified as Maranlig Clay (501) with soil of clay, brown to dark reddish brown, slightly friable and compact when dry, sticky and plastic when wet, and fine granular structure, gravels and stones of various sizes and shapes are well distributed with varying degrees of weathering are present.

Vegetation and Forest Cover

Barangay Balogo is a coastal barangay and the coast is covered by mangrove timberland that comprise almost 50% of the total land area of the barangay with cluster areas devoted to fishponds. Vegetation within landward up to the hilly area of the barangay territory are mostly covered with coconut trees intercrop with various fruit

trees, bananas and cash crops with packets of land devoted to rice and corn production, cluster of bamboo, secondary forest and open grass land. While the project site is an open area with some vegetation of planted fruit and forest trees and clusters of weeds and shrubs.

Forest Resources Data

Parcels of mangrove forest/ timber lands are the forest resources in the project area with total estimated aggregate area of 207.2089 hectares. Around 28.40 hectares of the timber land in the area was used by former mining company in the area that was cleared and developed for their sea port facility, warehouse and stock yard, and housing for the employees. Mangrove species in the area are mostly *bakauan-babae* and *bakaun-lalake*, *bungalon* and *api-api*.

Demographic and Community Description

Based on the Record of Barangay Inhabitant (RBI) 2020, Barangay Balogo has a total population of 1,113, 550 males and 553 females, 322 families and 232 households. Being a coastal barangay, most of the adult members of the community are engaged into agriculture and fishery.

Infrastructure and Utilities

Barangay Balogo is accessible through the inter connection of the existing concrete paved provincial road, gravel paved private road and concrete paved barangay road. The barangay has their Barangay Hall, Health Center, Elementary School, Day Care Center, Covered Court, Public Toilet, Covered Pathway, Chapel, and a causeway that served as barangay fishing port. Domestic water is being served by the Barangay Water Supply System from the two (2) deep well and distributed thru water pump system. Electric power is being distributed by the Marinduque Electric Cooperative (MARELCO).

Environmental Information

At present the environment in the project area is generally in good condition wherein the air, water, soil, land, and flora and fauna interact well with the healthy life and economic activities of the communities. There is no presence of Indigenous People in the proposed project area and the barangay territory does not overlap to any ancestral domain in the proposed project area. The landscape position and flora and fauna species in and adjacent to the site is not likely to be formerly habitat of endangered species. The vegetation growing along the roadside were mostly coconut palms, fruit trees, planted forest trees, and shrubs and natural grass, and not included in the list of endangered flora species. There is no known activity in the area that produce air, noise, and waste pollution. The barangay is practicing solid waste management particularly solid waste segregation at source and they are actively participating in the protection and conservation of their mangrove areas. However, based on the investigation conducted by DENR together with the Provincial Government of Marinduque the proposed project site has presence of dilapidated office and warehouse structures, stock pile of drums and containers of hazardous chemicals and

abandoned heavy equipment that may cause risk to the barangay residents and may contaminate the environment.

Security

The project area, Barangay Balogo remain peaceful, insurgency-free and drug-free. The continuing peaceful status is attributed to the effective maintenance of the local government in coordination with the province's Peace and Order Council.

PROJECT DESCRIPTION

The proposed port is a conversion of former marine facilities in Brgy. Balogo of Sta. Cruz, Marinduque, formerly used by Marcopper Mining Corporation, into an international port to cater to foreign container vessels as well as domestic general cargo vessels. The project includes the construction of foreign container berth, domestic general cargo berth, reclamation for container/general cargo storage area, rehabilitation/upgrading of existing facilities, dredging works and construction of port administration building and support facilities and utilities.

Due to budget constraints, the proposed Balogo International Port is recommended for implementation in two (2) phase and calls for the construction of the following facilities:

Phase 1

- 200 m x 35 m foreign container berth (alternately as cruise ship berth);
- 50 m x 15 m domestic general cargo berth extension;
- Rehabilitation/upgrading of existing causeway and wharf;
- Dredging works;
- Administration building, gates and other amenities; and
- Utilities to include water supply and drainage/sewerage systems, port lighting and telecommunications system.

Phase 2

- 1.41-hectare reclaimed port back-up area for temporary storage of incoming and outgoing containers and general cargos and support facilities;
- Rockworks for shore protection works;
- Roads and pavements;
- Water supply and drainage/sewerage systems; and
- Port lighting and telecommunications.

PROJECT SCHEDULE:

The fundamental factors in determining the project implementation is the availability of following items, detailed engineering design (DED), program of works (POW), project cost estimate, application of required permits, and environmental compliance to concerned national government agencies. The civil works component, which includes construction of marine and functional facilities utilities, and port lighting and dredging of harbor basin will be completed in about eighteen (18) months. The provincial government is on the process of complying the above requirements and targeted the project Ground-Breaking on August 2022, target Start of Project Construction implementation on September 2022, and expected to start the Operation by March 2024.

TECHNICAL ASPECT:

Project Components

Facilities	No. of Units	Area (sq.m)/length (km)/capacity	Specification/Description
Phase 1			
1. Mooring Facility			
- Foreign Container Berth	Sq.m.	7,000.00	Construction of reinforced concrete Foreign Container Berth – 35.0m width x 200.0 meter long supported by reinforced concrete pile columns as indicated in the Detailed Engineering Design (DED) following the National Building Code and DPWH Standard– Conventional Method, with necessary facilities such as quay crane rails, fenders, bollards, safety ladders, including facility for hatch laydown area following the PPA standards
- Domestic General Cargo Berth Extension	Sq.m.	750.00	Construction of reinforced concrete Domestic General Cargo Berth Extension – 15.0m width x 50.0 meter long supported by reinforced concrete pile columns as indicated in the DED following the National Building Code and DPWH Standards – Conventional Method.
- Dredging Works (Provisional Sum)	Lot	1	Dredging works at -11.00 meter dredge level along foreign container berth, and -6.50 meter dredge level along domestic general cargo berth as indicated in the DED shall be done to provide safe navigation, turning, loading and unloading of vessels following the National Building Code and DPWH Standard

2. Access and Pier Facility			
- Existing Causeway and Wharf	Sq.m.	9,855.00	Rehabilitation/Upgrading of Causeway 12.00 meter width x 355.00 meter long x 230mm thick PCC Pavement (plain), slope protection/shear wall of causeway and wharf, construction of parapet wall, and provision of thermoplastic pavement marking following DPWH Standards as indicated in the DED – Conventional Method
3. Administration Office Building, Guard House and Gates	Sq.m.	400.00	Construction of 1 unit Two (2) Storey reinforced concrete Administration Office Building – 10.0m x 20.0m, reinforced concrete Two (2) units Guard House – 2.5m x 2.7m as indicated in the , and Two (2) sets of Vehicular Metal Gates covered with canopy
4. Water Supply System	Lot	1	Construction of one (1) unit elevated water tank, one (1) unit cistern tank, (1) unit deep well & drilling works, and installation of water distribution pipe lines
5. Drainage, Sewerage System and Solid Waste Management Facility	Lot	1	Construction of concrete line canal and storm drainage system with RCCP drainage crossing, sewerage treatment tanks/STP, and Materials Recovery Facility (MRF)
6. Port Lighting and Telecommunication	Lot	1	Installation of port area lighting facility – LED solar lights, stand-by generator set, and provision of landline telecommunication units
Phase 2			
1. Temporary Holding Area for Containers/ General Cargo	Sq.m.	14,100.00	Reclamation/backfilling of 14.0 hectares coastal area
2. Roads, sidewalk, etc.	Sq.m.	2,820.00	Construction of Access/Alternate Road 12.00 meter width x 235.00 meter long x 230mm thick with sidewalk PCC Pavement (plain) and embankment slope protection– Conventional Method
3. Drainage and Sewerage System	Ln.m.	500.00	Construction of concrete line canal and storm drainage system with RCCP drainage crossing
4. Water Supply	Lot	1	Construction of additional one (1) unit elevated water tank with electric

			motor pump, and installation of water distribution pipe lines
5. Port Lighting/ Telecommunication	Lot	1	Installation of port area lighting facility – LED solar lights, and provision of landline telecommunication units

Utilities/Requirements:

Power/Energy, Water and other Requirements

Utilities	Estimated Demand/ Consumption (Total)	Source Breakdown	Project Breakdown from Source Specified	
			Construction	Operation
Power / Electricity	Construction: 100.0kwh	Grid	80.0kwh	364.0kwh
	Operation: 364.0	Generator Set	20.0kwh	-
		Others, please specify: Solar	-	120.0kwh
Water	Construction: 971.75 m³/day	Local Water Utility Provider	2.0 m³/day	m³/day
		Deep Well in Brgy. Balogo	-	-
		Baliis Creek	12.0 m³/day	-
	Operation: 60.0 m³/day			
		Deep Well in Brgy. Balogo	-	60.0m³/day
Sand and Gravel	Construction: Sand and Gravel 4,259.26 m³/day	Source: Boac River Quarry, Boac	72.0 m³/day	0.0 m³/day
Other materials and requirements	Boulders: 5,258.5MT	Source: Boac River Quarry, Boac	90.0 m³/day	-
	Common Borrow Materials: 69,372.0MT	San Antonio (Former MMC Dump Site) Quarry Site, Sta. Cruz	240.0m³/day	m³/day

MONITORING AND EVALUATION

The Provincial Government of Marinduque thru the Provincial Legal Office, Provincial Planning & Development Office, Provincial Engineering Office, Provincial Health Office, PG-Environment & Natural Resources Office and Provincial Social Welfare & Development Office and in coordination with the Department of Environment and Natural Resources (DENR), Marinduque State College (MSC), Philippine National Police(PNP) and other national agencies and CSO/NGO, will regularly conduct monitoring and evaluation to ensure that the implementation of the project is in accordance with the plans, specifications and in compliance with the Initial Environmental Examination Checklist (IEEC)/ Environmental and Social Management Plan to protect and mitigate the project's adverse impacts on community health, welfare and the environment in all project phases (Pre Construction, Construction, Post Construction, Operation and Abandonment).

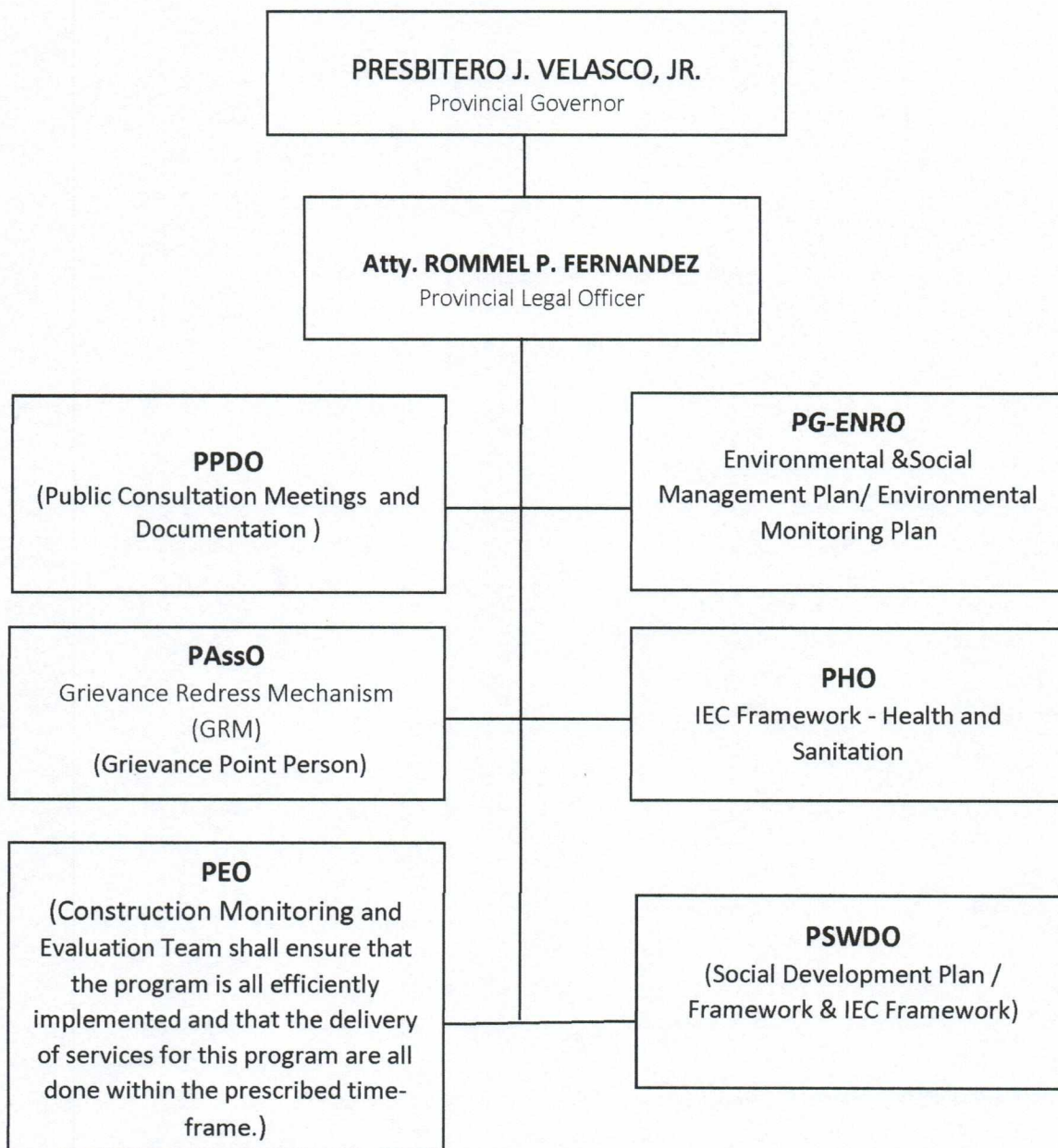
MARKET AND UTILIZATION

The proposed Balogo International Port is proposed to be a Local Economic Enterprise of the Provincial Government of Marinduque and is important to the realization of the province's development strategies with the main goal to improve the people's living condition and provide them safe, secured and decent way of living by increasing access economic services and facilities, without compromising the environmental integrity.

The management and operation of the international port shall be open for public private partnership (PPP) to minimize the burden of management and operation cost to the provincial government.

The revenue to be generated from the economic enterprise will be invested in social services programs, projects and activities that will contribute to the economic prosperity of society including youth programs and services, promotes health, education, job creation, safe and secure living. It will improve the well-being of every individual in our local community.

PROJECT ORGANIZATION



Phase	Expertise/Skills	Requirement per Expertise/skill	Total Requirement per Project Phase
a. Construction	Project Engineer	1	1
	Safety Officer	1	1
	Site Engineer	1	1
	Warehouseman	1	1
	Heavy Equipment Operator	4	4
	Foreman	2	2
	Mason/Carpenter	12	12
	Steelman	6	6
	Laborer	36	36
	Administrative	4	4

FINANCIAL ASPECTS:

Project Cost

The estimated preliminary project costs for both phases of the proposed international port is Php1,827,200,000.00 and are broken down as follows:

PHASE 1

Item of Work	Amount (PhP)
Division A: Preparatory Works	
Item 1 Mobilization/Demobilization, Temporary Works, Site Survey, etc.	<u>9,750,000.00</u>
Sub-total Preparatory Works	9,750,000.00
Division B: Basic Port Facilities	
Item 1 Foreign Container Berth (35m x 200m)	928,500,000.00
Item 2 Rehabilitation/Upgrading of Existing Wharf/ves and Causeway	138,500,000.00
Item 3 Domestic General Cargo Berth Extension	69,500,000.00
Item 4 Dredging Works (Provisional Sum)	<u>79,500,000.00</u>
Sub-total Basic Port Facilities	1,216,000,000.00
Division C: Civil Works	
Item 2 Drainage and sewerage System	19,500,000.00
Item 3 Water Supply	<u>68,500,000.00</u>
Sub-total Civil Works	88,000,000.00
Division D: Building Works	
Item 1 Administration Office Building	15,000,000.00
Item 2 Guard House	3,500,000.00
Item 3 Gates	<u>2,850,000.00</u>
Sub-total Building Works	21,350,000.00
Division E: Port Lighting/Telecommunication Works	
Item 1 Port Lighting/ Telecommunication	<u>49,500,000.00</u>
Sub-total Port Lighting/ Telecommunication	49,500,000.00
Division F: Detailed Engineering Design (Incl. Site Works)	
Item 1 Feasibility Study and Detailed Engineering Design	<u>29,500,000.00</u>
Sub-total FS and DED	29,500,000.00
GRAND TOTAL	1,414,100,000.00

PHASE 2

Item of Work	Amount (PhP)
Division A: Preparatory Works	
Item 1 Mobilization/Demobilization, Temporary Works, Site Survey, etc.	<u>5,800,000.00</u>
Sub-total Preparatory Works	5,800,000.00
Division B: Basic Port Facilities	
Item 1 Reclamation Works (dry fill)	58,500,000.00
Item 2 Rockworks	<u>175,800,000.00</u>
Sub-total Basic Port Facilities	234,300,000.00
Division C: Civil Works	
Item 1 Pavement (road, sidewalk, etc.)	69,500,000.00

Item 2 Drainage and Sewerage System	39,500,000.00
Item 3 Water Supply	19,500,000.00
Sub-total Civil Works	128,500,000.00
Division E: Port Lighting/Telecommunication Works	
Item 1 Port Lighting/ Telecommunication	29,500,000.00
Sub-total Port Lighting/ Telecommunication Works	29,500,000.00
Division F: Detailed Engineering Design (Incl. Site Works)	
Item 1 Feasibility Study and Detailed Engineering Design	15,000,000.00
Sub-total FS and DED	15,000,000.00
GRAND TOTAL	413,100,000.00

Sources of Funds

The proposed Balogo International Port could either be funded by the national government through the General Appropriation Act (GAA) or from concession loans from international financial institution on one hand. On the other hand, the port rates could be increase to make it attractive for private investors for possible PPP arrangement.

Financial Projection

The financial and economic evaluation for Balogo International Port was not undertaken in this report but will definitely be included in the next stage of study, which is the full blown feasibility study. The financial and economic evaluation will determine the financial and economic viability of the project.

APPENDICES

Figure 1. Location Map

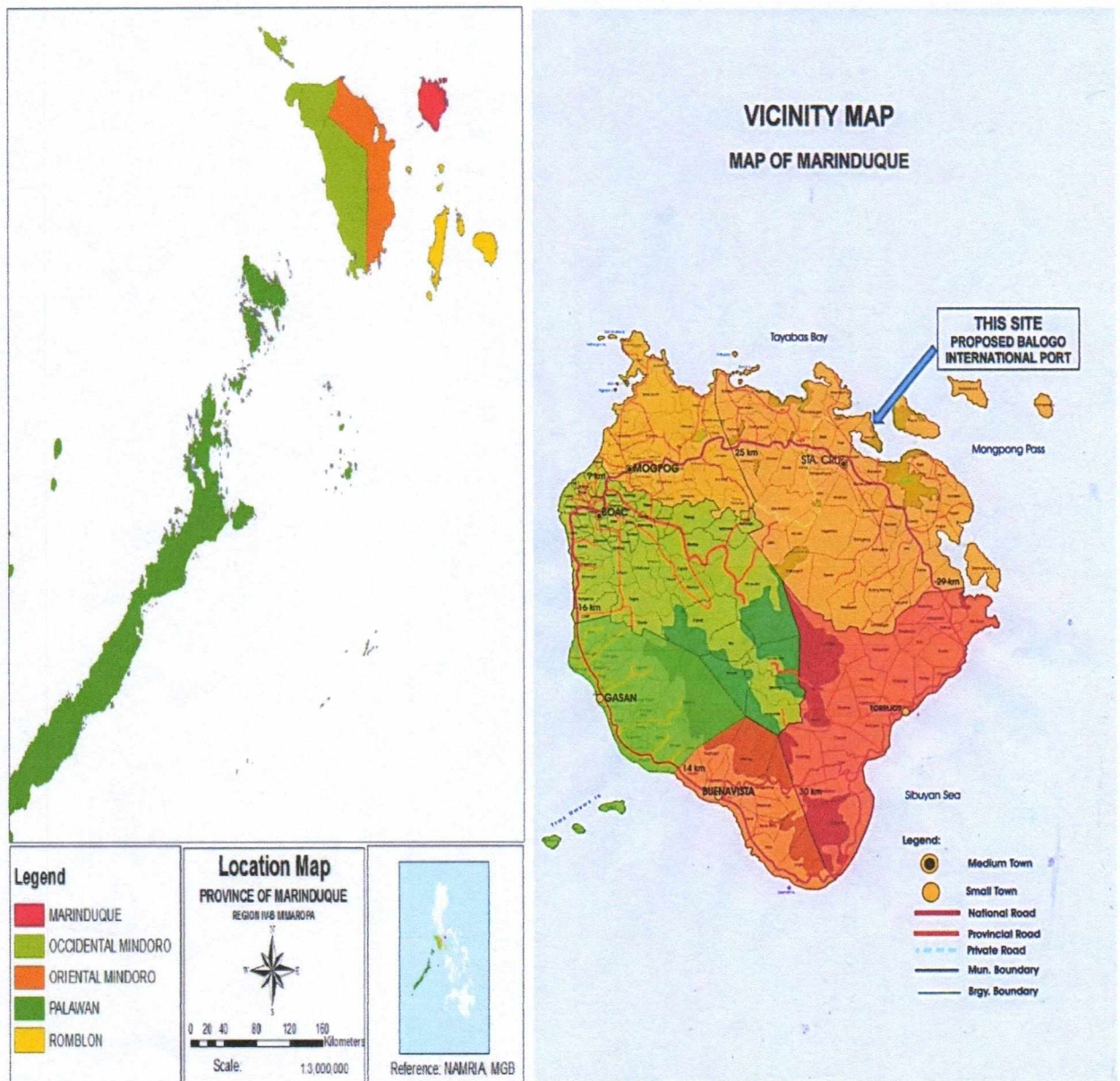
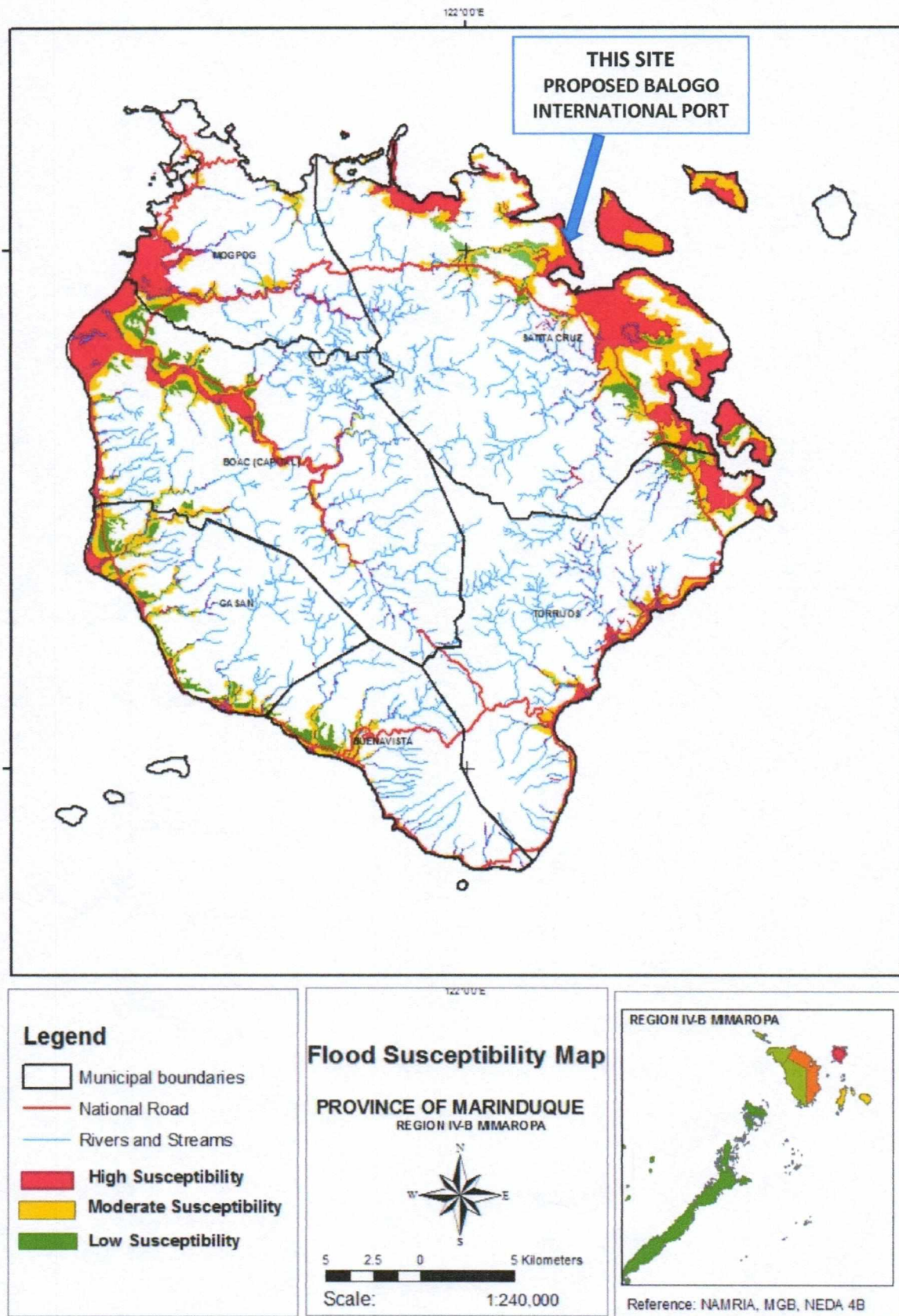


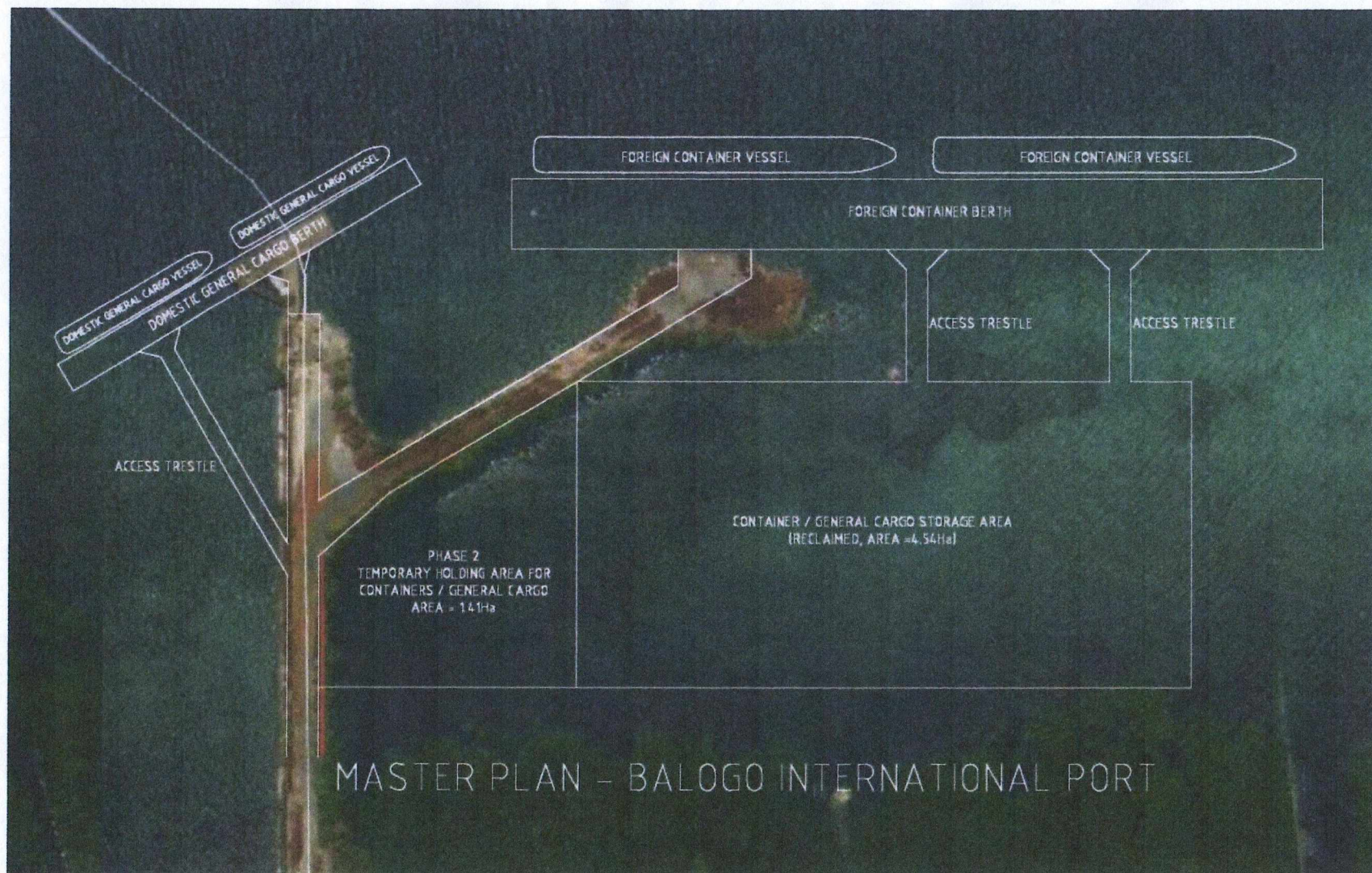
Figure2. Flood Susceptibility Map



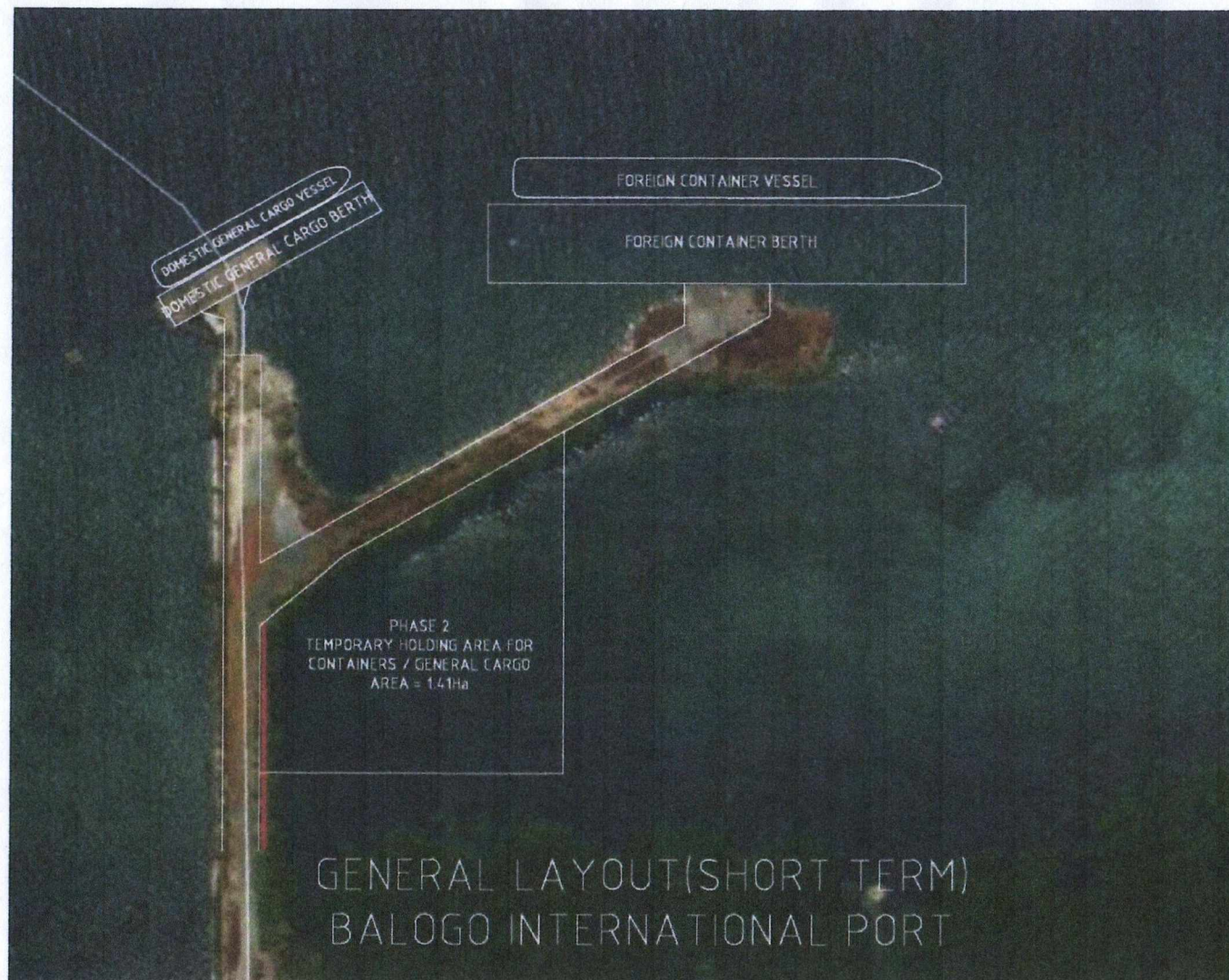
**THIS SITE
PROPOSED BALOGO
INTERNATIONAL PORT**

Map of Puerto Rico showing land use designations. The map is color-coded: red for urban, yellow for intermediate, and green for rural/forest. Major cities labeled include San Juan, Ponce, San Cruz, Caguas, and Bayamón. A blue arrow points to a coastal area in the northeast, labeled "THIS SITE PROPOSED BALOGO INTERNATIONAL PORT".

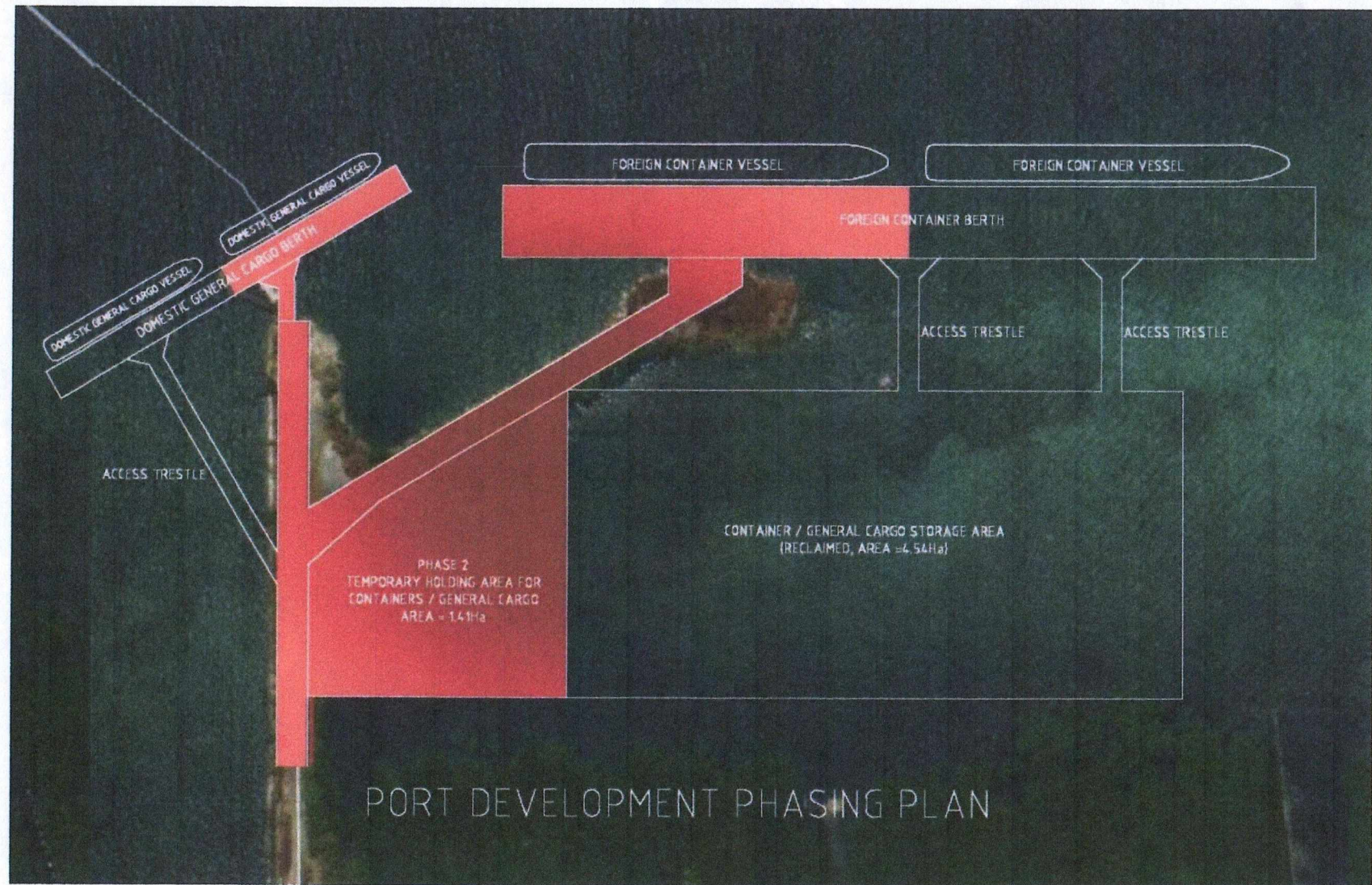




MASTER PLAN



GENERAL LAYOUT FOR PHASES 1 AND 2



PORT DEVELOPMENT PHASING PLAN



Republic of the Philippines
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

TO : ASSISTANT SECRETARY FOR MARITIME

FROM : UNDERSECRETARY FOR LEGAL AFFAIRS

SUBJECT : LEGAL REVIEW OF PROPOSED MEMORANDUM OF AGREEMENT (MOA) FOR THE FISCAL YEAR (FY) 2022 MARITIME PROJECTS

DATE : 4 MARCH 2022

This pertains to your Memorandum¹ requesting for this Office's review of the following proposed MOAs between the Department of Transportation (DOTr) and different Implementing Agencies (IA) for the procurement and implementation of maritime projects included in the 2022 General Appropriations Act (GAA 2022):

Name of Project	Amount	Implementing Agency
Repair/Rehabilitation of Balogo Port, Sta. Cruz Marinduque	₱300,000,000.00	DPWH-Region IV-B
Brgy. Pag-asa Sheltered Port Project (Phase III)	₱490,000,000.00	PGU-Palawan

DISCUSSION

After careful review and consideration of the matter *vis-à-vis* relevant laws, we submit the following observations:

1. DOTr, pursuant to its mandate as the primary policy planning, programming, coordinating, implementing, regulating, and administrative entity of the Executive Branch in the promotion, development, and regulation of dependable and coordinated networks of transportation systems as well as in the fast, safe, efficient, and reliable transportation services,² may call on the Department of Public Works and Highways (DPWH) to participate and assist in the preparation and implementation of transportation programs.³

¹ Memorandum dated 24 February 2022 and received by this Office on 2 March 2022.

² Executive Order No. 292, Book IV, Title XV, Chapter 1, Section 2.

³ *Id.*, Section 3.

Moreover, the *Government Procurement Reform Act* allows procurement entities, such as DOTr, to request other government agencies, such as DPWH, to undertake a particular procurement through the execution of a MOA.⁴

2. Pursuant to the *Local Government Code*, local government units like Palawan can be validly designated as IA of public works and infrastructure projects funded by the national government under the GAA.⁵
3. The 2022 GAA⁶ has provided an appropriation for the rehabilitation of Balogo Port in Marinduque for **₱300,000,000.00** and construction of Bgy. Pag-asa Sheltered Port Project in Palawan for **₱490,000,000.00**. Notwithstanding, the above-mentioned projects are classified "for later release" by the Department of Budget and Management (DBM). As such, DBM must first sanction the said projects upon the release of the Special Allotment Release Order (SARO) subject to the procedural guidelines they set forth.
4. Considering both MOAs involve a fund transfer in the amount of more than **₱50,000,000.00**, the recommending and approving authorities, pursuant to Department Order No. 2021-012,⁷ shall be the Undersecretary concerned and Secretary, respectively. Thus, we respectfully recommend that the Secretary of Transportation be the party for the MOA between DOTr and DPWH instead of the Undersecretary for Maritime.

RECOMMENDATION

In view of the foregoing, this Office finds the proposed MOAs to be generally in accordance with pertinent laws, rules, and regulations, subject to the comments and recommendations stated above.

For your information and guidance.

3/4/2022 11:05:03 AM

REINIER PAUL R. YEBRA

Dotr-oula-22-0477-03

⁴ Implementing Rules and Regulations of Republic Act No. 9184, Section 7.3.3.

⁵ Republic Act No. 7160, Section 17(c).

⁶ General Appropriation Act of 2022, Republic Act No. 11639, Volume I-B.

⁷ Revision and/or Amendment of Department Order No. 2019-005 Dated 07 March 2019 (Re: Amendment of Department order No. 2017-007, as Amended by 2018-010: Omnibus Delegation/Delineation of Functions in the DOTr-Central Office and PMOs under the Department).



Republic of the Philippines
Province of Marinduque
BOAC
Office of the Governor



January 6, 2022

ATTY. ARTURO P. TUGADE

Secretary

Department of Transportation

Apo Court Along Sergio St., Clark Freeport Zone, Pampanga 2009

Dear Secretary Tugade,

May the undersigned respectfully request your good office that the two (2) infrastructure projects in the Province of Marinduque in the FY2022 General Appropriation Act (GAA) in your Department be implemented by the Department of Public Works and Highways (DPWH), Regional Office 4B (MIMAROPA). The following projects being:

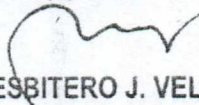
Item	Project Title	Amount
1	Repair and Rehabilitation of Balogo Port, Sta. Cruz, Marinduque	300,000,000.00
2	Marinduque Airport	300,000,000.00
	Total	600,000,000.00

May we also ask that the needed documentation like the Program of Works, Memorandum of Agreement (MOA) and other documentary requirements to effect this be expeditiously processed for immediate implementation please.

For immediate coordination, your office may reach my Programs and Projects Consultant Atty. Sannah B. Frivaldo at her mobile number 09178994726 or email address attysannah@yahoo.com.

Thank you and hoping for your usual kind consideration.

Very truly yours,


PRESBITERO J. VELASCO JR.

Governor

Province of Marinduque





Republic of the Philippines
DEPARTMENT OF TRANSPORTATION

March 07, 2022

ENGR. ARTHUR D. PASCUAL JR.
OIC, Office of the Regional Director
Department of Public Works and Highways Regional Office IV-B
Office of the Governor, Dr. Rosario P. Diaz Building
Edsa, Diliman, Quezon City
1101 Metro Manila

Subject : **Memorandum of Agreement for the implementation of CY 2022
Balogo Port Development Project**

Dear Director Pascual,

We are forwarding herewith for your signature the attached Memorandum of Agreement (MOA) for the implementation of CY 2022 Repair/Rehabilitation of Balogo Port, Sta. Cruz Marinduque in the amount of Three Hundred Million Pesos (Php300,000,000.00).

In support of the approval of this MOA and for future facilitation of release of fund, may we request your good office to submit the following documents, namely:

1. Bank Certificate (Name and Account Number);
2. Treasurer's Bond;

Please be informed that the aforesaid project was classified as "For Later Release (FLR)" which will require a Special Allotment Release Order (SARO) pursuant to the DBM National Budget Circular No. 587: Guidelines on the release of funds for FY 2022. Meanwhile, to fast track the procurement process you may undertake procurement of the Project Short of Award. As indicated in the MOA, Award of the Contract shall be made only when the SARO is issued by the DBM and Letter Allotment Release Order from DOTr. Furthermore, kindly submit immediately the Program of Work for our concurrence if readily available.

Attached for your reference is the legal pass/review issued by our Legal Service dated 04 March 2022.

Thank you very much.

Very truly yours,

VADM. NARCISO A. VINGSON, JR.
Assistant Secretary for Maritime

cc: Usec. Giovanni Z. Lopez
Dir. Ma. Marisa P. Malabag
Dir. Cecilia E. Bien



MEMORANDUM OF AGREEMENT



KNOW ALL MEN BY THESE PRESENTS:

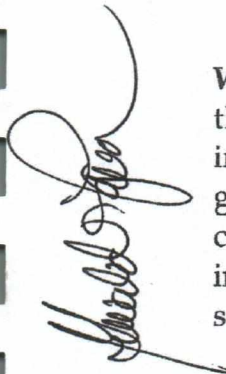
This MEMORANDUM OF AGREEMENT (Agreement), entered into by and between:


The **DEPARTMENT OF TRANSPORTATION (DOTr)**, a national government agency with principal office at Apo Court, Pinatubo Street corner Sergio Osmeña St., Clark Freeport Zone, Pampanga, Philippines, represented herein by its Secretary, **ARTHUR P. TUGADE**, hereinafter referred to as "**DOTr**";

- and -

The **DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS**, a government agency duly organized and existing under the law of the Republic of the Philippines, with principal office Bonifacio Drive Port Area, 652 Zone 068, Manila, 1018 Metro Manila, represented herein by its Acting Secretary, **ROGER G. MERCADO**, hereinafter referred to as "**DPWH**".

WITNESSETH:

 WHEREAS, pursuant to Executive Order No. 125-A, series of 1987, as amended, the **DOTr** is the primary policy, planning, programming, coordinating, implementing and administrative entity of the executive branch of the government on the promotion, development, and regulation of a dependable and coordinated network of transportation and communications systems, as well as in the fast, safe, efficient, and reliable transportation and communications services;

 WHEREAS, the **DOTr** has available funds of **Three Hundred Million Pesos (Php300,000,000.00)** as provided from General Appropriations Act (GAA) of CY 2022 allocated for the **Repair/Rehabilitation of Balogo Port, Sta. Cruz, Marinduque**;

WHEREAS, while the appropriation for the **Repair/Rehabilitation of Balogo Port, Sta. Cruz, Marinduque** is listed under the GAA of CY2022, the same has been classified by the Department of Budget and Management (DBM) under "**For Later Release**" which will require the submission of a special budgetary request to DBM and the approval of the President before the Special Allotment Release Order (SARO) for the same is released;

WHEREAS, pursuant to Executive Order No. 292, Book IV, Title XV, Chapter 1, Section (3)2, the **DOTr** is empowered to call upon any agency, corporation or organization, whether public or private, whose development programs include

transportation as integral part thereof, to participate and assist in the preparation and implementation of such programs;

WHEREAS, the DPWH is the primary government agency responsible for the planning, design, construction and maintenance of infrastructure, especially the national highways, flood control and water resources development system, and other public works in accordance with the national development objectives;

WHEREAS, in order to hasten the implementation of the Project, the DOTr seeks the participation and assistance of the DPWH, to undertake the **Repair/Rehabilitation of the Balogo Port, Sta. Cruz, Marinduque ("Project")**, through a Memorandum of Agreement;

NOW, THEREFORE, for and in consideration of the above premises, the parties hereby agree, as follows:

I. SPECIAL PROVISIONS

- a. The Parties recognize and abide by the dictates of Republic Act No. 11639, otherwise known as the General Appropriations Act of 2022 (GAA 2022), pertinent provisions of which are as follows:

a.1. The **Cash Budgeting System**. All appropriations authorized in this ACT, including budgetary support to GOCCs and financial assistance to LGUs, shall be available for **release and obligation** for the purpose specified, and under the same general and special provisions applicable thereto, until **December 31, 2023**, except for personnel services which shall be available for release, obligation and disbursement until December 31, 2022. Likewise, construction of infrastructure projects, delivery of goods and services, inspection and payment shall be made not later than December 31, 2023. (Sec. 68 par1&2, GAA 2022);

a.2 After the end of the validity period, all unreleased appropriations and unobligated allotments shall lapse, while unexpended or undisbursed funds shall revert to the unappropriated surplus of the General Fund in accordance with Section 28, Chapter 4, Book VI of E.O. No. 292 and shall not thereafter be available for expenditure except by subsequent legislative enactment;

a.3 Except for transfers between LGUs, all balance of funds transfers between or among agencies, instrumentalities, GOCCs, LGUs, which, while obligated but not actually used, utilized, expended or disbursed to pay for completed construction, goods delivered, and services rendered, inspected and accepted as of December 31, 2023, shall revert to the unappropriated surplus of the General Fun. (Sec. 68 par 4, GAA 2022);

II. THE DOTR SHALL:

1. **Upon receipt of SARO from DBM and upon approval and notarization of the Agreement**, issue the Letter of Advice of Allotment Release (LAAR) for the aforementioned Project and facilitate the release of funds according

for the administration of such project and the release of funds according to the Agreement, and the latter in turn, in the absence of the above-mentioned (LAVAR) upon receipt of SAA's report, shall and upon approval and ratification

II. THE DOLLAR SHALL:

be proportioned among the four (Sec. 20.101 & CAA 20.25) designated and approved as of December 31, 2017, shall refer to the fully completed construction of roads, bridges, and services rendered, while obligated but not legally or contractually obliged or disbursed to between or among projects and must order (Sec. 22.10.10) which, as far as there is no other (CAA) shall balance of those financial legislative provisions.

and themselves be available for expenditure except by subsequent accordance with Section 20.10.10. A block of E.O. No. 202 and shall funds shall refer to the project and the of the General Fund to the designated allotments shall be made with no expenditure or undistributed

2.2 After the end of the valid period of, unless not at expenditures and December 31, 2023 (CAA 20.10.10) CAA 20.25.

and services, provided that the total shall be made not later than 2025. Likewise, construction of the structures project, including of goods be available for and obligation and distribution until December 31, 2025, until December 31, 2023, even for personnel, services, which shall specified, and under the same general and special provisions applicable (CAA) shall be available for release and obligation for the purpose

of the including but not limited to CAA's and financial assistance to 2.1. The Cash Budgeting System. All appropriations authorized in this

relevant provisions which are available.

provided known as the General Appropriations Act of 2017 (CAA 20.25)

of Parties recognized and since by the changes of Republic Act No. 11638

1. SPECIAL PROVISIONS

shall be as follows:

1.1. THEREFORE, for a in consideration of the above provisions the parties through a Memorandum of Agreement:

1.2. Rehabilitation of the Baguio Post Sta. Civil Maintenance (Project)

the participation and assistance of the DRRM to undertake the

WHEREAS, in order to assist the implementation of the Project the DRRM will

other public works in accordance with the national development objectives;

national highways, flood control and water resources development system, and

planned design, construction and maintenance of infrastructure, especially the

WHEREAS, the DRRM is the primary government agency responsible for the

and implementation of such programs;

and for the as national policy agency to coordinate and assist in the implementation



to the following tranches, subject to availability of Notice of Cash Allocation (NCA):

1st Tranche - 1.5% of the Program Amount for the Project to cover administrative, pre-construction and construction expenses, which shall be released upon submission of a letter request for the release of fund and all the necessary supporting documents for the initial fund transfer.

2nd Tranche - Fifty percent (50%) of the Project Cost as determined/reflected in the duly approved/concurred Program of Work (POW); to be released upon submission by the Implementing Agency of the same, together with the Detailed Engineering Design (DED), Technical Specification, Approved Budget for the Contract (ABC), approved timeline and disbursement plan.

Remaining Fund - shall be released upon liquidation of at least 75% of the previous release, and a project accomplishment of at least 50% as indicated in the Summary of Work Accomplishment(SWA) certified by the **DPWH** and verified/attested by **DOTr**, together with the progress pictures of works undertaken.

The release of the SARO is subject to the submission of Special Budget Request and compliance with certain budgetary requirements or specific authorizations.

- 
- 
2. Record the issuance, utilization, and liquidation, including documentation, of such fund transfer in accordance with the rules and regulations embodied in COA Circular No. 94-013, Item 3.0 of COA Circular No. 2012-001 and Circular No. 2016-002 dated 13 December 1994, 14 June 2012 and 31 May 2016, respectively;
 3. Evaluate/review and approve the Program of Work (POW), Detailed Engineering and Design (DED), Technical Specifications and Approved Budget for the Contract (ABC) submitted by the **DPWH**;
 4. Designate observers (authorized representative/s) to the Bids and Awards committee (BAC) and Technical Working Group (TWG) meetings for the procurement of the Project;
 5. Attend the pre-construction conference and conduct periodic inspection, assessment and monitoring of the Project (including its financial aspect);
 6. Designate an authorized representative/s for the inspection and monitor of the implementation of the construction of the Project;
 7. Evaluate the performance of the **DPWH** in the implementation of the Project and exercise auditorial power over the expenditure of the Project;
 8. Conduct a joint final inspection of the Project site with the **DPWH** prior to the issuance of the Certificate of Completion by **DPWH**;

9. Issue the Certificate of Final Acceptance, upon Turn-over of the DPWH in due performance with the DED and Specifications to signify that the Project is satisfactorily completed and free from defects and deviations from the approved POW; and
10. Rescind, terminate, revoke the Agreement for a violation by DPWH of its obligations in accordance with Section X. Termination and/or Rescission of this Agreement.

III. THE DPWH SHALL:

1. Issue acknowledgement/official receipt (OR) and utilize the funds transferred by the DOTr, strictly in accordance with this Agreement, and subject to the applicable laws, rules and regulations;
2. Undertake the detailed engineering activities of the Project, submit the plans, program of work, and Approved Budget for the Contract (ABC), construction schedule, disbursement schedule, and other necessary documents for submission to DOTr for its review and approval;
3. Guaranty that the Project area and all its right-of-way are free of informal settlers and other obstruction that may hamper/interfere with the implementation and operation of the Project;
4. Pending the issuance of SARO/budget authorization for the Project, undertake procurement of the Project short of award, when feasible. **The Award of Contract shall be made only when the SARO is issued by the DBM and a LAAR is issued by the DOTr:**
5. Secure all necessary permits and clearances from the concerned government offices prior to the actual implementation of the Project;
6. Procurement activities to be undertaken by the DPWH shall be in accordance with:
 - a. RA 9184 and its 2016 Revised IRR;
 - b. Memorandum of Cabinet Secretary Leoncio B. Evasco, Jr. dated 05 February 2018 mandating for government contracts involving infrastructure projects to include a stipulation that a contractor's slippage of more than thirty (30) days would result in non-payment, contract's cancellation, blacklisting of the contractor and engagement of another contractor to finish the project, in addition to the grounds provided in RA 9184 and its IRR; and
 - c. Presidential Directive No. 2017-0318 dated 28 July 2017 directing all government offices to ensure that government transactions and contracts with suppliers and external parties are paid within fifteen (15) days, subject to existing laws, rules and regulations.

7. Designate qualified officer and employees and to take charge of the planning procurement and implementation of the Project and to coordinate closely with the representative(s) of the DOTr;
8. Notify the DOTr observer in writing at least seven (7) days prior to the conduct of any procurement activity;
9. Furnish copies of all notices, resolutions and other documents as may pertain to the procurement of the Project and to submit to the DOTr an update/progress of the procurement activity in writing at the end of every month;
10. Implement the repair/rehabilitation of the Project in accordance with law, pertinent rules and regulations, and the provisions of this Agreement;
11. Provide full time supervision in the repair/rehabilitation of the Project, maintaining a continuing and close liaison and cooperation with the authorized representative(s) of the DOTr to ensure that the implementation conforms with the plans and specifications mutually approved by DOTr and DPWH and within the allotted budget and time schedule per approved project schedule/BAR Chart;
12. Submit periodic reports in relation to the Project, including but not limited to, achievement of milestones and progress of the Project to DOTr through the Assistant Secretary of Maritime; copy furnished the DOTr-Project Monitoring and Evaluation Service (PMES);
13. Allow authorized representative(s) of DOTr and other Government Agencies to conduct monthly inspection of the Project to determine full compliance with the terms and conditions of this Agreement;
14. Consult and seek the written concurrence of the DOTr should there be changes of design, scope of work, construction methods and quality control in the execution of the Project;
15. Provide safe shelter, service vehicle and ample security to DOTr/Government personnel during the conduct of the periodic inspection and monitoring of the Project;
16. Upon completion of the Project, return to DOTr any fund balance, including any interest thereon;
17. Allow the audit of the disbursements out of the trust accounts in accordance with existing COA Regulations;
18. Within ten (10) days after the end of each month, submit to the DOTr monthly report of funds issued and report of disbursement certified correct by the Accountant, approved by the Official concerned and with proof of receipt of said reports by the Auditor concerned, including copies of paid disbursement vouchers, in connection with the implementation of the Project. Only actual expenses shall be reported;

19. Comply with the rules and regulations embodied under COA Circular No. 94-013, Item 3 of Circular No. 2012-001 and Circular No. 2016-002 dated December 13, 1994, June 14, 2012 and May 31, 2016, respectively for the receipt, utilization, documentation, disbursement and liquidation of money/cash transfer from the DOTr:

- a. Copy of as-built drawings;
- b. Copies of all Official Receipt (O.R.) acknowledging receipt of the funds;
- c. Report of Checks issued and Report of Disbursements certified correct by the Accountant, approved by the official concerned, and duly audited by the Auditor(s) concerned including copies of Certificate of Completion and Certificate of Acceptance for completed projects;
- d. Copy of the O.R. issued for the refund to DOTr of unexpended/unutilized balance of fund transferred, included any interest thereof; and
- e. Other liquidation documents as may be required by existing budget, accounting and auditing rules and regulations.

20. Upon completion of the Project, the DPWH shall turnover pertinent and relevant documents to DOTr and shall submit to the latter liquidation documents, such as, but not limited to the following: Ensure that all warranties and representation by the contractors, suppliers under RA 9184 and its 2016 Revised IRR and other applicable laws are enforced.

IV. THE DOTR AND DPWH SHALL PERFORM THEIR TASK IN ACCORDANCE WITH PROVISIONS OF THIS AGREEMENT

V. DEPOSIT OF PROJECT FUND AND ACCOUNTING PROCEDURES

The DOTr shall issue the check/Advice to Debit Account (ADA) that will be used for the Project to an account that the DPWH shall assign solely for the implementation of the Project. The check shall be issued in the name of the DPWH for deposit to its trust account in its authorized government depository bank. The DPWH shall issue its official receipt in acknowledgment.

The DPWH shall maintain separate and distinct account for the Project. A copy of the Reports of Check Issued and Report of Disbursement shall be turned over to DOTr upon issuance of the Certificate of Final Acceptance by the DOTr for the Project.

VI. CONDUCT OF JOINT FINAL INSPECTION

The DOTr and the DPWH shall conduct joint inspection of the completed works prior to the issuance of the Certificate of Project Completion by the DPWH.

The Certificate of Final Acceptance shall be jointly signed by authorized representatives from **DOTr**, **DPWH** and **Contractor**, one (1) year after the project completion.

VII. TURNOVER AND OWNERSHIP OF THE PORT FACILITIES

The completed port facilities constructed using the Project Fund shall be turned-over by **DPWH** to the **DOTr** upon issuance by the **DPWH** of the Certificate of Completion. It shall be the responsibility of the **DOTr** to turn over the completed port facilities to the concerned **LGU**.

The port facilities shall be owned by the National Government through **LGU**. The **LGU** shall be responsible for the operation and maintenance thereof from the date of turnover, or for making the necessary arrangement as it deems fit to ensure the maintenance and preservation thereof.

VIII. TERMINATION AND/OR RESCISSION

The **DOTr** reserves the right to rescind, terminate, revoke this Agreement for a violation by **DPWH** of its obligations and/or for grounds otherwise provided by law. Any termination of this Agreement shall be without prejudice to rights and liabilities which have accrued under this Agreement at the date of termination; or with respect to any antecedent breach of the terms hereof, prior to termination, or any amount owing or due under this Agreement.

The parties further agree that such rescission, termination, or revocation may be effected via a Notice of Termination executed by the **DOTr**, upon verification of the acts or caused which may constitute ground(s) for termination.

The **DPWH** shall automatically return the unutilized/unexpended funds upon termination or immediately after expiration of this Agreement.

IX. SEPARABILITY CLAUSE

If one or more provisions of this Agreement are held to be unenforceable under applicable laws, such provisions shall be excluded from this Agreement. The other provisions of this Agreement shall be interpreted as if such provision were so excluded shall be enforceable in accordance with its terms.

X. EFFECTIVITY

This Agreement, in so far as the authority granted to the **DPWH** to undertake early procurement activities, which shall take effect upon signing/ approval of the parties hereto. The provisions of this Agreement pertaining to the release of funds for the implementation of the Project [i.e.,

Section II(1)] shall become effective only upon issuance/release of the budget authorization from DBM.

This Agreement shall remain valid and effective unless earlier terminated or rescinded.

XI. AMENDMENT/S

This Agreement may be amended, partially or wholly, by mutual agreement of the parties done in writing.

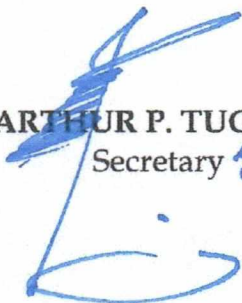
IN WITNESS WHEREOF, the parties hereunto have set their hands on this _____ day of JUN 27 2022 at QUEZON CITY, Philippines.

DEPARTMENT OF
TRANSPORTATION

DEPARTMENT OF
PUBLIC WORKS AND HIGHWAYS

By:

By:


ARTHUR P. TUGADE
Secretary *AS me*



ROGER G. MERCADO
Acting Secretary



Department of Public Works and Highways
Office of the Secretary


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Signed in the presence of





Doc. No. 100 ;
Page No. 20 ;
Book No. II ;
Series of 2022


ATTY. JASON A. CANTIL
Notary Public For Quezon City
Until December 31, 2022
Adm. Matter No. NP-144 (2021-2022)
IBP Lifetime No. 011356
Roll of attorney: 56515
PRT No. 24636891 -D/ Jan. 3, 2022
MCLE Compliance No. VI-UU15528
ADBLACC LAW OFFICE

ACKNOWLEDGMENT

BEFORE ME, a Notary Public, for and in QUEZON CITY, this 27 day of JUN 27 2022, personally appeared the following:

Name	Government Identification	Date and Place of Issue
ARTHUR P. TUGADE		
ROGER G. MERCADO		

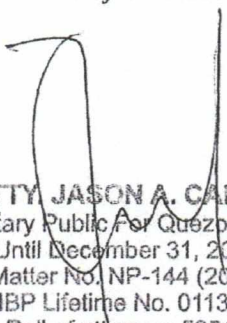
Known to me to be the same persons who executed the foregoing instrument and having acknowledged to me that the same are their free act and deed as well as the free and voluntary act and deed on the entity they respectively represented.

This instrument consisting of nine (9) pages including this page, which has been signed by the Parties together with their instrumental witnesses at the bottom of the instrument and on each every page thereof.

IN WITNESS WHEREOF, I have hereto affixed my signature and notarial seal on these presents at the place and on the date first above written.

Doc. No. 101
Page No. 21
Book No. #
Series of 2022

Notary Public


ATTY. JASON A. CANTIL
Notary Public For Quezon City
Until December 31, 2022
Adm. Matter No. NP-144 (2021-2022)
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Roll of attorney: 56515
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MCLE Compliance No. VI-0015528
ADBLACC LAW OFFICE



Republic of the Philippines
PROVINCE OF MARINDUQUE
Boac



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES
18TH REGULAR SESSION, 16TH SANGGUNIANG PANLALAWIGAN
SP SESSION HALL, NOVEMBER 11, 2022

Present:

Hon. Adeline M. Angeles	Vice-Governor & Presiding Officer
Hon. Mark Julius P. Caballes	SP Member
Hon. Melgabal R. Encabo	SP Member
Hon. Mercedes R. Rejano	SP Member
Hon. Danilo R. Red	SP Member
Hon. Ishmael DP. Lim	SP Member
Hon. Antonio L. Mangcucang III	SP Member
Hon. Jose Neryl L. Manggol	SP Member (PCL)
Hon. Baldomero L. Limpiada	SP Member (LnB)
Hon. Lauren R. Rosales	SP Member (PPSK)

Absent:

Hon. Aurelio J. Leva III	SP Member (OB)
Hon. Bernadine E. Opis-Mercado	SP Member (SPL)

Resolution No. 256 Series 2022

RESOLUTION

AUTHORIZING THE HONORABLE GOVERNOR PRESBITERO J. VELASCO, JR. TO APPLY FOR A GRATUITOUS SPECIAL USE PERMIT (GSUP) WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) FOR THE BALOGO INTERNATIONAL PORT PROJECT AND ECONOMIC ZONE IN STA. CRUZ, MARINDUQUE

WHEREAS, the Provincial Government of Marinduque has identified the Balogo Port Facilities, in Sta. Cruz this province, as one of the locations wherein which it intends to establish and develop as an economic zone to be called the "Balogo International Port and Economic Zone". The economic zone aims to promote the flow of trades and investments in the province that would generate employment opportunities and establish linkages between and among industries;

WHEREAS, there are portions/areas in the proposed economic zone that are classified as either, residential, special, or mineral lands and for the establishment and development of the area to pursue, a Gratuitous Permit for Special Uses of Forest Land (GSUP) from the DENR is necessary/required;

WHEREAS, as regards thereto, the Honorable Governor Presbitero J. Velasco, Jr. requested the Sangguniang Panlalawigan for an authority to apply for the GSUP for the purpose above-stated;

WHEREAS, pursuant to Section 465(b)(1)(vi) or Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the Provincial Governor, as the Local Chief Executive of the province, shall represent the province in all its business dealings and sign for and in its behalf, all contracts and obligations and such other documents upon authority of the Sangguniang Panlalawigan or pursuant to law or ordinance;

WHEREFORE, on motion of Chairperson of the Committee on Local Economic Enterprises, Honorable Ishmael DP. Lim, duly seconded by Honorable Antonio L. Mangcucang III, it was:

RESOLVED, as it is hereby resolved, to authorize the Honorable Governor Presbitero J. Velasco, Jr. to apply for a Gratuitous Special Use Permit (GSUP) with the Department of Environment and Natural Resources (DENR) for the Balogo International Port Project and Economic Zone in Sta. Cruz, Marinduque.

RESOLVED FURTHER, that copy of the letter-request of the Governor and its accompanying documents be made part and parcel of this resolution.

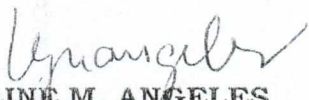
RESOLVED FINALLY, that copies of this resolution be furnished to the Honorable Governor Presbitero J. Velasco, Jr. for his information and appropriate action; copy furnished the Provincial Environment and Natural Resources Office (PENRO) for their information and guidance.

ADOPTED, this 11th day of November 2022 at Boac, Marinduque.

CERTIFIED TO BE DULY ADOPTED:


JAMES L. SOLAS
SP Secretary

ATTESTED:


ADELINE M. ANGELES
Vice-Governor & Presiding Officer



Republic of the Philippines
PROVINCE OF MARINDUQUE
Boac



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES
13TH REGULAR SESSION, 16TH SANGGUNIANG PANLALAWIGAN
SP SESSION HALL, OCTOBER 7, 2022

Present:

Hon. Adeline M. Angeles	Vice-Governor & Presiding Officer
Hon. Mark Julius P. Caballes	SP Member
Hon. Melgabal R. Encabo	SP Member
Hon. Mercedes R. Rejano	SP Member
Hon. Danilo R. Red	SP Member
Hon. Ishmael DP. Lim	SP Member
Hon. Aurelio J. Leva III	SP Member
Hon. Antonio L. Mangcucang III	SP Member
Hon. Bernadine E. Opis-Mercado	SP Member
Hon. Jose Neryl L. Manggol	SP Member (PCL)
Hon. Baldomero L. Limpiada	SP Member (LnB)
Hon. Lauren R. Rosales	SP Member (PPSK)

Absent:

(None)

Resolution No. 180 Series 2022

**RESOLUTION
CREATING AN EXECUTIVE - LEGISLATIVE
TECHNICAL WORKING GROUP (TWG) FOR
UPDATING/CRAFTING/FORMULATION OF THE
MARINDUQUE INVESTMENT AND INCENTIVE CODE
AND APPROPRIATING THE AMOUNT OF P500,000.00
FOR THE PURPOSE**

WHEREAS, among the thrusts of the Governor as he echoed in various fora and speaking engagements is for the province to enhance its revenue generating capabilities in order to fund priority development agenda lined up and not rely heavily on the province's share of the NaTA being provided by the national government;

WHEREAS, among the legislative tool that is being looked upon to boost the revenue is to invite foreign and local investors to infuse their capital expenditures and resources into the province which could only happen when there is a working Investment and Incentive Code that is responsive to the need of the time;

WHEREAS, the Marinduque Development and Investment Code (Provincial Ordinance No.30 series of 2001) has been in existence for more than two decades and most of the provisions thereof are not anymore applicable in the present situation, thus, a need to update and/or or formulate a new one, altogether;

WHEREAS, in order for the Sangguniang Panlalawigan to come up with a better and responsive Investment and Incentive Code, there is a need to create a team that will oversee the updating, crafting and/or formulation of the Marinduque Investment and Incentive Code, coming from, the Legislative and Executive.

WHEREFORE, on motion of Honorable Ishmael DP Lim, Chairperson Committee on Local Economic Enterprise, Private Partnership, and Investment Promotion, duly seconded by Honorable Antonio L. Mangcucang, and upon favorable recommendation of the Committee as contained in Committee Report No. 41 - 2022, it was:

RECEIVED

PROVINCIAL LEGAL OFFICE
Boac Marinduque

By:

Date&Time:

[Signature]
11/08/22 1:56 PM

RESOLVED, as it is hereby resolved, Creating an Executive Legislative Technical Working Group (TWG) for updating of the Marinduque Investment and Incentive Code and appropriating the amount of P500,000.00 for the purpose; with the following composition:

1. SP Committee on LEE
2. SP Committee on Ways & Means
3. The Local Finance Committee
4. The Provincial Human Resource Management Office
5. The Provincial Legal Officer

RESOLVED FINALLY, that copy of this resolution be furnished to the Honorable Governor, Presbitero J. Velasco, Jr., Local Finance Committee, Provincial Legal Officer, SP Committee on LEE, SP Committee on Ways and Means, Provincial Human Resource Management Office, and all other concerned for their information and appropriate action.

ADOPTED, this 7th day of October 2022 at Boac, Marinduque.

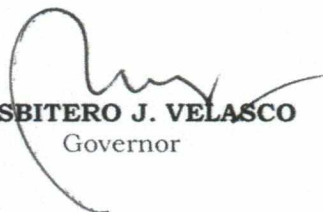
CERTIFIED TO BE DULY ADOPTED:


JAMES L. SOLAS
SP Secretary

ATTESTED:


ADELINA M. ANGELES
Vice-Governor & Presiding Officer

APPROVED:

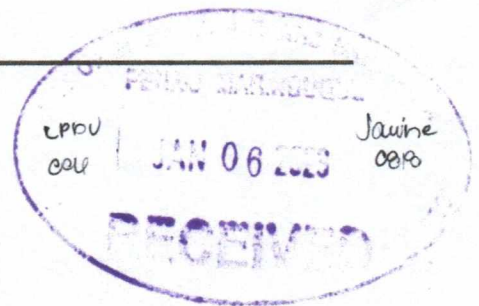

PRESBITERO J. VELASCO
Governor



Republic of the Philippines
PROVINCE OF MARINDUQUE
PROVINCIAL CAPITOL
Boac



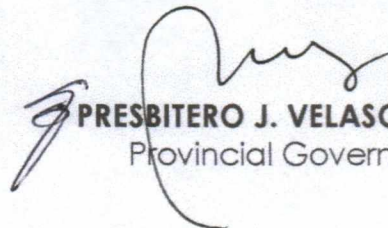
Office of the Governor



CERTIFICATION

THIS IS TO CERTIFY that the Proposed Area was used by MARCOPPER MINING COMPANY from 1969-1996 as their sea port. The use of sea port only stopped when mining operation stopped. The said area is also classified in Comprehensive Land Use Plan of the province as port facility.

Issued this 5th day of January, 2023 for whatever purpose this may serve.


PRESBITERO J. VELASCO, JR.
Provincial Governor

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Republic of the Philippines
PROVINCE OF MARINDUQUE
Boac



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

OFFICE OF THE SANGUNIANG PANLALAWIGAN
STA. CRUZ, MARINDUQUE

EXCERPT FROM THE MINUTES
115TH REGULAR SESSION, 13TH SANGGUNIANG PANLALAWIGAN
SP SESSION HALL, APRIL 8, 2016

Present:

Hon. Romulo A. Bacorro, Jr.

Hon. George D. Aliño II
Hon. Juan R. Fernandez, Jr.
Hon. Mark Anthony E. Seño
Hon. Adeline M. Angeles
Hon. Harold Y. Red
Hon. Theresa P. Caballes
Hon. Amelia L. Aguirre
Hon. Norma J. Ricohermoso
Hon. Sabino P. Fabrero (PCL)
Hon. Allan H. Nepomuceno (Liga)

Absent:

(None)

Vice-Governor &
Presiding Officer
SP Member
SP Member
SP Member
SP Member
SP Member
SP Member
SP Member
SP Member
SP Member

Resolution No. 993 Series 2016

RESOLUTION

APPROVING MUNICIPAL ORDINANCE NO. 104 SERIES
OF 2016 OF THE MUNICIPALITY OF STA. CRUZ, THIS
PROVINCE, ENTITLED: AN ORDINANCE ENACTING THE
NEW REVISED ZONING ORDINANCE OF THE
MUNICIPALITY OF SANTA CRUZ, MARINDUQUE
PROVIDING FOR ITS ADMINISTRATION AND STRICT
ENFORCEMENT AND OTHER PURPOSES

OFFICE OF THE MAYOR
STA. CRUZ, MARINDUQUE

RECEIVED

DATE: 5/5/16
TIME: 11:20 AM

WHEREAS, Section 56 of Republic Act 7160 vested the
Panlalawigan the power to review ordinances of component municipalities;

WHEREAS, submitted for review of the Sangguniang Panlalawigan was
Municipal Ordinance No. 104 series of 2016 of the Municipality of Sta. Cruz, this
province;

WHEREAS, upon review of the said ordinance, the same was found to be in order
and is within the power of the Sangguniang Bayan to enact;

WHEREFORE, on motion of the Vice-Chairman of the Committee on Rules, Laws
and Ordinances, Honorable Harold Y. Red, duly seconded by Honorable Juan R.
Fernandez, Jr., it was:

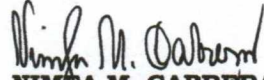
RESOLVED, as it is hereby resolved, to approve Municipal Ordinance No. 104
series of 2016 of the Municipality of Sta. Cruz, this province, entitled: AN ORDINANCE
ENACTING THE NEW REVISED ZONING ORDINANCE OF THE MUNICIPALITY OF
SANTA CRUZ, MARINDUQUE AND PROVIDING FOR ITS ADMINISTRATION AND
STRICT ENFORCEMENT AND OTHER PURPOSES.

RESOLVED, further, that copy of the approved Municipal Ordinance No. 104
series of 2016 of the Municipality of Sta. Cruz, this province, be made part and parcel
of this resolution.


RESOLVED, finally, that copy of this resolution be furnished, the Sangguniang Bayan, thru the Presiding Officer, and the Municipal Mayor, all of Sta. Cruz, Marinduque for their information and guidance.

ADOPTED, this 8th day of April 2016 at Boac, Marinduque.

CERTIFIED CORRECT:


NILDA M. CABRERA
SP Secretary

ATTESTED:


ROMULO A. BACORRO, JR., MD, MHSA
Vice-Governor &
Presiding Officer



Republic of the Philippines
MUNICIPALITY OF STA. CRUZ
Province of Marinduque

Office of the Sangguniang Bayan

BY

TIME

EXCERPTS FROM THE MINUTES OF THE SANGGUNIANG BAYAN REGULAR SESSION HELD AT THE BAHAY NG BAYAN SESSION HALL OF SANTA CRUZ PROVINCE OF MARINDUQUE ON MARCH 01, 2016.

PRESENT:

Hon. Ishmael P. Lim	Vice Mayor/Presiding;
Hon. Sancho N. dela Rosa	Councilor;
Hon. Erlando T. Nuñez	Councilor;
Hon. Alejandro C. Palamos	Councilor;
Hon. Danilo R. Red	Councilor;
Hon. Edwin T. Ricafrente	Councilor;
Hon. Macario G. Perilla	Councilor;
Hon. Benito V. Dy, III	Councilor;
Hon. Joseph C. Quindoza	Councilor; and
Hon. Felix Q. Dy,	Councilor, (ABC President).

ABSENT: NONE.

MUNICIPAL ORDINANCE NO. 104-S. 2016

Sponsor: Hon. Edwin T. Ricafrente

Co-Sponsor: Hon. Erlando T. Nuñez

AN ORDINANCE ENACTING THE NEW REVISED ZONING ORDINANCE OF THE MUNICIPALITY OF SANTA CRUZ, MARINDUQUE AND PROVIDING FOR ITS ADMINISTRATION AND STRICT ENFORCEMENT AND OTHER PURPOSES.

Be it ordained enacted by the Sangguniang Bayan of Santa Cruz;

WHEREAS, the implementation of the Comprehensive Land Use Plans would require the enactment of regulatory measures to translate its planning goals and objectives into reality; and Zoning Ordinance is one such regulatory measure which is an important tool for the implementation of the comprehensive land use plan;

WHEREAS, the Local Government Code authorizes local government units to enact zoning ordinance subject to and in accordance with existing laws;

WHEREAS, the Housing and Land Use Regulatory Board has spearheaded and now assists in and coordinates the activities of the local governments in comprehensive land use planning;

NOW THEREFORE, the Sangguniang Bayan of Santa Cruz, Marinduque in session assembled hereby adopts the following Zoning Ordinance;

ARTICLE I
TITLE OF THE ORDINANCE

Section 1. Title of the Ordinance. This Ordinance shall be known as **AN ORDINANCE ENACTING THE NEW REVISED ZONING ORDINANCE OF THE MUNICIPALITY OF SANTA CRUZ, MARINDUQUE AND PROVIDING FOR ITS ADMINISTRATION AND STRICT ENFORCEMENT AND OTHER PURPOSES.**

ARTICLE II
AUTHORITY AND PURPOSE

Section 2. Authority. This Ordinance is enacted pursuant to the provisions of the New Local Government Code, RA 7160 Sections 458 a.2 (7-9) and 447 a.2 (7-9) dated 10 October 1991, "Authorizing the Municipality through the Sangguniang Bayan to adopt the Zoning Ordinance subject to the provisions of existing laws", and in conformity with E.O. No.72.

Section 3. Purposes. This Ordinance is enacted for the following purposes

1. Guide, control and regulate future growth and development of the Municipality of Santa Cruz, Marinduque in accordance with its Comprehensive Land Use Plan.
2. Protect the character and stability of residential, commercial, industrial, institutional, forestry, agricultural, open space, and other functional areas within the locality and promote the orderly and beneficial development of the same.
3. Promote and protect the health, safety, peace, comfort, convenience, and general welfare of the inhabitants in the locality.
4. Empower small farmers and fisherfolks and increase their income by the year 2013 and beyond.
5. Ensure sustainability of the municipal agricultural resources, and promote food security and maintain self-sufficiency in livestock.
6. Provide adequate light, air, privacy and convenience of access to property.
7. Prevent undue concentration of population and properties.

Section 4. Declaration of Principles

1. Land is a limited national resource and as such, must be managed for the welfare of all in accordance with the Municipal Comprehensive Land Use Plan.
2. The environment is a life-support system and as such, it must be conserved and protected to enhance the quality of life.
3. Land must be used in a most beneficial, rational, and most efficient manner as to prevent the mixture of incompatible land uses, environmental hazards, blight

depression and artificial scarcity of land resources. In which case, there is need for regulatory measures which shall promote such pattern of development.

4. This Zoning Regulations is based on the approved General Land Use Plan as per Resolution No. 34 s. 2016 dated March 1, 2016 for the Municipality of Santa Cruz, Marinduque.

ARTICLE III DEFINITION OF TERMS

The definition of technical terms used in the Zoning Ordinance shall carry the same meaning given to them in already approved codes and regulations, such as, but not limited to the National Building Code, Water Code, Philippine Environmental Code and other Implementing Rules and Regulations, promulgated by the HLURB. The words, terms and phrases enumerated hereunder shall be understood to have the corresponding meaning indicated in Appendix A.

1. Agricultural Zone (AGZ)- an area within a municipality intended for cultivation/fishing and pastoral activities and for agricultural support facilities e.g. fishing, farming, cultivation of crops, goat/cattle raising, ricemills, and the like.
2. Agri-tourism – is the act of visiting a working farm or any agricultural, horticultural or agri – business enterprise.
3. Agro-Forest Area – a portion within the forest production area planted with different species of fruit-bearing trees.
4. Agro-Industrial Zone - zone where processing of agricultural products will be allowed.
5. Aqua-Silviculture Project- a method of culturing fin-fishes and other fishery species in net-enclosed portion of mangrove area without cutting and/or clearing activities
6. HLURB/BOARD- shall mean the Housing and Land Use Regulatory Board
7. Buffer Area- these are yards, parks or open spaces intended to separate incompatible elements or uses to control pollution/nuisance and for identifying and defining development areas or zones where no permanent structures are allowed.
8. Central Business District- shall refer to areas designated principally for trade, services and business purposes.
9. Certificate of Non-Conformance- certificate issued to owners of all uses existing prior to the approval of the Zoning Ordinance which do not conform in a zone as per provision of the said Ordinance.
10. Compatible Use- uses or land activities capable of existing together harmoniously e.g. residential use and parks and playgrounds.
11. Comprehensive Land Use Plan (CLUP) - a document embodying specific proposals for guiding, regulating growth and/or development. The main components of the

Comprehensive Land Use Plan in this usage are the sectoral studies i.e. Demography, Socio-economic, Infrastructure Utilities, Local Administrative and Land Use.

12. Conflicting Uses- uses or land activities with contrasting characteristics sited adjacent to each other e.g. residential units adjacent to industrial plants.
13. Conforming use- a use which is in accordance with the zone classification as provided for in the Ordinance.
14. Conservation Zone (CZ) - an area within the municipality intended for conservation purposes.
15. Eco-tourism - is a responsible travel to natural areas that conserve the environment and sustain the well-being of local people. It will be promoted complementary to environmental protection; management and development, at the same time protects and maintains the aesthetic ecological value.
16. Easement- open space imposed on any land use/activities sited along waterways, road right-of-ways, cemeteries/memorial parks and utilities.
17. Environmentally Critical Areas-refers to those areas which are environmentally-sensitive and are listed in Presidential Proclamation 2146 dated 14 December 1981.
18. Environmentally Critical Projects- refers to those projects which have high potential for negative environmental impacts and are listed in Presidential Proclamation 2146 dated 14 December 1981.
19. Exception- a device which grants a property owner relief from certain provisions of a Zoning Ordinance where the specific use would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.
20. Forest Zone (FZ) - an area within the municipality intended primarily for forest purposes.
21. Foreshore - Refers to that part of the shore, which is alternately covered and uncovered by the ebb and flow of the tide. The part of the land adjacent to the sea, which is alternately covered and left dry by the ordinary flow of the tides.
22. General Commercial Zone (GCZ) - an area within the municipality for trading/services/business purposes.
23. Light Industrial Zone (LIZ) - an area intended for light industries e.g. small to medium non-hazardous industries.
24. Low Density Commercial Zone (C-1)-an area principally for trade, services and business activities ordinarily referred to as the Central Business District (CBD).
25. Medium Density Commercial Zone (C2) - an area within the municipality with quasi-trade business activities and services industries performing functions as principally commercial zone (CBD).

26. General Institutional Zone (GIZ) - an area within the municipality principally for general types of institutional establishments e.g. government offices, schools, hospital/clinics, academic/research, convention centers.
27. General Residential Zone (GRZ) - an area within the municipality principally for dwelling/housing purposes.
28. General Zoning Map- a duly authenticated map delineating the different zones in which the whole municipality is divided.
29. Historical Tourism Zone (HTZ): Intended to be used to preserve historical value of the area, particularly the mining area of Marcopper in Barangays Labo, Kilo-kilo, Makulapnit and San Antonio.
30. Locational Clearance- a clearance issued to a project that is allowed under the provisions of this Zoning Ordinance as well as other standards, rules and regulations on land use.
31. Mari-culture Park - an area within the marine water zone intended for the culture and production of marine fin-fishes, seaweeds, bivalves and other culturable fishery species
32. Mangrove Forest Zone - an area within the marine water zone where mangrove species thrive along the seacoast extending along streams where the water is brackish.
33. Marine Protected Area - a designated area within the marine water zone intended for conservation and protection of marine habitat for natural regeneration of fish population with sanctuary or core zone and buffer zones for proper regulation
34. Mitigating Device- a means to grant relief in complying with certain provisions of the Ordinance.
35. Non-Conforming Use- existing non-conforming uses/establishments in an area allowed to operate inspite of the non-conformity to the provisions of the Ordinance subject to the conditions stipulated in this Zoning Ordinance.
36. Parks and Recreation Zone (PRZ) - an area designed for diversions/amusements, and for the maintenance of ecological balance of the community.
37. Planned Unit Development (PUD) - It is a land development scheme wherein project site is comprehensively planned as an entity via unitary site plan which permits flexibility in planning/design, building siting, complementarity of building types and land uses, usable open spaces and the preservation of significant natural land features.
38. Production Forest Zone - an area within the forest purposely planted to trees of economic value for the production of raw materials or high-value fruit trees.
39. Protected Agricultural Zone - an area within the agricultural zone which can only be utilized for agricultural-related activities.

40. Protected Forest Zone – an area within the Forest intended for the protection and conservation of soil, water, plants and animals.
41. Rezoning- a process of introducing amendments to or a change in the text and maps of the zoning ordinance. It also includes amendment or change in view of reclassification under section 20 of RA 7160.
42. Rural Area- area outside of designated urban area.
43. Salvage Zone - Land measuring twenty (20) meters measured landward from the interior limit of the shoreline for easement purposes.
44. Secondary Growth Center – area where development in terms of basic services will be made in order to cater the service requirement of the adjoining barangays and to bring the service closer to the people.
45. Setback- the open space left between the building and lot lines.
46. Socialized Housing Zone (SHZ) - shall be used principally for socialized housing/dwelling purposes for the underprivileged and homeless as defined in RA 7279.
47. Special Institutional Zone (SIZ) - an area within the municipality principally for particular types of institutional establishments e.g. welfare homes, orphanages, home for the aged, retirement homes, rehabilitation and training centers, military camps/reservation/bases/training grounds, detachments and the like.
48. Special Commercial Zone (SCZ) – area designated for special commercial activities such as day and night clubs, restobars, health and wellness clinic and other recreational activities so as to avoid disturbance (noise/loud music) of the adjoining establishments.
49. Special Use Zone – an area within the municipality for sewerage and waste water-treatment plant, disposal facility, cemetery and sea port.
50. Tourist Zone - area within the municipality endowed with natural or man-made physical attributes and resources that are conducive to recreation, leisure, and other wholesome activities.
51. Urban Area(s) - include all barangay(s) or portion(s) comprising the poblacion, central business district (CBD) and other growth areas including the urbanizable land in adjacent to said areas and where at least more than fifty percent (50%) of the population are engaged in non-agricultural activities.
52. Urban Expansion Area – area adjacent to poblacion considered for expansion as part of the poblacion.
53. Urban Zoning Map - a duly authenticated map delineating the different zones into which the urban area and its expansion area are divided.

- 54. Urbanizable land - area designated as suitable for urban expansion by virtue of land use studies conducted.
- 55. Variance - a special locational clearance which grants a property owner relief from certain provisions of Zoning Ordinance where, because of the particular, physical surrounding, shape or topographical conditions of the property, compliance on height, area, setback, bulk and/or density would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.
- 56. Warehouse - refers to a storage and/or depository of that business of performing warehouse services for others for profit.
- 57. Water Zone (WZ) - are bodies of water within the municipality which include rivers, streams, lakes and seas, except those included in other zone classifications.
- 58. Zone - an area within the municipality for specific land use as defined by man-made or natural boundaries or lot numbers.
- 59. Zoning Administrator/Zoning Officer - a municipal employee responsible for the implementation/enforcement of the Zoning Ordinance in a community.
- 60. Zoning Ordinance - a local legal measure which embodies regulations affecting land use.

ARTICLE IV ZONE CLASSIFICATIONS

Section 5. Division into Zones or Districts. To effectively carry out the provisions of this Ordinance, the municipality is hereby divided into the following zones or districts as shown in the Official Zoning Maps. (*Refer to Book of Maps, Official Zoning Map page 33*)

1. RESIDENTIAL ZONE

- General Residential Zone 1 (GRZ Area1)
- General Residential Zone 2 (GRZ Area 2)
- Socialized Housing Zone

2. COMMERCIAL ZONE

- General Commercial Zone (GCZ)
- Low-Intensity Commercial Zone (C Area1)
- Low-Intensity Commercial Zone (C Area 2)
- Spécial Commercial Zone (SCZ)

3. LIGHT INDUSTRIAL ZONE

- Light Industrial Zone 1 (LIZ Area 1)

4. GENERAL INSTITUTIONAL ZONE

5. AGRICULTURAL ZONE (AZ)

- General Agricultural Zone (GAZ)

6. AGRO-INDUSTRIAL ZONE

7. FOREST ZONE (FZ)

- Protection Forest Zone (PZ)
- Production Forest Zone (PFZ)

8. MANGROVE FOREST ZONE

9. TOURISM ZONE

- Low-Intensity Tourism Zone
- Historical Tourism Zone (HTZ)

10. WATER ZONE

- Protection
- Production

11. SPECIAL USE ZONE (SUZ)

- Integrated Solid Waste Management Disposal Facility
- Seaport/Service Port
- Cemetery
- Sport Center

12. PLANNED UNIT DEVELOPMENT ZONE (PUDZ)

Section 6. Zone Boundaries. The locations and boundaries of the above mentioned various zones into which the municipality has been divided are hereby identified and specified in Annex A.

Section 7. Interpretation of the Zone Boundary. In the interpretation of the boundaries for any of the zones indicated on the zoning Map, the following rules shall apply:

1. Where zone boundaries are so indicated that they approximately follow the center of streets or highway, the street or highway right-of-way lines shall be construed to be the zone boundaries.

2. Where zone boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the zone boundaries.
3. Where zone boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of the streets and highways, such zone boundaries shall be construed as being parallel thereto and at such distance there from as indicated in the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown in said zoning map.
4. Where the boundary of a zone follows a stream, lake or any bodies of water, said boundary line shall be deemed to be the limit of the political jurisdiction of the community unless otherwise indicated. Boundaries indicated as following the shorelines shall be construed to follow such shoreline and in the event of change in the shorelines, shall be construed as moving with the actual shoreline.
5. Where a lot of one ownership, as of record at the effective date of this Ordinance, is divided by a zone boundary line, the lot shall be construed to be within the zone where the major portion of the lot is located. In case the lot is bisected by the boundary line, it shall fall in the zone where the principal structure falls.
6. Where zone boundary is indicated as one-lot-deep, said depth shall be construed to be the average lot depth of the lots involved within each particular municipal block. However where any lot has a depth greater than the said average, the remaining portion of said lot shall be construed as covered by the one-lot-deep zoning district provided the remaining portion has an area less than fifty percent (50%) or more of the total area of the lot then the average lot depth shall apply to the lot which shall become a lot divided and covered by two or more different zoning districts, as the case may be.

In case of any remaining doubt as to the location of any property along zone boundary lines, such property shall be considered as falling within the less restrictive zone.

7. The textual description of the zone boundaries shall prevail over that of the Official Zoning Maps.

ARTICLE V ZONE REGULATIONS

Section 8. General Provision. The uses enumerated in the succeeding sections are neither exhaustive nor all-exclusive. The Local Zoning Board of Adjustment and Appeals [LZBAA] shall, subject to the requirements of this Article, allow other uses not enumerated hereunder provided that they are compatible with the uses expressly allowed.

Allowance of further uses shall be based on the intrinsic qualities of the land and the socio-economic potential of the locality with due regard to the maintenance of the essential qualities of the zone.

Specific uses/activities of lesser density within a particular zone (R-1) may be allowed within the zone of higher density (R-2) but not vice-versa, nor in another zone and its

subdivisions (e.g. GC, C-1, C-2), except for uses expressly allowed in said zones, such that the cumulative effect of zoning shall be intra-zonal and not inter-zonal.

Section 9. Use Regulations in General Residential Zone 1 (GRZ Area 1).

A GR zone shall be used principally for dwelling/housing purposes so as to maintain peace and quiet of the area within the zone (urban and urban extension area).

The following are the *allowable uses*:

Allowed use

1. Detached family dwellings
2. Multi-family dwellings e.g. row-houses, apartments, duplex
3. Apartments
4. Pension Houses
5. Lodging Houses
6. Dormitories
7. Boarding Houses
8. Branch Libraries and museums.
9. Customary accessory uses like:
 - a. Servants quarter
 - b. Private garage
 - c. Guard house
10. Home occupation for the practice of one's profession or for engaging home business such as dressmaking, tailoring, baking, managing sari-sari store and the like provided that:
 - a. The number of persons engaged in such business/industry shall not exceed five (5), inclusive of the owner;
 - b. There shall be no change in the outside appearance of the building premises;
 - c. No home occupation shall be conducted in any customary accessory uses cited above;
 - d. No traffic shall be generated by such home occupation in greater volume that would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation and shall be met off the street and in a place other than the required front yard;
 - e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the

normal senses and visual or audible interference in any radio or television receiver or causes fluctuations in line voltage of the premises.

11. Home Industry Classified as Cottage Industry provided that:

- a. Such home industry shall not occupy more than thirty percent (30%) of the floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be hazard or nuisance.
- b. Allotted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DTI).
- c. Such shall consider same provisions as enumerated in letters c, d, and e number 10, home occupation,
- d. The construction of buildings or structures, strict implementation of National Building Code shall be observed, this section.

In the existing not allowed uses shall be relocated outside the poblacion within a grace period of 10 years and no other improvement shall be made

Not allowed

- ✦ Ricemills
- ✦ Backyard swine and poultry raisings
- ✦ Videoke bars
- ✦ Construction of houses out of light materials/combustible materials (nipa, cogon, bamboos and makeshift) except when utilized in special occasions
- ✦ Establishments allowed in General Commercial Zone 2 and Light Industrial Zone Area 1

Activities not allowed

- ✦ Drying of coconut meats/palay and other agricultural products at the road networks
- ✦ Burning of trash, garbage and waste
- ✦ Additional gasoline station

Section 10. Use Regulations in General Residential Zone 2 (GRZ 2). A GR zone shall be used principally for dwelling/housing purposes so as to maintain peace and silence of the area within the zone (rural area). The following are the *allowable uses*:

Allowed uses

1. All uses allowed in General Residential Zone Area1 provided that no housing units shall be constructed in hazard-prone areas, and salvage zones, otherwise in times of calamities they shall follow instruction of LDRRMC concerned.
2. Backyard swine/ poultry raising not more than 5 heads for swine and 30 heads for poultry, livestock backyard fattening provided that sanitation shall be observed and no complaints from the neighboring residents.

Not allowed

Ricemills

Videoke bars

Establishments allowed in General Commercial Zone 2 and Light Industrial Zone

Area 1

Section 11. Use Regulations for Socialized Housing Zone (SHZ). The SHZ shall be used principally for socialized housing/dwelling purposes for the underprivileged and homeless as defined in RA 7279.

Allowed uses

1. Detached family dwellings
2. Multi-family dwellings e.g. row-houses, apartments, duplex
3. Small sari-sari stores

Not allowed

All commercial establishments allowed in Commercial Area 1 & 2 and Light Industrial Zone Area 1

Backyard livestock poultry raising.

Section 12. General Commercial Zone 1 (GCZ Area 1). A GC Zone shall be for business/trade/service uses within the poblacion area. Within the zone, the following types of establishments shall be allowed, provided that the conduct of business will not obstruct traffic flow:

Allowed Uses

1. Office buildings
2. General retail stores and/or shops like:
 - a. Department stores
 - b. Bookstores and office supplies shops
 - c. Home appliance stores

- d. Computer/IT supplies spare parts and accessories stores
 - e. Dry Goods stores
 - f. Car shops
 - g. Photo shops
 - h. Flower shops
 - i. Gift, souvenirs, and/or curio shops
3. Food markets and/or shops like:
- a. Bakery and bake shops
 - b. Wine, liquor stores
 - c. Grocery stores
 - d. Supermarkets/Market
4. Personal services shops like:
- a. Beauty parlors
 - b. Barber shops
 - c. Dressmaking and tailoring shops
 - d. Gown/clothing rental shops
 - e. Facial center
 - f. Wellness and spa/massage sauna
5. Recreational centers/establishments like:
- a. Moviehouses/theaters
 - b. Playcourts e.g. tennis courts, bowling lanes, billiard halls
 - c. Swimming pools
 - d. Stadium, coliseum, gymnasium provided that they shall not be used as cockpit
 - e. Concert halls, physical fitness clubs
 - f. Combat shooting/target shooting range/gallery
 - g. Other sports and recreational establishments
6. Restaurants, refreshments parlors and other eateries provided that there are separate clean and functional comfort rooms for men and women. No liquors shall be served, Cleanliness of the area shall be maintained.
7. Establishments offering specialized short-term training courses. short-term special education like:
- a. Dancing schools
 - b. Schools for self-defense/martial arts
 - c. Speech clinics
 - d. Culinary and/or baking schools
8. Storerooms but only as may be necessary for the efficient conduct of the business
9. Commercial condominium (with residential units in upper floors)
10. Commercial housing like:
- a. Hotels
 - b. Apartments
 - c. Apartels
 - d. Boarding Houses
 - e. Dormitories
 - f. Pension houses
 - g. Club houses
 - h. Lodging inns
 - i. Motoring inns
 - j. Pent houses

11. Library/museum(containing antique books and reading materials)
12. Internet café *provided* that no students shall be allowed during class hours. Subject to existing law or ordinance.
13. Refilling stations/service stations (diesel and water) *provided* that traffic flow shall not be affected in the conduct of business subject to other pertinent laws of DENR, BFP and DOH.
14. Clinics (medical, dental, optical, veterinary, ear, nose and throat)
15. Vocational/technical schools
16. Convention centers and related facilities
17. Messengerial services
18. Security and escort agency
19. Janitorial service office
20. Bank and other financial institutions to include installed Automated Teller Machine (ATM) pawnshops, money receiving/remitting shops
21. Radio and television station
22. Building garage, elevated parking lots
23. Bakery producing breads, cakes, pastries, pies, doughnut and hopia and other flour-based products
24. Lechon/processed meat stores
25. Customized tailoring and/or dressmaking shops
26. Commercial and job printing shops
27. Typing/Encoding and photo engraving services
28. Repair of optical accessories and IT equipment and cameras
29. Repair of timepieces and accessories(clocks and watches)
30. Repair shops like
 - a. House appliances repair shops
 - b. Electrical supplies and accessories store
 - c. Car parts and accessories stores
 - d. Agricultural Machineries and equipment
31. Manufacture of insignia, badges and similar emblems except those made of metals

32. Printing/publishing shops
33. Machinery display center
34. Lumber/hardware stores - *provided* that warehouse for cement shall be located in Commercial Zone Area 2. Time for loading and unloading of delivery trucks shall be set to avoid traffic and obstruction of streets within the vicinity of the business establishments.
35. Manufacture of ice, ice blocks, cubes, tubes, except dry ice
36. Printing and publishing of books and pamphlets, printing of cards and stationaries *provided* that no drying of finished materials along sidewalks be made.
37. Manufacture of signs and advertising displays (except printed)
38. Biscuit factory- manufacture of biscuits, cookies, crackers and other similar baked products
39. Other bakery products not elsewhere classified (n.e.c.)
40. Repacking of food products e.g. fruits, vegetables, sugar and other related products
41. Funeral parlors, mortuaries and crematory services and memorial chapels, *provided* that embalming shall be done in area discrete to the public. Not near to restaurants or eateries and food establishments.
42. Parking lots, garage facilities

Not Allowed Uses

- a. All establishments allowed in General Commercial Zone Area 2 & Special Commercial Zone
- b. Retail of gasoline crude oil sold in bottles
- c. Cockpit

Section 13. General Commercial Zone 2 (GCZ 2). A GC Zone shall be for business/trade/service uses outside the poblacion area. Within the zone the following types of establishments shall be allowed:

Allowed Uses

1. Welding shops, vulcanizing and motor battery recharging shop **provided** that operation shall not affect the supply of electricity in the neighboring establishments or residences. Enough working space shall be *provided* and no portion of the street shall be used as working place.
2. Machine shop service operation (repairing/rebuilding, or customized job orders) *provided* that operation shall not affect the supply of electricity in the neighboring

establishments or residences. Enough working space shall be *provided* and no portion of the street shall be used as working place.

3. Medium-scale junkshop *provided* that cleanliness and orderliness of the area shall be maintained. The area should be fenced.
4. Repair of motor vehicles
5. Warehouses *provided* that buffer zone of at least 30-meter radius shall be maintained. Emission Testing Center *provided* they have enough working space.

Section 14. Spécial Commercial Zone (SCZ). A GC Zone shall be for business/trade/service uses outside the poblacion area.

Allowed Uses

1. Day and night clubs
2. Restaurants and videoke bars, provided that maintenance of peace and order in the area shall be the responsibility of the establishments' owner
3. Other activities allowed in Commercial Zone Area 1
4. Health and wellness clinic
5. Human stem cell treatment clinics/center
6. Sports and recreational facilities
7. Personal services shops

Section 15. Use Regulations in Light Industrial Zone (LIZ-1) LIZ -1 shall be for non-pollutive/non-hazardous manufacturing/processing establishments. Allowable establishments are as follows:

Allowed Uses

1. Drying fish
2. Biscuit factory – manufacture of biscuits, cookies, crackers and other similar baked products
3. Doughnut and hopia factory
4. Manufacture of macaroni, spaghetti, miki, bihon, misua, tofu, miso, black beans, sago, gulaman and vermicelli and other noodles
5. Other bakery products not elsewhere classified

6. Life vests factory
7. Manufacture of luggage, handbags, wallets and other small leather goods
8. Manufacture of miscellaneous leather-base and leather substitute products
9. Manufacture of leather or canvass shoes except rubber, plastic and wooden
10. Manufacture of slippers and sandals except rubber and plastic
11. Manufacture of footwear parts except rubber and plastic
12. Printing, publishing and allied industries and those not elsewhere classified
13. Manufacture or assembly of typewriters, cash registers; weighing, duplicating and accounting machines
14. Manufacture of rattan furniture, including upholstered furniture
15. Manufacture of box beds, and mattresses

Non- Pollutive / Hazardous Industries

Allowed use

1. Refilling station (LPG) provided that necessary requirements shall be secured from agencies concerned
2. Manufacture of Sawali, Nipa
3. Miscellaneous wood products, furniture and fixtures
4. Manufacture of hats, gloves, handkerchief, neckerchief and other related clothing accessories
5. Manufacture of bamboo crafts, rattan crafts, nito crafts and other baskets and similar wares

**Medium Industrial Zone
Pollutive/ Non-hazardous Industries**

Allowed use

1. Corn/Ricemill
2. Manufacture of miscellaneous furniture and fixtures primarily made of metals

3. Fabrication of structural iron, steel, architectural, ornamental and fixtures, made primarily of metals
4. Gravel and sand *provided* that they have the area for stockpiling
5. Hollow blocks and ceramics-making *provided* that there is enough area for stockpiling, 6. Pottery and clay-based ornamental products making

Section 16. Use Regulations in General Institutional Zone (GIZ). In GI Zone, the following uses shall be allowed:

Allowed Uses

1. Government centers to house national, regional or local offices in the area
2. Colleges, universities, professional business schools, vocational and trade schools, technical schools and other institutions of higher learning
3. General hospitals, medical centers, multi-purpose clinics, stem cell treatment centers
4. Scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities
5. Religious structures e.g. church, seminary, convents, retreat house, monastery, mosque and worship hall
6. Museums
7. Student housing e.g. dormitories, boarding house

Section 17. Use Regulations for Agricultural Zone (AqZ). Irrigated and irrigable riceland, riceland potential for irrigation is non-negotiable for conversion. Conversion of agricultural to other uses shall follow and comply with existing national laws, rules and regulations on the protection of the area.

Conversion into residential, commercial, industrial, institutional, and other non-agricultural purposes not allowed except when it is strictly for the construction of churches and other place of worship, inclusive of a space for use as churchyard, the latter not to exceed more than one-half of the reasonable area needed for the construction of the church or other place of worship.

Environmental Critical Area (ECA) & Environmental Critical Projects (ECP) and land covered by land valuation & acquisition are not convertible land.

In Agricultural Zones uses shall be permitted:

Allowed Uses

1. Cultivation, raising and growing of staple crops such as rice, corn, sweet potatoes, cassava, arrow roots, and the like
2. Growing of diversified plants and trees, such as fruit and flower bearing trees, coffee, cacao, black pepper, tobacco, etc.

3. Silviculture, mushroom culture, fishing and fish culture, and the like
4. Customary support facilities such as palay dryers, paddy drying platforms, and rice threshers and storage barns and warehouses
5. Ancillary dwelling units/farmhouses for tillers and laborers
6. Agricultural/Livestock research and experimentation facilities such as breeding stations, fish-farms, nurseries, demonstration farms and the like.
7. Pastural activities such as goat raising and backyard cattle fattening/raising
8. Home occupation for the practice of one's profession or engaging home business such as dressmaking, tailoring, baking, managing a sari-sari store and the like, *provided* that:
 - a. The number of persons engaged in such business/industry shall not exceed five (5), inclusive of the owner;
 - b. There shall be no change in the outside appearance of the building premises;
 - c. No home occupation shall be conducted in any customary accessory uses cited above;
 - d. No vehicular traffic shall be generated by such home occupation in greater volume that would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation and shall be met off the street and in a place other than the required front yard;
 - e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal senses and visual or audible interference in any radio or television receiver or causes fluctuations in line voltage within the premises.
9. Home industry classified as cottage industry e.g. mat weaving, pottery-making, food processing and/or preservation, and the like, provided that:
 - a. Such home industry shall not occupy more than thirty percent (30%) of the floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance.
 - b. Allotted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DTI).
 - c. Such shall consider same provisions as enumerated in No. 8 letters c, d, and e home occupation of this section.
10. Backyard raising of livestock's and fowls, provided that:
 - a. For livestock's a maximum of 10 heads - with accessory facilities like septic tank, drying facility, water supply and perimeter vegetation to be inspected by Sanitation Inspector.

- b. For game fowls breeding a maximum of 500 birds - with accessory facilities like septic tank, drying facility, water supply and perimeter vegetation to be inspected by Sanitation Inspector
- c. Livestocks and fowls raising shall not be allowed along rivers, creeks, lakes, streams, springs and other forms of water resources.
- d. Backyard raising of livestock and fowls shall be 200 meters away from existing urban areas, residential, institutional and commercial establishments
- e. For poultry raising (free range fowls, ducks) , maximum of 200 heads with limitation of 500 meters away from residential area

11. Cockpit Arena *provided* that:

- a. 200 meters away from the residential, institutional area
- b. Minors are not allowed to bet in cockfighting
- c. There is a provision for sufficient parking space
- d. Building permit for the construction of cockpit shall be issued by the designated Municipal Building Official concerned

Section 18. Use Regulations in Agro-industrial Zone (AgIZ). In AgIZ, the following uses shall be allowed:

Allowed Uses

- 1. All uses allowed in agricultural zone
- 2. Rice/corn mills (single-pass) - provided that a buffer zone of ten (10) meters shall be maintained between the adjoining or surrounding structure
- 3. Drying, cleaning, curing, and preserving of meat and its by-products and derivatives meat processing
- 4. Smoked Fish Processing
- 5. Manufacture of coffee and/or cocoa beans processing
- 6. Manufacture of animal and/or fish feeds mills, other grain milling n.e.c.
- 7. Weaving/processing of hemp, piña fibers
- 8. Jute spinning and weaving
- 9. Manufacture of charcoal (charcoal briquetting)
- 10. Milk processing plants (Manufacturing filled, reconstituted or recombined milk, condensed or evaporated, non-fat powdered milk)
- 11. Butter, margarine and cheese processing plant

12. Natural fluid milk processing (pasteurizing, homogenizing, vitaminizing, bottling of natural animal milk and cream-related products)
13. Bottling dairy products not elsewhere classified
14. Bottling/canning and preserving of fruit and fruit juices
15. Bottling/canning and preserving of vegetables and vegetable juices
16. Bottling /canning and preserving of vegetable sauces
17. Fish canning/bottling fish sauce
18. Vinegar factory
19. Bagoong factory
20. Fish sauce/patis factory
21. Processing, preserving and bottling of fish and related seafoods not elsewhere classified
22. Processing and manufacture of desiccated coconut
23. Processing and manufacture of starch and its product
24. Processing, manufacture of local wines from of local fruits juices
25. Oil mills including coconut, vegetable oil
26. Manufacture/processing of other plantation crops e.g. pineapple, banana, and the like
27. Other accessory uses incidental to agro-industrial activities
28. Other commercial handicrafts and industrial activities utilizing plant and/or animal parts and/or products as raw materials, not elsewhere classified, however subject to review and approval by the LZBAA
29. Warehouse for agricultural produce

Not Allowed Uses

Agro-Industrial establishment producing pollutive and hazardous substances

Section 19. Use Regulations in Production Forest Zone (PFZ). No development use, or activity shall be allowed in production forest zones unless consistent with the Department of Environment and Natural Resources (DENR) development regulations for forest zones and a permit, lease or license is issued by the DENR for the following;

Allowed Uses

1. Contract Reforestation with Forest Land Management Agreement (FLMA)
2. Commercial Tree Plantation and Industrial Forest Plantation (TP/IFP)

3. Integrated Social Forestry Programs (ISF)
4. Community-Based Forest Management
5. Reforestation compliance by forest-users thru Temporary Lease Agreement
6. Reforestation compliance thru Pasture Lease Agreement
7. Ecological Revolution Programs (ERP)

Other allowable uses such as infrastructure development, fishpond, resettlement purposes shall be in consonance with national policies as enumerated below:

Fishpond purposes- Aqua-culture activities within the forest zone shall be undertaken pursuant to the provisions of the Fisheries Code and its Implementing Rules and Regulations and the Revised Forestry Code of the Philippines, as amended.

Infrastructure, resettlement and indigenous settlement- Infrastructure development and resettlement undertaken within the forest zones shall be consistent with the provisions of the Revised Forestry Code of the Philippines, as amended, and subject to the Environmental Impact Assessment, prior to the approval of such projects in order to determine their environmental impacts and social acceptability.

Eco-tourism activities such as nocturnal bird watching, skin or scuba diving, surfing, snorkeling, jet skiing, spelunking, hang gliding, camping, mountain climbing and rappelling shall be subject to the following conditions:

1. Registered with the local tourism office;
2. Must coordinate with the concerned barangays before the conduct of activity;
3. Accompanied by a registered and trained local tour guides;

Not Allowed Uses

Illegal logging is strictly prohibited

Slashed and burn (Kaingin) farming is strictly prohibited

Construction of permanent structures within the forest zone

Cannot be utilized as rice paddies

Zone Boundaries and Use Regulations in Production Forest Zone (FPZ)

Control Use Zone. It shall cover the following locations:

- A. Areas with elevation ranging 500-1,000 meters.
- B. Areas with slope ranging from 19% - 35%.

- c. Lower altitude limit can go up to 984.25 ft (500 meters) if it would not cause negative ecological impacts, but the high altitude limit shall not exceed 16,404 ft (500 meters).

Section 20. Zone Boundaries and Use Regulations in Protected Forest Zone (PFZ) Core Zone.

The following shall be part of the PFZ/CZ

Core Zones (Maximum Protection Areas)

1. Areas above 1,000 meters elevation.
2. First grown forest.
3. Areas with steep gradient, above 50% slope
4. Peaks of mountains with elevation greater than 16,409 ft (500 meters) level and covering five hundred (500 meters) horizontal distance from the epicenter.
5. Endangered habitats and habitats of endangered species.
6. Residual forests having less than 60 cubic feet per hectare harvestable volume.

The intended use of PFZ is for wildlife sanctuary. No activity shall be allowed in protected forest zones unless consistent with the Department of Environment and Natural Resources (DENR) development regulations for forest protection and watershed zones.

Zone boundaries and Use Regulations in Protected Forest Zone (PFZ)/Buffer Zone. The following shall be part of the PFZ/BZ

1. Areas with elevation ranging 500-1000 meters.
2. Areas with slope ranging 36%– 50%.
3. Habitat of wildlife species
4. Critical watersheds.
5. Poor, stunted and sparse stands of semi-deciduous forest which has a very low regeneration capacity.
6. Lower altitude limit can be lowered to a base of 300 meters to protect the remaining forested peaks of watersheds adjacent to critical ecosystems such as coral reef, estuaries, lakes, rivers and watersheds for major irrigation and water supply.

Allowed Uses

1. Nature-Based Tourism

- a. Caves - Implementation of cave law/act. Only cave classified as Class II & III shall be promoted for ecotourism with the strict adherence in the principles of caving minimum impact for the safety and protection of caves and caves resources. Caves guides should always be reminded and made aware of the protocol of cave guiding.

Proper vegetation of the entire cave area shall be maintained. Upper river portion of the cave shall be kept clean and vegetated.

Development may be allowed provided that the physical characteristics will be preserved and such development and/or activities shall be subject to DENR rules and regulations and other pertinent national laws

- b. Falls – Proper vegetation of the area within one kilometer radius. At least 200 meters radius shall be preserved, protected and maintained.

Watershed/Wildlife Sanctuary – Strict implementation of forestry laws (PD 705) and Wildlife Resources Conservation and Protection Act (RA 9147). Continuous reforestation, maintenance and protection of watershed areas (426 hectares), also part of Marinduque Wildlife Sanctuary. People's organization and barangay councils of the barangay concerned shall continue their support to the project. Area shall not be utilized for agricultural production. Additional watershed area shall be reforested (Libjo, Kilo-kilo, Bangcuangan, and Kaganhao with participation of different NGO's, academe, and barangays concerned shall be implemented.

Section 21. Use Regulations in Mangrove Forest Zone. Mangrove forest zones shall be protected in favor of ecological balance. Low impact eco-tourism activities shall be allowed provided that such activities shall not alter nor modify the natural characteristics of the area and that such uses are in consonance with the forestry code hereunder enumerated:

1. Strips of mangrove forest bordering numerous islands which protect the shoreline, the shoreline roads, and even coastal communities from destructive force of the sea during high winds and typhoons, shall be maintained and shall not be alienated. Such strips must be kept from artificial obstruction so that flood water will flow unimpeded to the sea to avoid flooding or inundation to cultivate areas in the upstream.
2. All mangrove swamps set aside for coastal protection purposes shall not be subject to clear cutting operation.
3. Strict implementation of forest laws (PD 705) and Fishery Law (RA 8550), Mangrove reforestation, maintenance and protection shall be continuously implemented in 20 coastal barangays. No construction of houses shall be allowed in the mangrove area. Present occupants shall be relocated. No encroachment from 30 meters inland from highest tide elevation.
4. Research and Study are allowed provided that no destruction will be made and there should be a written consent from DENR-PENRO and LGU for the conduct of social researches and studies.
5. Mangrove and other swamps areas released to the Bureau of Fisheries and Aquatic Resources for fishpond purposes which are not utilized, or which have been abandoned for five (5) years from the date of such release shall revert to category of forestland.

6. Beach Resorts – Preservation and maintenance of ecological and aesthetic value shall be observed. Structures shall be constructed based on DENR laws and regulation. Laws on National Building Code, and DOT laws shall be observed. All structures shall be aesthetically pleasant that complement with the nature. No fence or walls shall be constructed along the beach area. Proper setbacks shall be observed.

Construction of waste water treatment facilities shall be compulsory. Sanitation Code and RA 9003 shall be strictly implemented. Water quality test shall be conducted regularly by the agency concerned. Three- chamber septic tank shall be constructed for "Accessibility Law"-complaint comfort rooms.

Every resort owners shall have Philippine Red Cross (PRC)-trained lifeguards to attend and oversee the tourists' safely especially those who will go on swimming and other water activities.

Solid waste management shall be strictly observed.

Application for foreshore lease shall be indorsed by the barangay concerned.

The following activities are allowed:

- a. swimming
- b. snorkeling
- c. scuba and skin diving
- d. Sports and spear fishing
- e. boating
- f. banana boat riding
- g. jet skiing
- h. Wind surfing
- g. Wave surfing
- h. Hang gliding
- i. Water skiing
- j. Other activities of the similar nature provided that there shall be no gathering of marine resources such as corals, sea grasses and other similar items for commercial and souvenir purposes. RA 9003 shall be strictly implemented. Coastal clean-up shall be done monthly by the barangays .

Section 22. Regulations in Tourist Zone. (TZ) Tourist Zone shall have the following sub-category and their respective allowed uses:

GENERAL TOURIST ZONE, All tourism projects or tourism-related activities shall be allowed in General Tourist Zone provided they shall be developed and undertaken in accordance with the Department of Tourism [DOT] guidelines and standards. The following uses shall be allowed:

Allowed use

1. Messengerial services
2. building garage, parking lot

3. housing *provided* that it will promote tourism, no backyard livestock and poultry raising as well as stray dogs
4. cottages, beach resorts
5. restaurants
6. health and wellness clinics
7. recreational facilities
8. personal services shops
9. other tourism-related establishments

Not-allowed

Night entertainment tourism like bars, night clubs

HISTORICAL TOURISM ZONE (HTZ): Intended to be used to preserve historical value of the Marcopper mining disaster site which serves as part of the history of the municipality and the entire province. In the event that no mining is allowed for a moratorium of 50 years, allowed uses of the area are the following:

Allowed use

1. Special events and entertainment activities
2. Refreshment, and recreational activities, subject to local regulations on tourism
3. Golf Course and driving range
4. Arts and cultural display
5. Souvenir gifts, and curio shops
6. Historical Museum and Library
7. Monuments

Terrestrial-based sports and leisure activities

- Mountaineering
- Cliff/Rock climbing
- Mountain biking
- ZIP line
- Spelunking
- Camping
- Hang-gliding
- Cycling
- Target, combat and air soft gun shooting
- Bird-watching

Air-bourne sports and/or leisure activities

- Skydiving, air ballooning
- Other facilities related to promotion of historical value

Section 23. Use Regulations in Water Zone (WZ). The utilization of the water resources (rivers, streams, lakes and seas) for domestic and industrial use shall be allowed provided it is in consonance with the development regulations of the DENR, provisions of the Water Code and the revised Forestry Code of the Philippines, as amended, provided further, that it is subjected to an environmental impact assessment (EIA) prior to approval of their use.

Other uses such as recreation, fishing and related activities, floatage/transportation shall also be allowed provided it is in consonance with the provisions of the Water Code, and the Revised Forestry Code of the Philippines, as amended.

No structure shall be constructed or established obstructing waterways

No structures shall be constructed within 20 meters along the banks of rivers, streams, and creeks; continued bank protection thru bamboo and tree planting shall be implemented.

Sea water zones shall have the following uses:

Conservation Area: Marine Protective Area (MPA) with allowed use

Fishing activities in the buffer zone areas using traditional fishing gears only.

Research and study activities, *provided* that written consent from the LGU (Municipal and Barangay) and in consonance with the DENR policies on water conservation zones.

Scuba diving activity

Production Area : Mari culture Area with allowed use:

- **Fish culture** by cage and pen provided that proper spacing at 5 meters per module with six (6) units per module shall be observed. Construction of fish cage/pen/corrals shall not exceed 10% of the total water area for the designated zone pursuant to RA 8550 and Municipal Ordinance No. 43 S. 2002. Permit shall be secured from the agencies concerned prior to construction. Proper spacing of cages and mesh size shall be observed.
- **Seaweeds Culture Area** provided that the area to be covered shall be not exceed 10% of the total water area for the designated zone pursuant to RA 8550 and Municipal Ordinance No. 43 S. 2002. Permit shall be secured from the agencies concerned prior to installation.
- **Fish Corral Area** *provided* that the area to be covered shall not exceed 10% of the total water area for the designated zone pursuant to RA 8550 and Municipal Ordinance No. 43 S. 2002.

Permit shall be secured from the agencies concerned prior to construction.

Proper spacing or distance of not less than 30 meters between the fish corral, and mesh size of three (3) cm. and above; and total length of not more than fifty meters shall be observed. Ownership is limited to two (2) corrals per fisherman.

➤ **Municipal Fishing Area with the following allowed uses:**

Installation of fish aggregating device (baya) provided that it shall be not less than seven (10) km from the shoreline and will not obstruct the navigational lane, only fishermen with registered fishing vessel of not more than 3 gross tonnage will be allowed. Rules and regulation zone pursuant to RA 8550 and Municipal Ordinance No. 43 S. 2002 shall be strictly observed.

Permit shall be secured from the agencies concerned prior to construction.

Small-scale fishing activity provided that destructive fishing gears and methods that include: fine-meshed nets, muro-ami, kayakas, use of explosives and poisonous substance, electro-fishing, and buli-buli shall not be allowed.

All uses allowed within conservation and recreation zone, subject to local rules and regulations.

Low-impact water sports and leisure activities subject to local and national policies:

- | | |
|-----------------------------|---------------------------------------|
| 1. swimming | 6. banana boat riding |
| 2. snorkeling | 7. Jet skiing |
| 3. scuba and skin diving | 8. Other activities of similar nature |
| 4. sports and spear fishing | 9. hang gliding |
| 5. boating | 10. wind surfing |
| 6. banana boat riding | 11. water skiing |
| | 12. wane-surfing |

Water-bourne sports activities

- Speed-boat racing
- Sail boat racing
- Dragon boat racing
- Paraw/Regatta racing
- Long and middle distance swimming
- Triathlon

Water-bourne leisure activities

- Scuba and Skin diving
- Snorkeling
- Hook and line fishing
- Water-skiing/Jet-skiing
- Wave-surfing/Wind-surfing
- River/Stream cruising
- Paddle boating
- Island-hopping cruise

Sea-water Lagoon (Barangay Polo) – The area can be utilized for fish-culture and other fishing activity, subject to DENR and BFAR rules and regulations.

Brackish-water Lagoon (Barangay Ipil) – The area can be utilized for fish-culture and recreational fishing activities. Aquatic plants can be utilized for handicraft project.

Section 24. Special Use Zone: The following are the Special Use Zones and their respective allowed uses:

- A. **SEAPORT AREA.** The plan for this area is to accommodate primarily port and port-related uses. The area should be developed through a comprehensive plan for the medium or long-term development of deep-water port facilities.

Development shall be in accordance with the guidelines and standards set by the agencies concerned such as the Department of Transportation and Communications and Philippine Ports Authority.

Allowed uses for major seaport:

1. Seaport, seaport-related installations and facilities
2. Passenger terminals and building/facilities
3. Cargo Building/Facilities
4. Warehouse for products in connection with the activities in the port
5. Government Office
6. Fire/Police/Security Station
7. Transportation terminal station
8. Telecommunication service facility
9. Utilities (including power, water supply and associated structures)
10. Public facilities (public toilet, public parking area, garage), Separate clean and functional "Accessibility Law"-compliant toilet rooms for men and women and persons with disability (PWD) shall be provided.
11. General retail shop/store
12. Restaurants and food establishments provided that they have separate "Accessibility Law"-compliant clean and functional comfort rooms for men and women and PWD. No intoxicating liquors shall be served to minors. Cleanliness of the area shall be maintained.
13. Bank, finance and insurance establishments.
14. Lodging houses

- B. **INTEGRATED SOLID WASTE MANAGEMENT DISPOSAL FACILITY (ISW MDF) CONTROLLED DISPOSAL FACILITY AREA:** The plan intention for this area is primarily to accommodate sanitary solid waste disposal and other related activities.

The development shall be in accordance with the guidelines and standards set by the Department of Environment and Natural Resources and the Sanitation Code of the Philippines.

The following shall be allowed uses:

1. Material Recovery Facility and other related waste disposal facility
2. Waste recycling facility (e.g. bioorganic production facility)
3. Biogas power utilities
4. Warehouse for storage of bioorganic products and other recycled waste products
5. Plant Nursery
6. Other facilities necessary for waste segregation, recycling and related facilities to support local and national waste management program

QUARRYING AREA – The zone is intended to designate the area for quarrying of sand and gravel for construction purposes. Extraction of gravel and sand shall follow the laws, and regulations of DENR and other pertinent national law. Provincial Ordinance shall be implemented. Proper extraction shall be observed so as to avoid accidents and to protect the river banks. Designation of area for quarrying of sand subject to limitation set by the DENR (20 meters setback) and municipality. Sand and gravel for construction purposes shall not be taken from the beach.

C. **CEMETERY AREA** – The zone is intended for expansion of Municipal Cemetery and possible establishment of private memorial park provided that necessary requirements shall be sought prior to development.

D. **SPORTS CENTER AREA** – The zone designates the area for sports activities. Aside from construction of structures necessary for sports activities, other support commercial establishments like eateries, convenient stores are allowed uses.

Section 25. Use Regulations in Planned Unit Development Zone (PUD) – Refer to Book of Maps (Map of Barangay Maniwaya, Mongpong, and Polo, pages 30, 31, 32 respectively). The plan is to come with development scheme wherein project site is comprehensively planned as an entity via unitary site plan which permits flexibility in planning/design, building sitting, complementarity of building types and land uses, usable open spaces and the preservation of significant natural land features. Strict implementation of RA 9003 shall be strictly implemented. Residual waste shall be collected and be disposed of in designated area or Controlled Disposal Facility. Allowable uses are:

Allowed use

1. Messengerial services
2. Building garage, parking lot

3. Housing *provided* that it will promote tourism, no backyard livestock and poultry raising as well as stray dogs
4. Cottages, beach resorts
5. Restaurants
6. Health and wellness clinic
7. Recreational facilities
8. Personal services shops
9. other tourism-related establishment
10. Low-impact water sports and leisure activities subject to local and national policies:
 - swimming
 - snorkeling
 - scuba and skin diving
 - sports and spear fishing
 - boating
 - banana boat riding
 - jet skiing
 - hang gliding
 - wind surfing
 - water skiing
 - wave-surfing
 - other activities of similar nature

Two piers or ports of entry shall be allowed. Environmental fees shall be collected from tourist subject to existing laws and ordinances

ARTICLE VI PERFORMANCE STANDARD

Section 26. Performance Standard. The local government, in consideration of public interest and general welfare, requires that all development projects are designed and developed in a safe, efficient and esthetically pleasing manner. Site development shall consider the environmental character and limitations of the site and its adjacent properties.

Development projects should generally be in harmony and enhance the intended character of the site and its surrounding neighborhood. Further, the following site performance standards shall apply:

1. Sites, buildings and facilities shall be designated and developed with regard to safety, efficiency and high standards of design. The natural environment of the site and its adjacent properties shall be considered.
2. Height and bulk of buildings and structures shall be designed that they do not impair the entry of the "easement entry of the light and air", cause the loss of privacy, and create nuisance, hazards and inconveniences to adjacent developments or neighborhood.
3. Abutments to the adjacent properties shall not be allowed without a notarized written notice to the adjoining property owner. Said notice shall indicate the

development intent for the property owner putting up a structure or establishment.

4. Capacity of parking areas shall be developed and landscaped to enhance the aesthetic quality of the facility.
5. Proposed developments that attract significant volume of transportation shall provide an on-site parking for the same. Vehicular loading and unloading bays shall be provided to allow through-street traffic flow.
6. All vertical structure projects to be constructed in an area not more than 18° slope should be designed on a split type level to preserve the natural terrain.
7. All development projects must provide a green space within the property intended to be developed other than the prescribed easement in consonance with the building code.
8. No building or structure or part thereof shall be constructed or reconstructed along the established or delineated road widening portion of the national, provincial and municipal roads.
9. There shall be no structure within the 1 kilometer radius of existing watershed zones
10. All types of establishment shall provide two (2) separate holding tanks, one for sewerage and one for gray waters. The size of the holding tanks shall be in conformity with the existing municipal ordinances.
11. All establishments within the municipality shall provide "Accessibility Law"-complaint restroom
12. Restrooms shall be provided by the government/landowner on public places along the beach (Separate clean and functional "Accessibility Law"-complaint comfort rooms for men and women)
13. Developments along shoreline, river banks, creeks and the like are allowed to install/construct protection wall provided that the same shall conform with the existing rules and regulations and other related existing laws.
14. Developments should not obstruct the waterways
15. The DENR policies on forest use and forest management, and other existing related forest laws and regulations shall apply to all areas where other uses have been identified but are covered by the forest zones.
16. No buildings or structures shall be constructed without the corresponding permit. Barangay officials shall report the construction to the Building Official to ensure that land use is observed
17. Houses in hazard-prone areas (flooding & landslide) shall be relocated. Relocation of the existing houses shall be considered priority. Mitigating activities to minimize the effect of the possible hazards and increase the level of awareness of the families concerned shall be conducted.
18. Barangays shall be required to implement RA 9003. Practice of recycling, reuse and reduce. Establishment of Materials Recovery Facility

19. Areas devoted to Agro-industrial crops, those presently planted to industrial crops that support the economic viability of existing agri-infra & agro-based enterprises; highlands or areas located at an elevation of 500 m or higher, potential for high value crops are restricted for conversion.
20. Swine and poultry raising shall be within the agricultural area at least 200 meters away from the national or provincial road.

Section 27. Planned Unit Development and Tourism Development Zone. The following standards shall apply to all tourism development projects and/or tourism areas.

1. Any structure at the beachfront should have a maximum height of 7 meters with parapet.
2. Clearing and Grading
 - a. Clearing and grading shall not impede or alter existing drainage patterns.
 - b. All areas shall be left clear of rubbish or litters.
 - c. There should be no astray dogs or animals
3. Pathways/Walkways Construction

Access footpaths shall be at least 4 meters in width
4. Marine Habitat
 - a. The collection of corals, shells, and any form of marine life, and cutting of mangrove trunks for commercial purposes and/or souvenirs shall be prohibited.
 - b. Swimming areas shall be kept clean and free from any form of obstructions or rubbish.
 - c. The disposal of garbage and construction materials into the sea shall be prohibited
 - d. No motorized aqua- sport and leisure activities within the core zone of the Marine Protected Area
5. Construction of Private Jetty Pier/Wharf shall be allowed
 - a. Port of entry shall be limited to two (2) areas.
 - b. Said facility shall not impede natural or free flow of marine water
 - c. Construction should not destroy nor modify the natural character of existing mangrove(s) and/or any existing marine conservation area
 - d. The location does not obstruct public navigation and/or cause danger to general public
6. Miscellaneous Concerns

- a. Fences should not block the view of adjoining properties. The allowed maximum height of fences shall only be one (1) meter for concrete and the remaining shall conform with the existing rules and regulations.
 - b. Structures and facilities should be aesthetically pleasant
 - c. Temporary makeshift structures and/or shelter shall be prohibited within the shoreline
7. Close and proper coordination with Department of Tourism, Academe, NGOs, DENR, and other stakeholders shall be observed. There is a need for community awareness in tourism. Customs, traditions and values shall be preserved to support tourism development and promotion.

Section 28. Disaster Risk Reduction Land Use Policy – The following standards shall apply to all disaster-prone area as per identified in the geohazard maps. (*Refer to Book of Maps, Landslide Susceptibility Map page 9 and Flood Susceptibility Map page 8*).

Implementation of Sloping Agricultural Land Technology (SALT)

Dilapidated and/or abandoned buildings or structures shall be demolished after the inspection and recommendations of the Building Official.

No settlements shall be constructed in the hazard-prone areas

Implementation of upland and coastal resources management plan

Section 29. Buffer Yards. Building setbacks shall be considered as buffer yards. Aside from providing light and ventilation, buffers can mitigate adverse impacts and nuisance between two adjacent uses. When necessary, buffers shall be required to be extended or provided with plants in order to counteract negative conditions such as but not limited to noise, unsightly structures or dangers from fires and explosions.

Buffer may also contain a barrier such as fence where additional screening is necessary to provide the desired level of cover between various activities.

1. **Location of Buffers.** The building setbacks shall serve as buffer locations, at the outer perimeter of a lot or parcel. In no case shall buffers abut public or private streets or right-of-way.
2. **Types of Buffers.** Landscaped buffers with suitable foliage are encouraged. In developments where it may not be possible to put up landscaped buffers (such as narrow lots), the developer or proponent may put up a fence provided the fencing materials is compatible in harmony with the design of the building.
3. **Land uses in Buffer Areas.** Buffers are part of yards or open spaces, and in no case shall building encroach upon these areas. They may, however, be used for passive recreation such as parks, gardens and pedestrian trails.
4. **Shoreline Buffer/Setback.** Shoreline setback will be established to extend from the high water mark to 20 meters inland.
5. **Buffer Regulations.** A buffer of 3 meters shall be provided along the entire boundary length between two or more conflicting zones allocating 1.5 meters from each side of the district boundary. Such buffer strip shall be open and not

encroached upon by any building or structure and shall be part of the yard or open space.

ARTICLE VII GENERAL DISTRICT REGULATION

Section 30. Development Density. Permitted density shall be based on the zones capacity to support development.

There is no fixed maximum density but this should be based on the planned absolute level of density that is intended for each zone concerned based on the comprehensive land use plan.

Section 31. Height Regulations. Building height must conform to the height restrictions and requirement of Civil Aviation Authority of the Philippines, as well as the requirements of the National Building Code, the Structural Code as well as laws, ordinances, design standards, rules and regulations related to the development and building construction and the various safety codes.

In addition, the following height restrictions hereunder specified shall be applied:

1. Those building to be constructed within twenty (20) meters from the highest water mark inwards, maximum height of seven (7) meters with parapet

Section 32. Exemptions from Height Regulations for General Residential Zone. Exempted from the imposition of height regulations for GRZ are the following: towers, church steeples, water tanks, and other utilities and such other structures not covered by the height regulations of the National Building Code and/or the Air Transportation Office.

Section 33. Area Regulations. Area regulation in all zones shall conform with the minimum requirement of the existing codes such as:

- P.D. 957 – the "Subdivision and Condominium Buyers' Protective Law" and its revised implementing rules and regulations.
- B.P. 220 – "Promulgation of Different Levels of Standards and Technical Requirements for Economic and Socialized Housing Projects" and its revised implementing rules and regulations.
- P.D. 1096 – National Building Code
- Fire Code of the Philippines of 2008 –RA 9514
- Sanitation Code – PD No. 856
- Plumbing Code
- Structural Code – PD 1096
- Executive Order No. 648 – Housing and Land Use Regulatory Board (HLURB) "Reorganizing the Human Settlements Regulatory Commission"
- Environmental Rules and Regulations
- Other relevant guidelines promulgated by the national agencies concerned

Section 34. Road Setback Regulations. The road setback regulations shall be the following:

Prescribed under The New National Building Code and the DPWH

Road Right of Way Width (meters)	Front (meters)	Side (meters)	Rear (meters)
30.00 & above	8.00	5.00	5.00
25.00 to 29.00	6.00	3.00	3.00
20.00 to 24.00	5.00	3.00	3.00
10.00 to 19.00	5.00	2.00	2.00
Below 10.00	5.00	2.00	2.00

Section 35. Easement. Pursuant to the provisions of the Water Code:

(1) The banks of rivers, streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas, and forty (40) meters in forest areas, along their margins, are subject to easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.

No person shall be allowed to stay in this zone longer than what is necessary for space recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

Section 36. Specific Provisions in the National Building Code. Specific provisions stipulated in the National Building Code (P.D. 1096) as amended thereto relevant to traffic generators, advertising and business signs, erection of more than one principal structure, dwelling or rear lots, access yard requirements and dwelling groups, which are not in conflict with the provisions of the Zoning Ordinance, shall be observed.

ARTICLE VIII INNOVATIVE TECHNIQUES

Section 37. Innovative Techniques or Designs. For projects that introduce flexibility and creativity in design or plan such as but not limited to Planned Unit Development, housing projects covered by New Town Development under RA 7279 etc., the Zoning Administrator/Zoning Officer shall on grounds of innovative development techniques forward applications to HLURB for appropriate action, unless the local government units concerned has the capacity to process the same.

ARTICLE IX MISCELLANEOUS PROVISIONS

Section 38. Projects of National Significance. Projects may be declared by the NEDA board as projects of national significance pursuant to Section 3 of EO 72 Series of 2012. When a project is declared by the NEDA board as a project of national significance the locational clearance shall be issued by HLURB pursuant to EO 72.

Section 39. Environmental Compliance Certificate (ECC) Notwithstanding the issuance of locational clearance, no environmentally critical-projects or projects located in environmentally-critical areas shall be commenced, developed or operated unless the requirements of ECC have been complied with.

Section 40. Subdivision Projects. All owners and/or developers of subdivision projects shall in addition to securing a locational clearance be required to secure a development permit pursuant to provisions of PD 957 and its Implementing Rules and Regulations or BP 220 and its implementing Rules and Regulations in the case of socialized housing projects, in accordance with the procedures laid down in EO 71, series of 1993.

ARTICLE X MITIGATING DEVICES

Section 41. Deviation. Exceptions, variances or deviations from the provisions of this Ordinance may be allowed by the Local Zoning Board of Adjustment and Appeals (LZBAA) only when the following terms and conditions exist:

1. Variance

- a. The property is unique and different from other properties in the adjacent locality and because of its uniqueness; the owner/s cannot obtain a reasonable return on the property.

This condition shall include at least 3 of the following provisions:

- Conforming to the provisions of the Ordinance will cause undue hardship on the part of the owner or occupant of the property due to physical conditions of the property (topography, shape, etc) which is not self-created.
- The proposed variance is the minimum deviation necessary to permit reasonable use of the property.
- The variance will not alter the physical character of the district or zone where the property for which the variance is sought is located, and will not substantially or permanently injure the use of the other properties in the same district or zone
- That the variance will not weaken the general purpose of the Ordinance and will not adversely affect the public health, safety or welfare
- The variance will be in harmony with the spirit of this Ordinance.

2. Exceptions

- a. The exception will not adversely affect the public health, safety and welfare and is in keeping with the general pattern of development in the community
- b. The proposed project shall support-economic based activities/provide livelihood, vital community services and facilities while at the same time posing no adverse effect on the zone/community.
- c. The exception will not adversely affect the appropriate use of adjoining property in the same district

- d. The exception will not alter the essential character and general purpose of the district where the exception sought is located.

Section 42. Procedure for Granting Exceptions and Variances. The procedure for granting of exception and/or variance is as follows:

1. A written application for an exception or variance shall be filed with the Local Zoning Board of Adjustment and Appeals (LZBAA) citing the section of this Ordinance under which the same is sought and stating the ground/s thereof.
2. Upon filing of application, a visible project sign, (indicating the name and nature of the proposed project) shall be posted at the project site.
3. The Local Zoning Board of Adjustment and Appeals shall conduct preliminary studies on the application
4. A written affidavit of non-objection of the project by the owners of the properties adjacent to the project shall be filed by the applicant with the LZBAA at least fifteen (15) days prior to the decision for exception/variance.
5. In case of objection, the LZBAA shall hold public hearing
6. At the hearing, any party may appear in person, or be represented by agent/s. All interested parties shall be accorded the opportunity to be heard and present evidences and testimonies.
7. The LZBAA shall render a decision within thirty (30) days from the filing of the application, exclusive of the time spent for the preparation of written affidavit of non-objection and the public hearing in case any objection to the granting of exception/variance.

ARTICLE XI ADMINISTRATION AND ENFORCEMENT

Section 43. Locational Clearance. All owners and developers shall secure locational clearance from the Zoning Officer or in cases of variances and exemptions, from the Local Zoning Board of Adjustment and Appeals [LZBAA] prior to conducting any activity or construction on their property/land.

Section 44. Requirements for the issuance of Locational Clearance are Barangay Clearance, Proof of ownership, notarized permit to use/ lease contract if not the owner and vicinity map.

Section 45. Building Permit. No building or structure shall be constructed without building permit issued by the local Building Official wherein a valid locational clearance in accordance with this ordinance is required.

Section 46. Non-User of Locational Clearance. Upon issuance of a locational clearance, the grantee thereof shall have one year within which to commence or undertake the use, activity or development covered by such clearance on his property. Non-use of said clearance within said period shall result in its automatic expiration,

cancellation and the grantee shall not proceed with his project without applying for a new clearance.

Section 47. Issuance of Zoning Certification. A property or landowner may request, from the Office of the Zoning Officer, a certification stating the zone classification of his/her property. The certification issued shall not be used as a locational clearance.

Section 48. Certificate of Non-Conformance. A certificate of Non-Conformance shall be applied for by the owner of structure or operator of the activity involved within six (6) months from the ratification of the zoning ordinance by the Sangguniang Panlalawigan (SP). Failure on the part of the owner to register/apply for a Certificate of Non-Conformance shall be considered in violation of the Zoning Ordinance and is subject to fine/penalties.

Upon approval of this ordinance, the Zoning Administrator/Zoning Officer shall immediately notify owners of known existing non-conforming use to apply for a certificate of non-conformance.

Section 49. Existing Non-Conforming Uses and Buildings. The unlawful uses of any building structure or land at the time of adoption or amendment of this Ordinance

may be continued, although such uses do not conform with the provision of this Ordinance, provided:

1. That no such non-conforming use shall be enlarged or extended to occupy a greater area of land than that already occupied by such use at the time of the adoption of this Ordinance or moved in whole or in part, to any other portion of the lot or parcel of land where such non-conforming use exists at the time of the adoption of this Ordinance.
2. That no such non-conforming use that has ceased operation for more than one (1) year be again revived as non-conforming use.
3. An idle/vacant structure may not be used for non-conforming activity.
4. That any non-conforming structure, or structures under one ownership which has been damaged maybe reconstructed and used as before provided that such reconstruction is not more than fifty percent (50%) of the replacement cost.

That should such non-conforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

5. That no such non-conforming use maybe moved to displace any conforming use.
6. That no such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

7. That should such structure be moved for any reason to whatever distance, it shall thereafter conform to the regulation of the district in which it is moved or relocated.

In addition, the owner of a non-conforming use shall program the phase-out and relocation of the non-conforming use within five (5) years from the effectivity of this Ordinance.

Section 50. Responsibility for Administration and Enforcement. This Ordinance shall be enforced and administered by the Local Chief Executive through the Zoning Administrator/Zoning Officer who shall be appointed by the former in accordance with existing rules and regulations on the subject.

Section 51. Imposition of Fees. There shall be collected a fee for every application of Zoning Certificate and Locational Clearance filed with the Office of the Zoning Officer/Zoning Administrator in accordance with the provisions of the approved Municipal Tax Ordinance No.1, series of 2008 entitled "An Ordinance Enacting the Revised Revenue Code of Santa Cruz, Province of Marinduque", and shall be collected and received by the Office of the Municipal Treasurer..

Any adjustment of fees, charges and penalties shall be approved by the Local Sanggunian as recommended by the Zoning Administrator with reference to the prescribed rates of the HLURB.

Subject to existing rules and regulations, the Office of the Municipal Planning and Development Coordinator being the Deputized Local Zoning Administrator, shall be authorized to retain in a separate Trust Fund, fifty percent (50%) share of that collection for the operating expenses of the Local Zoning Administrator. The remaining fifty percent (50%) shall accrue to the General Fund of this municipality. However, all fines and penalties incurred thereat shall automatically be considered, computed and accounted to accrue to the Trust Fund, and therefore shall form part of the net amount of the 50% share.

Any provision of law to the contrary notwithstanding, the Office of the Municipal Planning and Development Coordinator is hereby authorized to prescribe the procedures on the use of the net income collected under the Trust Fund realized from the collection of all fees, charges, fines and penalties thereof. Such income may be used to cover necessary operating expenses, including the purchase of IT equipments, motorcycle, fuel and oil, supplies and materials, traveling expenses, expenses for trainings and seminars, attorney's fee, honorarium (In case the designated Zoning Officer/Administrator is not the MPDC/or Department Head), and the payment of other prior years obligation not adequately funded.

Section 52. Powers and Functions of a Zoning Administrator/Zoning Officer. Pursuant to the provisions of EO 72 implementing RA 7160 in relation to section 5, Paragraph a and d, and Section 7 of Executive Order No. 648 dated 07 February, 1981 The Zoning Administrator/Zoning Officer shall perform the following functions, duties and responsibilities:

I. Enforcement

- A. Act on all applications for locational clearances for all projects.
 - 1. Issuance of Locational Clearance for projects conforming to zoning regulations.
 - 2. Recommend to the Local Zoning Board of Adjustment and Appeals (LZBAA) the grant or denial of applications for variances and exemptions and the issuance of Certificate of Non-Conformance for non-conforming projects lawfully existing at the time of the adoption of the zoning ordinance, including clearances for repairs/renovations on non-conforming uses consistent with the guidelines therefore.
- B. Monitor on-going/existing projects within their respective jurisdictions and issue notices of violation and show cause order to owners, developers, or managers of projects that are violative of zoning ordinance and if necessary, pursuant to sec. 3 of EO 72 and sec. 2 of EO 71 refer subsequent actions thereon to the HLURB.
- C. Call and coordinate with the Philippine National Police for enforcement of all orders and processes issued in the implementation of this Ordinance.
- D. Coordinate with the Municipal Prosecutor/Municipal Legal Offices or Public Attorney for other legal actions/remedies relative to the foregoing.

II. Planning

- A. Coordinate with the Regional Office of the HLURB regarding proposed amendments to the zoning ordinances prior to adoption by the Sangguniang Bayan.

Section 53. Action on Complaints and Oppositions. A complaint for violations of any provision of the Zoning Ordinance or of any clearance or permits issued pursuant thereto shall be filed with the LZBAA.

However, oppositions to the application for clearance, variance or exception shall be treated as a complaint and dealt with in accordance with the provision of this section.

Section 54. Functions and Responsibilities of the Local Zoning Board of Adjustment and Appeals. There is hereby created an LZBAA which shall perform the following functions and responsibilities:

A. Act on the Applications of the following nature:

Variances

Exceptions

Non-Conforming Uses

Complaints and Opposition to Applications

B. Act on appeals on grant or denial of locational clearance grant by the Zoning Administrator/Zoning Officer

Decisions of the Local Zoning Board of Adjustment and Appeals shall be appealable to the HLURB.

Section 55. Composition of the Local Zoning Board of Adjustment and Appeals (LZBAA) The Municipal Development Council shall create a sub-committee which shall act as the LZBAA composed of the following members:

1. Municipal Mayor as Chairman
2. Municipal Legal Officer/Public Attorney
3. Municipal Assessor
4. Municipal Engineer
5. Municipal Planning and Development Coordinator (if other than the Zoning Administrator)
6. Two (2) representatives of the private sector nominated by their respective organizations and confirmed by the city or municipal mayor. In the event of non-availability of any of the officials enumerated above, the Sangguniang Bayan shall designate the number of its members as may be necessary to meet the total number above set forth, as representatives.

For purposes of policy coordination, said committee shall be attached to the Municipal Development Council.

Section 56. Interim Provision. Until such time that the Local Zoning Board of Adjustment and Appeals shall have been constituted, the HLURB shall act as the Local Zoning Board of Adjustment and Appeals. As appellate Board, the HLURB shall adopt its own rules of procedure to govern the conduct of appeals arising from the administration and enforcement of this Ordinance.

Section 57. Review of the Zoning Ordinance. The Municipal Development Council shall create a sub-committee, the Local Zoning Review Committee (LZRC) that shall review the Zoning Ordinance considering the Comprehensive Land Use Plan, as the need arises, based on the following reasons/situations.

- a. Change in local development plans
- b. Introduction of projects of national significance
- c. Petition for rezoning
- d. Other reasons which are appropriate for consideration

Section 58. Composition of the Local Zoning Review Committee (LZRC). The Local Zoning Review Committee shall be composed of sectoral experts. These are the Local Officials/Civic Leaders responsible for the operation, development and progress of all sectoral undertakings in the locality, e.g.

- a. Municipal Planning and Development Coordinator

- b. Municipal Health Officer
- c. Municipal Agriculturist
- d. President, Association of Barangay Captains
- e. Municipal Engineer
- f. District School Supervisors
- g. Three (3) Private Sector Representatives duly-accredited by the Sangguniang Bayan
- h. Two (2) NGO/PO Representatives duly-accredited by the Sangguniang Bayan

For purposes of policy and program coordination, the LZRC shall be attached to the Municipal Development Council.

Section 59. Functions of the Local Zoning Review Committee. The Local Zoning Review Committee shall have the following powers and functions:

- A. Review the Zoning Ordinance for the following purposes:
 - 1. Determine amendments or revisions necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Land Use Plan
 - 2. Determine changes to be introduced in the Comprehensive Land Use Plan in the light of permits given, and exceptions and variances granted.
 - 3. Identify provisions of the Ordinance difficult to enforce or are unworkable.
- B. Recommend to the Sangguniang Bayan necessary legislative amendments and to the Local Planning and Development staff the needed changes in the plan as a result of the review conducted.
- C. Provide information to the HLURB that would be useful in the exercise of its functions.

Section 60. Amendments to the Zoning Ordinance. Changes in the Zoning Ordinance as a result of the review by the Local Zoning Review Committee shall be treated as an amendment, provided that any amendment to the Zoning Ordinance or provisions thereof shall be subjected to public hearing and review evaluation of the Local Zoning Review Committee and shall be carried out through a resolution of three fourths vote of the Sangguniang Bayan. Said amendments shall take effect only after approval and authentication by the Sangguniang Panlalawigan.

Section 61. Violation and Penalty. Any person who violates any of the provisions of this Ordinance, shall, upon conviction, be punished by a fine not exceeding Php 2,500.00 or an imprisonment for a period not exceeding six (6) months or both, at the discretion of the Court. In case of violation by a corporation, partnership or association, the penalty shall be imposed upon the erring officers thereof.

Section 62. Suppletory Effect of Other Laws and Decrees. The provisions of this Ordinance shall be without prejudice to the application of other laws, presidential decrees, letter of instructions and other executive or administrative orders vesting national agencies with jurisdictions over specific land areas, which shall remain in force and effect, provided that land use decisions of the national agencies concerned shall be consistent with the Comprehensive Land Use Plan of the locality.


Section 63. Separability Clause. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 64. Repealing Clause. All ordinances, rules or regulations in conflict with the provisions of this Ordinance are hereby repealed, provided, that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

Section 65. Effectivity Clause. This Ordinance shall take effect upon approval by the Sangguniang Panlalawigan.

Enacted: March 01, 2016.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


AIRISTHES MARIE M. MARQUEZ
Administrative Officer I
OIC/SB Secretary

Attested & Certified
To Be Duly Adopted:


ISHMAEL P. LIM
Vice Mayor/Presiding Officer

Approved:


WILFREDO R. RED
Municipal Mayor



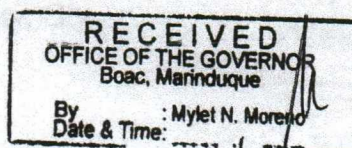
Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
MARINDUQUE DISTRICT ENGINEERING OFFICE
Region IV-B, MIMAROPA
Boac, Marinduque

06-00-221301

June 8, 2022

HON. PRESBITERO JOSE VELASCO JR.

Governor
Province of Marinduque
Provincial Capitol



1064

6/9/22

Subject : Application of Presidential Proclamation on Parcels of Land and Coastal Sites for International Port and Economic Zone

Sir:

We are respectfully requesting a certified copy of your application letter to the DENR, regarding the Application of Presidential Proclamation on Parcels of Land and Coastal Sites for International Port and Economic Zone in compliance with the attached memorandum of DPWH Legal Service OIC-Director, Juan V. Talion Jr. dated April 8, 2022, forwarded through OIC-Assistant Regional Director Melquiades H. Sto. Domingo.

Your usual cooperation and favorable response will be highly appreciated.

Very truly yours,


EVELYN R. PUERTOLLANO
District Engineer



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Manila

August 3, 2021

MEMORANDUM

FOR : OIC-Regional Director ARTHUR D. PASCUAL, JR.
DPWH-Region IV-B
EDSA, Diliman, Quezon City

SUBJECT : Miscellaneous (Foreshore) Lease Application of Iplan Nickel Corp.

This has reference to your Memorandum dated July 05, 2021, with enclosures, involving the abovementioned subject and seeking consideration from this Department.

As far as the recommendation to be issued by this Department relative to the Special Patents, Presidential Proclamations and Foreshore Lease Agreement required by the Department of Natural Resources (DENR) and to expedite the same, the following lacking documents must be submitted:

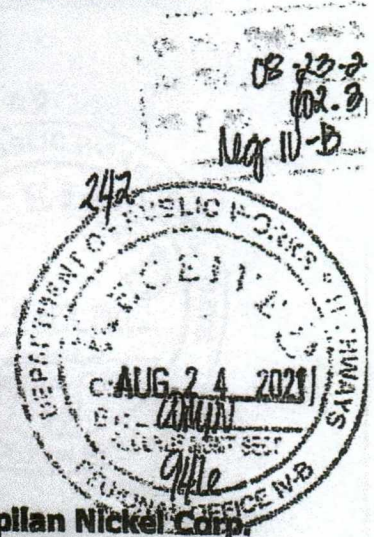
1. Application Letter to DENR for the issuance of Special Patents/Presidential Proclamation/Foreshore Lease Agreement/Miscellaneous Lease Agreement;
2. Endorsement of DENR of such application to DPWH DEO;
3. Approved Parcellary Plan;
4. Survey Map;
5. Ocular and Investigation Report conducted by DEO;
6. Certification signed by the District Engineer stating that the subject site/area (a) is not subject of an ongoing DPWH project (b) will not be needed for DPWH future projects, (c) does not encroach on existing Road Right-of-Way and easements, (d) does not violate provisions of the Water Code;
7. Concurrence of the Regional Director (signed on the Certification); -
8. Comment from Project Preparation Division, Planning Service;
9. Transmittal Memorandum to Legal Service.

Incomplete documents submitted must be returned to sender in compliance with Republic Act No. 11032 and DENR Department Administrative Order (DAO) 2019-25 (Addendum to DAO No. 2016-21).

For your guidance and compliance.

RODIL L. MILLADO
Director IV, Legal Service

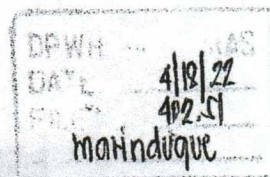
18.1.3 CVP/DFMP/MAEF



Handwritten signature/initials.



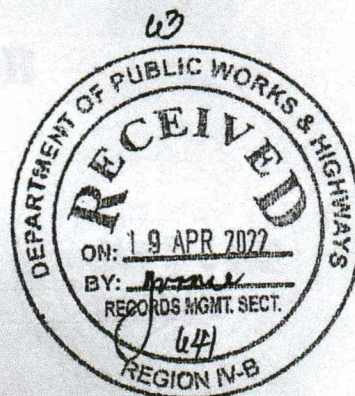
Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Bonifacio Drive, Port Area, Manila



April 8, 2022

MEMORANDUM

FOR : GERALD A. PACANAN, CESO III
Regional Director
DPWH – Region IV-B
EDSA, Quezon City



SUBJECT : Application for Presidential Proclamation on Parcels of Land and Coastal Sites for International Port and Economic Zone in favor for the Province of Marinduque.

Respectfully forwarded, for appropriate action, is the attached letter dated 27 December 2021 of PRESBITERO JOSE VELASCO, JR., Governor, Province of Marinduque regarding the request for comments/recommendation as to the status of land subject of the application for Presidential Proclamation whether the said property is needed or not by the government for public improvements.

Relative thereto, please conduct ocular inspection on the said property and investigation report thereto. The Certification signed by the District Engineer concerned stating that the property: (1) is not subject to an on-going DPWH project; (2) will not be needed for future DPWH project; (3) does not encroach on the existing right-of-way and easements; and (4) does not violate the provisions of the Water Code of the Philippines, concurred by that Region, is required before Secretary Roger G. Mercado issues a No Objection to the said application pursuant to DENR Department Administrative Order No. 2019-25 (Addendum to DAO 2016-21).

Your usual attention on the matter is highly appreciated.

JUAN V. TALION, JR.
Officer – In – Charge, Office of the Director
Legal Service

cc: Hon. PRESBITERO JOSE VELASCO, JR., Governor, Provincial Capitol, Boac, Marinduque
EVELYN R. PUERTOLLANO, District Engineer, DPWH-Marinduque DEO, Boac, Marinduque



Republic of the Philippines
Department of Public Works and Highways
REGIONAL OFFICE IV-B
EDSA, Diliman, Quezon City

A4014

DPWH RMS. 40
DATE 3-30-2022
FILE NO. 260

May 27, 2022

CG ADM GEORGE V. URSABIA, Jr. (Ret.)

Undersecretary for Maritime
Department of Transportation (DOTr)
Pinatubo Street corner Serge Osmeña Road,
Brgy. C.M. Recto, Clark Freeport Zone, Pampanga

RECEIVED
OFFICE OF THE GOVERNOR
Boac, Marinduque
By: _____
Date & Time: _____

1111

6/17/22 11:11

RECEIVED
PROVINCIAL LEGAL OFFICE
Boac Marinduque

By: _____
Date & Time: 6/17/22 11:19

Dear Undersecretary Ursabia:

This is to respectfully furnish your good office the herein attached Memorandum from our Department's Legal Service, dated May 20, 2022, favorably endorsing the Revised Memorandum Agreement for the Repair/Rehabilitation of Balogo Port, which is located at the Municipality of Sta. Cruz, Province of Marinduque.

For your information and guidance.

Yours truly,

GERALD A. PACANAN, CESO III
Regional Director

"For and in the Absence of the Regional Director"


MELQUIADES H. STO. DOMINGO
OIC-Assistant Regional Director

Encl: As stated.

Cc: **Gov. PRESBITERO J. VELASCO, Jr.**, Provincial Capitol Compound, Brgy. Santol, Boac, Marinduque

R4B.8/CSC/FLC

May 20, 2022

MEMORANDUM

FOR : **Acting Secretary ROGER G. MERCADO**
This Department


SUBJECT : **Revised Memorandum of Agreement (MOA) for the Repair/Rehabilitation of the Balogo Port Funded Under the FY 2022 General Appropriation Act (GAA)**

This has reference to the May 16, 2022 Letter¹ of CG ADM George V. Ursabia Jr. (Retired), Undersecretary for Maritime endorsing the revised MOA between the Department of Transportation (DOTr) and the Department of Public Works and Highways (DPWH) for the Repair/Rehabilitation of Balogo Port, Sta. Cruz, Marinduque, reflecting therein the comments and recommendations of the DPWH.

Per the May 13, 2022 Memorandum² of Undersecretary Reinier Paul R. Yebra, Undersecretary for Legal Affairs, DOTr, its *"Office finds the proposed MOA to be generally in accordance with pertinent laws, rules, and regulations."*

In view of the foregoing, the Legal Service upon review of the revised MOA observes that the same has already adopted the previous recommendations of the DPWH and also in consonance with the review of the DOTr. Further, this Office reiterates that the terms and conditions of the revised MOA are generally in order and consistent with the Department's mandate and functions under its charter, including the matter of extending assistance to other government agencies and, thus, recommends the signing thereof.

Attached herewith is the revised MOA for signature, should the Acting Secretary find the same in order.


JUAN V. TALION, Jr.
Officer-in-Charge, Legal Service

cc: Regional Director GERALD A. PACANAN
REGION IV-B, EDSA, Quezon City

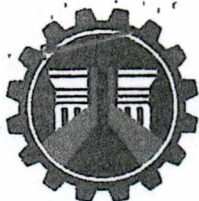
Secretary ARTHUR P. TUGADE
Department of Transportation (DOTr)
Apo Court, Pinatubo St. cor. Sergio Osmena St.,
Clark Freeport Zone, Pampanga

Governor PRESBITERO J. VELASCO, Jr.
Office of the Governor
Provincial Capitol Compound, Barangay Santol, Boac, Marinduque

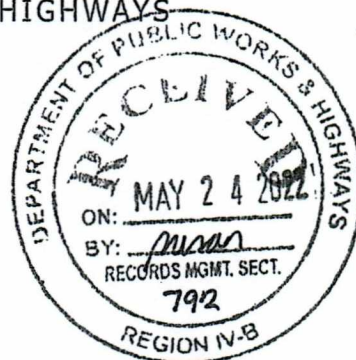
18.1.4 PDR/MCG/JGD


¹ Annex "A"

² Annex "B"



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Manila



May 20, 2022

MEMORANDUM

FOR : **Acting Secretary ROGER G. MERCADO**
This Department

SUBJECT : **Revised Memorandum of Agreement (MOA) for the Repair/Rehabilitation of the Balogo Port Funded Under the FY 2022 General Appropriation Act (GAA)**

This has reference to the May 16, 2022 Letter¹ of CG ADM George V. Ursabia Jr. (Retired), Undersecretary for Maritime endorsing the revised MOA between the Department of Transportation (DOTr) and the Department of Public Works and Highways (DPWH) for the Repair/Rehabilitation of Balogo Port, Sta. Cruz, Marinduque, reflecting therein the comments and recommendations of the DPWH.

Per the May 13, 2022 Memorandum² of Undersecretary Reinier Paul R. Yebra, Undersecretary for Legal Affairs, DOTr, its "*Office finds the proposed MOA to be generally in accordance with pertinent laws, rules, and regulations.*"

In view of the foregoing, the Legal Service upon review of the revised MOA observes that the same has already adopted the previous recommendations of the DPWH and also in consonance with the review of the DOTr. Further, this Office reiterates that the terms and conditions of the revised MOA are generally in order and consistent with the Department's mandate and functions under its charter, including the matter of extending assistance to other government agencies and, thus, recommends the signing thereof.

Attached herewith is the revised MOA for signature, should the Acting Secretary find the same in order.


JUAN V. TALION, Jr.
Officer-in-Charge, Legal Service

cc: Regional Director GERALD A. PACANAN
REGION IV-B, EDSA, Quezon City

Secretary ARTHUR P. TUGADE
Department of Transportation (DOTr)
Apo Court, Pinatubo St. cor. Sergio Osmena St.,
Clark Freeport Zone, Pampanga

Governor PRESBITERO J. VELASCO, Jr.
Office of the Governor
Provincial Capitol Compound, Barangay Santol, Boac, Marinduque

18.1.4 PDR/MCG/JGD

¹ Annex "A"

² Annex "B"



Republic of the Philippines
PROVINCE OF MARINDUQUE
PROVINCIAL CAPITOL
Boac



OFFICE OF THE GOVERNOR

27 December 2021

Sec. ROGER G. MERCADO

Acting Secretary

Department of Public Works and Highways

Bonifacio Drive Port Area, 652 Zone 068, Manila

Dear Secretary Mercado:

Greetings!


The Provincial Government of Marinduque is in the process of application for Special Patent and/or Subject of Presidential Proclamation to occupy and use, upon approval thereof, the parcels of public lands and coastal sites for International Port and Economic Zone covering an aggregate area of 36.1694 hectares, approximately situated in Barangay Balogo, Municipality of Sta. Cruz, Province of Marinduque. This area will be developed and used for port facilities, warehouse, cold storage and other related structures and could also cater cruise ships operating in the region for the promotion of tourism in the province. Portion of the area was formerly occupied by the Marcopper Mining Corporation and/or MR Holdings.

In this regard, we would like to request for your written comments/recommendation as one of the DENR requirements in the processing of the aforementioned Presidential Proclamation. Attached herewith is a copy of the vicinity map and lot plan for your reference.

Your kind early response on this matter will be highly appreciated.

Thank you very much.

Very truly yours,


PRESBITERO JOSE VELASCO, JR.
Governor



**DPWH - OSEC
RECEIVED**
JAN 20 2022
By: _____ Time: 2
Control No.: _____
IDTS No.: _____

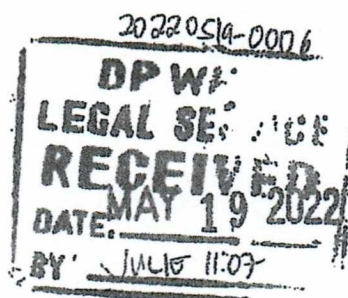
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By: harvin Time: 2
Control No.: 22-#442
IDTS No.: 00989



Republic of the Philippines
DEPARTMENT OF TRANSPORTATION

16 May 2022

ATTY. JUAN V. TALION JR.
OIC- Director, Legal Service
Department of Public Works and Highways
Bonifacio Drive Port Area, 652 Zone 068, Manila
1018 Metro Manila



Subject: Revised Memorandum of Agreement for the Repair/Rehabilitation of the Balogo Port funded under the FY 2022 General Appropriations Act (GAA)

Dear OIC- Director Talion :

Greetings! This is with reference to the letter dated 04 May 2022 from Acting Secretary Roger G. Mercado, conveying the review of the proposed Memorandum of Agreement (MOA) between the Department and the Department of Public Works and Highways (DPWH) for the Repair/Rehabilitation of Balogo Port in Sta. Cruz, Marinduque, in the amount of (Php 300,000,000.00), funded under the FY 2022 General Appropriations Act (GAA).

Relative thereto, this Department respectfully endorses the revised MOA, reflecting the comments and recommendations of the DPWH, for the approval and signature of the First Party, the Secretary of Public Works and Highways.

For your kind consideration.

Very truly yours,


CC ADM GEORGE V. URSABIA JR (Ret)
Undersecretary for Maritime

Cc: Office of the Undersecretary for Finance

*Enc : 1. Revised MOA for the Repair/Rehabilitation of Balogo Port
2. Legal Pass dated 13 May 2022*



Republic of the Philippines
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

TO : ASSISTANT SECRETARY FOR MARITIME

FROM : UNDERSECRETARY FOR LEGAL AFFAIRS

SUBJECT : PROPOSED MEMORANDUM OF AGREEMENT (MOA)
FOR BALOGO PORT DEVELOPMENT PROJECT

DATE : 13 MAY 2022

This pertains to your request¹ for this Office's review of the proposed MOA between Department of Transportation (DOTr) and Department of Public Works and Highways (DPWH) for the repair and rehabilitation of the Balogo Port in Sta. Cruz, Marinduque.

We note that the same MOA has been the subject of a previous legal review issued by this Office on 4 March 2022. Considering that DPWH's recommendations seem minor revisions, this Office finds the proposed MOA to be generally in accordance with pertinent laws, rules, and regulations.

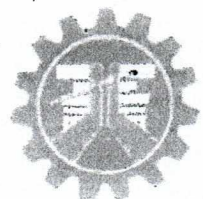
For your information and guidance.

5/13/2022 3:41:18 PM
REINIER PAUL R. YEBRA

Cc : Undersecretary for Maritime Sectors
This Department

Dotr-out-22-0477-03

¹ Memorandum dated 10 May 2022 and received by this Office on 12 May 2022.



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Manila

MAY 04 2022

SECRETARY ARTHUR P. TUGADE
Department of Transportation
Clark Freeport Zone, Pampanga

Dear Secretary Tugade:

This has reference to the attached two (2) separate letters, dated March 21 and 22, 2022, of Governor Presbitero J. Velasco, Jr., Boac, Province of Marinduque and Undersecretary George V. Ursabia, Jr., for Maritime, of that Office, respectively, requesting for approval of the submitted draft Memorandum of Agreement (MOA) for the Repair/Rehabilitation of Balogo Port, Sta. Cruz, Marinduque, in the amount of **Php 300,000,000.00** under **FY 2022 General Appropriations Act (GAA), R.A. 11693**.

Before we proceed to the approval, please be informed that this Office conducted a thorough review of the said draft MOA, prepared by Juan V. Talion, Jr., Officer-in-Charge, Legal Service, thru letter dated April 22, 2022, addressed to Governor Velasco, proposing the following revisions:

- WHEREAS Clause, Last paragraph (Page 2) – The subject provision is suggested to be modified as:

"WHEREAS, in order to hasten the implementation of the Project, the DOTr seeks the participation and assistance of the DPWH, to undertake the Repair/Rehabilitation of the Balogo Port, Sta. Cruz, Marinduque ("Project"), through a Memorandum of Agreement."
- For uniformity and consistency:
 - Use the word "Repair/Rehabilitation" as the project is already existing
 - Use the term "Agreement" instead of MOA
 - Use the word "Project" to specify the subject project
 - Page 5, Item 9 and 10, put a space in between
 - Use the correct punctuation marks.
- Page 5, Item 10 and 11 – Remove the word "construction" and replace the same with "repair/rehabilitation".
- Page 7, Item VI – Replace the word "Constructor" to "Contractor".
- Acknowledgement – the instrument consists of "nine (9) pages".

In this regard, kindly submit the revised/signed MOA to this Office for approval of the undersigned.

Very truly yours,


ROGER G. MERCADO
Acting Secretary

Department of Public Works and Highways
Office of the Secretary

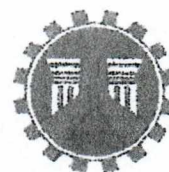
WIN2Q46996

cc: Governor **PRESBITERO J. VELASCO, JR.**, Boac, Marinduque
Regional Director **GERALD A. PACANAN**, DPWH Region IV-B, EDSA, Quezon City

ATTN: A/N/2022/14



MEMORANDUM OF AGREEMENT



KNOW ALL MEN BY THESE PRESENTS:

This MEMORANDUM OF AGREEMENT (Agreement), entered into by and between:

The **DEPARTMENT OF TRANSPORTATION (DOTr)**, a national government agency with principal office at Apo Court, Pinatubo Street corner Sergio Osmeña St., Clark Freeport Zone, Pampanga, Philippines, represented herein by its Secretary, **ARTHUR P. TUGADE**, hereinafter referred to as "**DOTr**";

- and -

The **DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS**, a government agency duly organized and existing under the law of the Republic of the Philippines, with principal office Bonifacio Drive Port Area, 652 Zone 068, Manila, 1018 Metro Manila, represented herein by its Acting Secretary, **ROGER G. MERCADO**, hereinafter referred to as "**DPWH**".

WITNESSETH:

WHEREAS, pursuant to Executive Order No. 125-A, series of 1987, as amended, the **DOTr** is the primary policy, planning, programming, coordinating, implementing and administrative entity of the executive branch of the government on the promotion, development, and regulation of a dependable and coordinated network of transportation and communications systems, as well as in the fast, safe, efficient, and reliable transportation and communications services;

WHEREAS, the **DOTr** has available funds of Three Hundred Million Pesos (Php300,000,000.00) as provided from General Appropriations Act (GAA) of CY 2022 allocated for the **Repair/Rehabilitation of Balogo Port, Sta. Cruz, Marinduque**;

WHEREAS, while the appropriation for the **Repair/Rehabilitation of Balogo Port, Sta. Cruz, Marinduque** is listed under the GAA of CY2022, the same has been classified by the Department of Budget and Management (DBM) under "**For Later Release**" which will require the submission of a special budgetary request to DBM and the approval of the President before the **Special Allotment Release Order (SARO)** for the same is released;

WHEREAS, pursuant to Executive Order No. 292, Book IV, Title XV, Chapter 1, Section (3)2, the **DOTr** is empowered to call upon any agency, corporation or organization, whether public or private, whose development programs include

transportation as integral part thereof, to participate and assist in the preparation and implementation of such programs;

WHEREAS, the DPWH is the primary government agency responsible for the planning, design, construction and maintenance of infrastructure, especially the national highways, flood control and water resources development system, and other public works in accordance with the national development objectives;

WHEREAS, in order to hasten the implementation of the Project, the DOTr seeks the participation and assistance of the DPWH, to undertake the **Repair/Rehabilitation of the Balogo Port, Sta. Cruz, Marinduque ("Project")**, through a Memorandum of Agreement;

NOW, THEREFORE, for and in consideration of the above premises, the parties hereby agree, as follows:

I. SPECIAL PROVISIONS

- a. The Parties recognize and abide by the dictates of Republic Act No. 11639, otherwise known as the General Appropriations Act of 2022 (GAA 2022), pertinent provisions of which are as follows:

- a.1. **The Cash Budgeting System.** All appropriations authorized in this ACT, including budgetary support to GOCCs and financial assistance to LGUs, shall be available for release and obligation for the purpose specified, and under the same general and special provisions applicable thereto, until **December 31, 2023**, except for personnel services which shall be available for release, obligation and disbursement until December 31, 2022. Likewise, construction of infrastructure projects, delivery of goods and services, inspection and payment shall be made not later than December 31, 2023. (Sec. 68 par1&2, GAA 2022);

- a.2 After the end of the validity period, all unreleased appropriations and unobligated allotments shall lapse, while unexpended or undisbursed funds shall revert to the unappropriated surplus of the General Fund in accordance with Section 28, Chapter 4, Book VI of E.O. No. 292 and shall not thereafter be available for expenditure except by subsequent legislative enactment;

- a.3 Except for transfers between LGUs, all balance of funds transfers between or among agencies, instrumentalities, GOCCs, LGUs, which, while obligated but not actually used. utilized, expended or disbursed to pay for completed construction, goods delivered, and services rendered, inspected and accepted as of December 31, 2023, shall revert to the unappropriated surplus of the General Fun. (Sec. 68 par 4, GAA 2022);

II. THE DOTR SHALL:

1. **Upon receipt of SARO from DBM and upon approval and notarization of the Agreement**, issue the Letter of Advice of Allotment Release (LAAR) for the aforementioned Project and facilitate the release of funds according

to the following tranches, subject to availability of Notice of Cash Allocation (NCA):

1st Tranche - 1.5% of the Program Amount for the Project to cover administrative, pre-construction and construction expenses, which shall be released upon submission of a letter request for the release of fund and all the necessary supporting documents for the initial fund transfer.

2nd Tranche - Fifty percent (50%) of the Project Cost as determined/reflected in the duly approved/concurred Program of Work (POW); to be released upon submission by the Implementing Agency of the same, together with the Detailed Engineering Design (DED), Technical Specification, Approved Budget for the Contract (ABC), approved timeline and disbursement plan.

Remaining Fund - shall be released upon liquidation of at least 75% of the previous release, and a project accomplishment of at least 50% as indicated in the Summary of Work Accomplishment(SWA) certified by the DPWH and verified/attested by DOTr, together with the progress pictures of works undertaken.

The release of the SARO is subject to the submission of Special Budget Request and compliance with certain budgetary requirements or specific authorizations.

2. Record the issuance, utilization, and liquidation, including documentation, of such fund transfer in accordance with the rules and regulations embodied in COA Circular No. 94-013, Item 3.0 of COA Circular No. 2012-001 and Circular No. 2016-002 dated 13 December 1994, 14 June 2012 and 31 May 2016, respectively;
3. Evaluate/review and approve the Program of Work (POW), Detailed Engineering and Design (DED), Technical Specifications and Approved Budget for the Contract (ABC) submitted by the DPWH;
4. Designate observers (authorized representative/s) to the Bids and Awards committee (BAC) and Technical Working Group (TWG) meetings for the procurement of the Project;
5. Attend the pre-construction conference and conduct periodic inspection, assessment and monitoring of the Project (including its financial aspect);
6. Designate an authorized representative/s for the inspection and monitor of the implementation of the construction of the Project;
7. Evaluate the performance of the DPWH in the implementation of the Project and exercise auditorial power over the expenditure of the Project;
8. Conduct a joint final inspection of the Project site with the DPWH prior to

9. Issue the Certificate of Final Acceptance, upon Turn-over of the DPWH in due performance with the DED and Specifications to signify that the Project is satisfactorily completed and free from defects and deviations from the approved POW; and
10. Rescind, terminate, revoke the Agreement for a violation by DPWH of its obligations in accordance with Section X. Termination and/or Rescission of this Agreement.

III. THE DPWH SHALL:

1. Issue acknowledgement/official receipt (OR) and utilize the funds transferred by the DOTr, strictly in accordance with this Agreement, and subject to the applicable laws, rules and regulations;
2. Undertake the detailed engineering activities of the Project, submit the plans, program of work, and Approved Budget for the Contract (ABC), construction schedule, disbursement schedule, and other necessary documents for submission to DOTr for its review and approval;
3. Guaranty that the Project area and all its right-of-way are free of informal settlers and other obstruction that may hamper/interfere with the implementation and operation of the Project;
4. Pending the issuance of SARO/budget authorization for the Project, undertake procurement of the Project short of award, when feasible. **The Award of Contract shall be made only when the SARO is issued by the DBM and a LAAR is issued by the DOTr:**
5. Secure all necessary permits and clearances from the concerned government offices prior to the actual implementation of the Project;
6. Procurement activities to be undertaken by the DPWH shall be in accordance with:
 - a. RA 9184 and its 2016 Revised IRR;
 - b. Memorandum of Cabinet Secretary Leoncio B. Evasco, Jr. dated 05 February 2018 mandating for government contracts involving infrastructure projects to include a stipulation that a contractor's slippage of more than thirty (30) days would result in non-payment, contract's cancellation, blacklisting of the contractor and engagement of another contractor to finish the project, in addition to the grounds provided in RA 9184 and its IRR; and
 - c. Presidential Directive No. 2017-0318 dated 28 July 2017 directing all government offices to ensure that government transactions and contracts with suppliers and external parties are paid within fifteen (15) days, subject to existing laws, rules and regulations.

7. Designate qualified officer and employees and to take charge of the planning procurement and implementation of the Project and to coordinate closely with the representative(s) of the DOTr;
8. Notify the DOTr observer in writing at least seven (7) days prior to the conduct of any procurement activity;
9. Furnish copies of all notices, resolutions and other documents as may pertain to the procurement of the Project and to submit to the DOTr an update/progress of the procurement activity in writing at the end of every month;
10. Implement the repair/rehabilitation of the Project in accordance with law, pertinent rules and regulations, and the provisions of this Agreement;
11. Provide full time supervision in the repair/rehabilitation of the Project, maintaining a continuing and close liaison and cooperation with the authorized representative(s) of the DOTr to ensure that the implementation conforms with the plans and specifications mutually approved by DOTr and DPWH and within the allotted budget and time schedule per approved project schedule/BAR Chart;
12. Submit periodic reports in relation to the Project, including but not limited to, achievement of milestones and progress of the Project to DOTr through the Assistant Secretary of Maritime; copy furnished the DOTr-Project Monitoring and Evaluation Service (PMES);
13. Allow authorized representative(s) of DOTr and other Government Agencies to conduct monthly inspection of the Project to determine full compliance with the terms and conditions of this Agreement;
14. Consult and seek the written concurrence of the DOTr should there be changes of design, scope of work, construction methods and quality control in the execution of the Project;
15. Provide safe shelter, service vehicle and ample security to DOTr/Government personnel during the conduct of the periodic inspection and monitoring of the Project;
16. Upon completion of the Project, return to DOTr any fund balance, including any interest thereon;
17. Allow the audit of the disbursements out of the trust accounts in accordance with existing COA Regulations;
18. Within ten (10) days after the end of each month, submit to the DOTr monthly report of funds issued and report of disbursement certified correct by the Accountant, approved by the Official concerned and with proof of receipt of said reports by the Auditor concerned, including copies of paid disbursement vouchers, in connection with the implementation of the Project. Only actual expenses shall be reported;

19. Comply with the rules and regulations embodied under COA Circular No. 94-013, Item 3 of Circular No. 2012-001 and Circular No. 2016-002 dated December 13, 1994, June 14, 2012 and May 31, 2016, respectively for the receipt, utilization, documentation, disbursement and liquidation of money/cash transfer from the DOTr:

- a. Copy of as-built drawings;
- b. Copies of all Official Receipt (O.R.) acknowledging receipt of the funds;
- c. Report of Checks issued and Report of Disbursements certified correct by the Accountant, approved by the official concerned, and duly audited by the Auditor(s) concerned including copies of Certificate of Completion and Certificate of Acceptance for completed projects;
- d. Copy of the O.R. issued for the refund to DOTr of unexpended/unutilized balance of fund transferred, included any interest thereof; and
- e. Other liquidation documents as may be required by existing budget, accounting and auditing rules and regulations.

20. Upon completion of the Project, the DPWH shall turnover pertinent and relevant documents to DOTr and shall submit to the latter liquidation documents, such as, but not limited to the following: Ensure that all warranties and representation by the contractors, suppliers under RA 9184 and its 2016 Revised IRR and other applicable laws are enforced.

IV. THE DOTR AND DPWH SHALL PERFORM THEIR TASK IN ACCORDANCE WITH PROVISIONS OF THIS AGREEMENT

V. DEPOSIT OF PROJECT FUND AND ACCOUNTING PROCEDURES

The DOTr shall issue the check/Advice to Debit Account (ADA) that will be used for the Project to an account that the DPWH shall assign solely for the implementation of the Project. The check shall be issued in the name of the DPWH for deposit to its trust account in its authorized government depository bank. The DPWH shall issue its official receipt in acknowledgment.

The DPWH shall maintain separate and distinct account for the Project. A copy of the Reports of Check Issued and Report of Disbursement shall be turned over to DOTr upon issuance of the Certificate of Final Acceptance by the DOTr for the Project.

VI. CONDUCT OF JOINT FINAL INSPECTION

The DOTr and the DPWH shall conduct joint inspection of the completed works prior to the issuance of the Certificate of Project Completion by the DOTr.

The Certificate of Final Acceptance shall be jointly signed by authorized representatives from DOTr, DPWH and Contractor, one (1) year after the project completion.

VII. TURNOVER AND OWNERSHIP OF THE PORT FACILITIES

The completed port facilities constructed using the Project Fund shall be turned-over by DPWH to the DOTr upon issuance by the DPWH of the Certificate of Completion. It shall be the responsibility of the DOTr to turn over the completed port facilities to the concerned LGU.

The port facilities shall be owned by the National Government through LGU. The LGU shall be responsible for the operation and maintenance thereof from the date of turnover, or for making the necessary arrangement as it deems fit to ensure the maintenance and preservation thereof.

VIII. TERMINATION AND/OR RESCISSION

The DOTr reserves the right to rescind, terminate, revoke this Agreement for a violation by DPWH of its obligations and/or for grounds otherwise provided by law. Any termination of this Agreement shall be without prejudice to rights and liabilities which have accrued under this Agreement at the date of termination; or with respect to any antecedent breach of the terms hereof, prior to termination, or any amount owing or due under this Agreement.

The parties further agree that such rescission, termination, or revocation may be effected via a Notice of Termination executed by the DOTr, upon verification of the acts or caused which may constitute ground(s) for termination.

The DPWH shall automatically return the unutilized/unexpended funds upon termination or immediately after expiration of this Agreement.

IX. SEPARABILITY CLAUSE

If one or more provisions of this Agreement are held to be unenforceable under applicable laws, such provisions shall be excluded from this Agreement. The other provisions of this Agreement shall be interpreted as if such provision were so excluded shall be enforceable in accordance with its terms.

X. EFFECTIVITY

This Agreement, in so far as the authority granted to the DPWH to undertake early procurement activities, which shall take effect upon signing/ approval of the parties hereto. The provisions of this Agreement pertaining to the release of funds for the implementation of the Project [i.e.,

This Agreement shall remain valid and effective unless earlier terminated or rescinded.

XI. AMENDMENT/S

This Agreement may be amended, partially or wholly, by mutual agreement of the parties done in writing.

IN WITNESS WHEREOF, the parties hereunto have set their hands on this _____ day of _____ at _____, Philippines.

**DEPARTMENT OF
TRANSPORTATION**

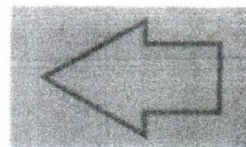
**DEPARTMENT OF
PUBLIC WORKS AND HIGHWAYS**

By:

By:

ARTHUR P. TUGADE
Secretary *AT*

ROGER G. MERCADO
Acting Secretary



Signed in the presence of

BEFORE ME, a Notary Public, for and in _____, this _____ day of _____, personally appeared the following:

Name	Government Identification	Date and Place of Issue
ARTHUR P. TUGADE		
ROGER G. MERCADO		

Known to me to be the same persons who executed the foregoing instrument and having acknowledged to me that the same are their free act and deed as well as the free and voluntary act and deed on the entity they respectively represented.

This instrument consisting of nine (9) pages including this page, which has been signed by the Parties together with their instrumental witnesses at the bottom of the instrument and on each every page thereof.

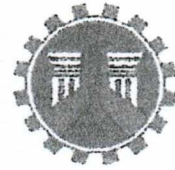
IN WITNESS WHEREOF, I have hereto affixed my signature and notarial seal on these presents at the place and on the date first above written.

Notary Public

Doc. No. _____
Page No. _____
Book No. _____
Series of _____



MEMORANDUM OF AGREEMENT



KNOW ALL MEN BY THESE PRESENTS:

This MEMORANDUM OF AGREEMENT (Agreement), entered into by and between:

The **DEPARTMENT OF TRANSPORTATION (DOTr)**, a national government agency with principal office at Apo Court, Pinatubo Street corner Sergio Osmeña St., Clark Freeport Zone, Pampanga, Philippines, represented herein by its Secretary, **ARTHUR P. TUGADE**, hereinafter referred to as "**DOTr**";

- and -

The **DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS**, a government agency duly organized and existing under the law of the Republic of the Philippines, with principal office Bonifacio Drive Port Area, 652 Zone 068, Manila, 1018 Metro Manila, represented herein by its Acting Secretary, **ROGER G. MERCADO**, hereinafter referred to as "**DPWH**".

WITNESSETH:

WHEREAS, pursuant to Executive Order No. 125-A, series of 1987, as amended, the **DOTr** is the primary policy, planning, programming, coordinating, implementing and administrative entity of the executive branch of the government on the promotion, development, and regulation of a dependable and coordinated network of transportation and communications systems, as well as in the fast, safe, efficient, and reliable transportation and communications services;

WHEREAS, the **DOTr** has available funds of Three Hundred Million Pesos (Php300,000,000.00) as provided from General Appropriations Act (GAA) of CY 2022 allocated for the Repair/Rehabilitation of Balogo Port, Sta. Cruz, Marinduque;

WHEREAS, while the appropriation for the Repair/Rehabilitation of Balogo Port, Sta. Cruz, Marinduque is listed under the GAA of CY2022, the same has been classified by the Department of Budget and Management (DBM) under "For Later Release" which will require the submission of a special budgetary request to DBM and the approval of the President before the Special Allotment Release Order (SARO) for the same is released;

WHEREAS, pursuant to Executive Order No. 292, Book IV, Title XV, Chapter 1, Section (3)2, the **DOTr** is empowered to call upon any agency, corporation or organization, whether public or private, whose development programs include

transportation as integral part thereof, to participate and assist in the preparation and implementation of such programs;

WHEREAS, the DPWH is the primary government agency responsible for the planning, design, construction and maintenance of infrastructure, especially the national highways, flood control and water resources development system, and other public works in accordance with the national development objectives;

WHEREAS, in order to hasten the implementation of the Project, the DOTr seeks the participation and assistance of the DPWH, to undertake the **Repair/Rehabilitation of the Balogo Port, Sta. Cruz, Marinduque ("Project")**, through a Memorandum of Agreement;

NOW, THEREFORE, for and in consideration of the above premises, the parties hereby agree, as follows:

I. SPECIAL PROVISIONS

- a. The Parties recognize and abide by the dictates of Republic Act No. 11639, otherwise known as the General Appropriations Act of 2022 (GAA 2022), pertinent provisions of which are as follows:

- a.1. **The Cash Budgeting System.** All appropriations authorized in this ACT, including budgetary support to GOCCs and financial assistance to LGUs, shall be available for release and obligation for the purpose specified, and under the same general and special provisions applicable thereto, until **December 31, 2023**, except for personnel services which shall be available for release, obligation and disbursement until December 31, 2022. Likewise, construction of infrastructure projects, delivery of goods and services, inspection and payment shall be made not later than December 31, 2023. (Sec. 68 par1&2, GAA 2022);

- a.2 After the end of the validity period, all unreleased appropriations and unobligated allotments shall lapse, while unexpended or undisbursed funds shall revert to the unappropriated surplus of the General Fund in accordance with Section 28, Chapter 4, Book VI of E.O. No. 292 and shall not thereafter be available for expenditure except by subsequent legislative enactment;

- a.3 Except for transfers between LGUs, all balance of funds transfers between or among agencies, instrumentalities, GOCCs, LGUs, which, while obligated but not actually used, utilized, expended or disbursed to pay for completed construction, goods delivered, and services rendered, inspected and accepted as of December 31, 2023, shall revert to the unappropriated surplus of the General Fun. (Sec. 68 par 4, GAA 2022);

II. THE DOTR SHALL:

1. **Upon receipt of SARO from DBM and upon approval and notarization of the Agreement**, issue the Letter of Advice of Allotment Release (LAAR) for the aforementioned Project and facilitate the release of funds according

to the following tranches, subject to availability of Notice of Cash Allocation (NCA):

1st Tranche - 1.5% of the Program Amount for the Project to cover administrative, pre-construction and construction expenses, which shall be released upon submission of a letter request for the release of fund and all the necessary supporting documents for the initial fund transfer.

2nd Tranche - Fifty percent (50%) of the Project Cost as determined/reflected in the duly approved/concurred Program of Work (POW); to be released upon submission by the Implementing Agency of the same, together with the Detailed Engineering Design (DED), Technical Specification, Approved Budget for the Contract (ABC), approved timeline and disbursement plan.

Remaining Fund - shall be released upon liquidation of at least 75% of the previous release, and a project accomplishment of at least 50% as indicated in the Summary of Work Accomplishment(SWA) certified by the DPWH and verified/attested by DOTr, together with the progress pictures of works undertaken.

The release of the SARO is subject to the submission of Special Budget Request and compliance with certain budgetary requirements or specific authorizations.

2. Record the issuance, utilization, and liquidation, including documentation, of such fund transfer in accordance with the rules and regulations embodied in COA Circular No. 94-013, Item 3.0 of COA Circular No. 2012-001 and Circular No. 2016-002 dated 13 December 1994, 14 June 2012 and 31 May 2016, respectively;
3. Evaluate/review and approve the Program of Work (POW), Detailed Engineering and Design (DED), Technical Specifications and Approved Budget for the Contract (ABC) submitted by the DPWH;
4. Designate observers (authorized representative/s) to the Bids and Awards committee (BAC) and Technical Working Group (TWG) meetings for the procurement of the Project;
5. Attend the pre-construction conference and conduct periodic inspection, assessment and monitoring of the Project (including its financial aspect);
6. Designate an authorized representative/s for the inspection and monitor of the implementation of the construction of the Project;
7. Evaluate the performance of the DPWH in the implementation of the Project and exercise auditorial power over the expenditure of the Project;
8. Conduct a joint final inspection of the Project site with the DPWH prior to

9. Issue the Certificate of Final Acceptance, upon Turn-over of the DPWH in due performance with the DED and Specifications to signify that the Project is satisfactorily completed and free from defects and deviations from the approved POW; and
10. Rescind, terminate, revoke the Agreement for a violation by DPWH of its obligations in accordance with Section X. Termination and/or Rescission of this Agreement.

III. THE DPWH SHALL:

1. Issue acknowledgement/official receipt (OR) and utilize the funds transferred by the DOTr, strictly in accordance with this Agreement, and subject to the applicable laws, rules and regulations;
2. Undertake the detailed engineering activities of the Project, submit the plans, program of work, and Approved Budget for the Contract (ABC), construction schedule, disbursement schedule, and other necessary documents for submission to DOTr for its review and approval;
3. Guaranty that the Project area and all its right-of-way are free of informal settlers and other obstruction that may hamper/interfere with the implementation and operation of the Project;
4. Pending the issuance of SARO/budget authorization for the Project, undertake procurement of the Project short of award, when feasible. **The Award of Contract shall be made only when the SARO is issued by the DBM and a LAAR is issued by the DOTr:**
5. Secure all necessary permits and clearances from the concerned government offices prior to the actual implementation of the Project;
6. Procurement activities to be undertaken by the DPWH shall be in accordance with:
 - a. RA 9184 and its 2016 Revised IRR;
 - b. Memorandum of Cabinet Secretary Leoncio B. Evasco, Jr. dated 05 February 2018 mandating for government contracts involving infrastructure projects to include a stipulation that a contractor's slippage of more than thirty (30) days would result in non-payment, contract's cancellation, blacklisting of the contractor and engagement of another contractor to finish the project, in addition to the grounds provided in RA 9184 and its IRR; and
 - c. Presidential Directive No. 2017-0318 dated 28 July 2017 directing all government offices to ensure that government transactions and contracts with suppliers and external parties are paid within fifteen (15) days, subject to existing laws, rules and regulations.

7. Designate qualified officer and employees and to take charge of the planning procurement and implementation of the Project and to coordinate closely with the representative(s) of the DOTr;
8. Notify the DOTr observer in writing at least seven (7) days prior to the conduct of any procurement activity;
9. Furnish copies of all notices, resolutions and other documents as may pertain to the procurement of the Project and to submit to the DOTr an update/progress of the procurement activity in writing at the end of every month;
10. Implement the repair/rehabilitation of the Project in accordance with law, pertinent rules and regulations, and the provisions of this Agreement;
11. Provide full time supervision in the repair/rehabilitation of the Project, maintaining a continuing and close liaison and cooperation with the authorized representative(s) of the DOTr to ensure that the implementation conforms with the plans and specifications mutually approved by DOTr and DPWH and within the allotted budget and time schedule per approved project schedule/BAR Chart;
12. Submit periodic reports in relation to the Project, including but not limited to, achievement of milestones and progress of the Project to DOTr through the Assistant Secretary of Maritime; copy furnished the DOTr-Project Monitoring and Evaluation Service (PMES);
13. Allow authorized representative(s) of DOTr and other Government Agencies to conduct monthly inspection of the Project to determine full compliance with the terms and conditions of this Agreement;
14. Consult and seek the written concurrence of the DOTr should there be changes of design, scope of work, construction methods and quality control in the execution of the Project;
15. Provide safe shelter, service vehicle and ample security to DOTr/Government personnel during the conduct of the periodic inspection and monitoring of the Project;
16. Upon completion of the Project, return to DOTr any fund balance, including any interest thereon;
17. Allow the audit of the disbursements out of the trust accounts in accordance with existing COA Regulations;
18. Within ten (10) days after the end of each month, submit to the DOTr monthly report of funds issued and report of disbursement certified correct by the Accountant, approved by the Official concerned and with proof of receipt of said reports by the Auditor concerned, including copies of paid disbursement vouchers, in connection with the implementation of the Project. Only actual expenses shall be reported;

19. Comply with the rules and regulations embodied under COA Circular No. 94-013, Item 3 of Circular No. 2012-001 and Circular No. 2016-002 dated December 13, 1994, June 14, 2012 and May 31, 2016, respectively for the receipt, utilization, documentation, disbursement and liquidation of money/cash transfer from the DOTr:

- a. Copy of as-built drawings;
- b. Copies of all Official Receipt (O.R.) acknowledging receipt of the funds;
- c. Report of Checks issued and Report of Disbursements certified correct by the Accountant, approved by the official concerned, and duly audited by the Auditor(s) concerned including copies of Certificate of Completion and Certificate of Acceptance for completed projects;
- d. Copy of the O.R. issued for the refund to DOTr of unexpended/unutilized balance of fund transferred, included any interest thereof; and
- e. Other liquidation documents as may be required by existing budget, accounting and auditing rules and regulations.

20. Upon completion of the Project, the DPWH shall turnover pertinent and relevant documents to DOTr and shall submit to the latter liquidation documents, such as, but not limited to the following: Ensure that all warranties and representation by the contractors, suppliers under RA 9184 and its 2016 Revised IRR and other applicable laws are enforced.

IV. THE DOTR AND DPWH SHALL PERFORM THEIR TASK IN ACCORDANCE WITH PROVISIONS OF THIS AGREEMENT

V. DEPOSIT OF PROJECT FUND AND ACCOUNTING PROCEDURES

The DOTr shall issue the check/Advice to Debit Account (ADA) that will be used for the Project to an account that the DPWH shall assign solely for the implementation of the Project. The check shall be issued in the name of the DPWH for deposit to its trust account in its authorized government depository bank. The DPWH shall issue its official receipt in acknowledgment.

The DPWH shall maintain separate and distinct account for the Project. A copy of the Reports of Check Issued and Report of Disbursement shall be turned over to DOTr upon issuance of the Certificate of Final Acceptance by the DOTr for the Project.

VI. CONDUCT OF JOINT FINAL INSPECTION

The DOTr and the DPWH shall conduct joint inspection of the completed works prior to the issuance of the Certificate of Project Completion by the

END

The Certificate of Final Acceptance shall be jointly signed by authorized representatives from DOTr, DPWH and Contractor, one (1) year after the project completion.

VII. TURNOVER AND OWNERSHIP OF THE PORT FACILITIES

The completed port facilities constructed using the Project Fund shall be turned-over by DPWH to the DOTr upon issuance by the DPWH of the Certificate of Completion. It shall be the responsibility of the DOTr to turn over the completed port facilities to the concerned LGU.

The port facilities shall be owned by the National Government through LGU. The LGU shall be responsible for the operation and maintenance thereof from the date of turnover, or for making the necessary arrangement as it deems fit to ensure the maintenance and preservation thereof.

VIII. TERMINATION AND/OR RESCISSION

The DOTr reserves the right to rescind, terminate, revoke this Agreement for a violation by DPWH of its obligations and/or for grounds otherwise provided by law. Any termination of this Agreement shall be without prejudice to rights and liabilities which have accrued under this Agreement at the date of termination; or with respect to any antecedent breach of the terms hereof, prior to termination, or any amount owing or due under this Agreement.

The parties further agree that such rescission, termination, or revocation may be effected via a Notice of Termination executed by the DOTr, upon verification of the acts or caused which may constitute ground(s) for termination.

The DPWH shall automatically return the unutilized/unexpended funds upon termination or immediately after expiration of this Agreement.

IX. SEPARABILITY CLAUSE

If one or more provisions of this Agreement are held to be unenforceable under applicable laws, such provisions shall be excluded from this Agreement. The other provisions of this Agreement shall be interpreted as if such provision were so excluded shall be enforceable in accordance with its terms.

X. EFFECTIVITY

This Agreement, in so far as the authority granted to the DPWH to undertake early procurement activities, which shall take effect upon signing/ approval of the parties hereto. The provisions of this Agreement pertaining to the release of funds for the implementation of the Project [i.e.,

This Agreement shall remain valid and effective unless earlier terminated or rescinded.

XI. AMENDMENT/S

This Agreement may be amended, partially or wholly, by mutual agreement of the parties done in writing.

IN WITNESS WHEREOF, the parties hereunto have set their hands on this _____ day of _____ at _____ Philippines.

**DEPARTMENT OF
TRANSPORTATION**

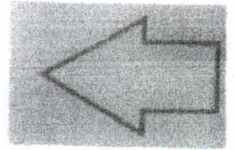
**DEPARTMENT OF
PUBLIC WORKS AND HIGHWAYS**

By:

By:

ARTHUR P. TUGADE
Secretary *AT*

ROGER G. MERCADO
Acting Secretary



Signed in the presence of

BEFORE ME, a Notary Public, for and in _____ this _____ day of _____, personally appeared the following:

Name	Government Identification	Date and Place of Issue
ARTHUR P. TUGADE		
ROGER G. MERCADO		

Known to me to be the same persons who executed the foregoing instrument and having acknowledged to me that the same are their free act and deed as well as the free and voluntary act and deed on the entity they respectively represented.

This instrument consisting of nine (9) pages including this page, which has been signed by the Parties together with their instrumental witnesses at the bottom of the instrument and on each every page thereof.

IN WITNESS WHEREOF, I have hereto affixed my signature and notarial seal on these presents at the place and on the date first above written.

Notary Public

Doc. No. _____
Page No. _____
Book No. _____
Series of _____



MEMORANDUM OF AGREEMENT



KNOW ALL MEN BY THESE PRESENTS:

This MEMORANDUM OF AGREEMENT (Agreement), entered into by and between:

The **DEPARTMENT OF TRANSPORTATION (DOTr)**, a national government agency with principal office at Apo Court, Pinatubo Street corner Sergio Osmeña St., Clark Freeport Zone, Pampanga, Philippines, represented herein by its Secretary, **ARTHUR P. TUGADE**, hereinafter referred to as "**DOTr**";

- and -

The **DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS**, a government agency duly organized and existing under the law of the Republic of the Philippines, with principal office Bonifacio Drive Port Area, 652 Zone 068, Manila, 1018 Metro Manila, represented herein by its Acting Secretary, **ROGER G. MERCADO**, hereinafter referred to as "**DPWH**".

WITNESSETH:

WHEREAS, pursuant to Executive Order No. 125-A, series of 1987, as amended, the **DOTr** is the primary policy, planning, programming, coordinating, implementing and administrative entity of the executive branch of the government on the promotion, development, and regulation of a dependable and coordinated network of transportation and communications systems, as well as in the fast, safe, efficient, and reliable transportation and communications services;

WHEREAS, the **DOTr** has available funds of **Three Hundred Million Pesos (Php300,000,000.00)** as provided from General Appropriations Act (GAA) of CY 2022 allocated for the **Repair/Rehabilitation of Balogo Port, Sta. Cruz, Marinduque**;

WHEREAS, while the appropriation for the **Repair/Rehabilitation of Balogo Port, Sta. Cruz, Marinduque** is listed under the GAA of CY2022, the same has been classified by the Department of Budget and Management (DBM) under "**For Later Release**" which will require the submission of a special budgetary request to DBM and the approval of the President before the **Special Allotment Release Order (SARO)** for the same is released;

WHEREAS, pursuant to Executive Order No. 292, Book IV, Title XV, Chapter 1, Section (3)2, the **DOTr** is empowered to call upon any agency, corporation or organization, whether public or private, whose development programs include

transportation as integral part thereof, to participate and assist in the preparation and implementation of such programs;

WHEREAS, the DPWH is the primary government agency responsible for the planning, design, construction and maintenance of infrastructure, especially the national highways, flood control and water resources development system, and other public works in accordance with the national development objectives;

WHEREAS, in order to hasten the implementation of the Project, the DOTr seeks the participation and assistance of the DPWH, to undertake the **Repair/Rehabilitation of the Balogo Port, Sta. Cruz, Marinduque ("Project")**, through a Memorandum of Agreement;

NOW, THEREFORE, for and in consideration of the above premises, the parties hereby agree, as follows:

I. SPECIAL PROVISIONS

- a. The Parties recognize and abide by the dictates of Republic Act No. 11639, otherwise known as the General Appropriations Act of 2022 (GAA 2022), pertinent provisions of which are as follows:

- a.1. **The Cash Budgeting System.** All appropriations authorized in this ACT, including budgetary support to GOCCs and financial assistance to LGUs, shall be available for release and obligation for the purpose specified, and under the same general and special provisions applicable thereto, until **December 31, 2023**, except for personnel services which shall be available for release, obligation and disbursement until December 31, 2022. Likewise, construction of infrastructure projects, delivery of goods and services, inspection and payment shall be made not later than December 31, 2023. (Sec. 68 par1&2, GAA 2022);

- a.2 After the end of the validity period, all unreleased appropriations and unobligated allotments shall lapse, while unexpended or undisbursed funds shall revert to the unappropriated surplus of the General Fund in accordance with Section 28, Chapter 4, Book VI of E.O. No. 292 and shall not thereafter be available for expenditure except by subsequent legislative enactment;

- a.3 Except for transfers between LGUs, all balance of funds transfers between or among agencies, instrumentalities, GOCCs, LGUs, which, while obligated but not actually used, utilized, expended or disbursed to pay for completed construction, goods delivered, and services rendered, inspected and accepted as of December 31, 2023, shall revert to the unappropriated surplus of the General Fun. (Sec. 68 par 4, GAA 2022);

II. THE DOTR SHALL:

1. **Upon receipt of SARO from DBM and upon approval and notarization of the Agreement**, issue the Letter of Advice of Allotment Release (LAAR) for the aforementioned Project and facilitate the release of funds according



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
Boac, Marinduque

PENRO DOCUMENT ACTION AND TRACKING SLIP

DOCUMENT INFORMATION

Document Category: **Incoming**

Document No.: **2023-IN-000036**

Sender/s:

- **Presbitero J. Velasco, Jr.**

Originating Office: **Provincial Capitol**

Classification: **Simple**

Subject: **Certification for the Proposed Area was used by Marcopper Mining Company from 1969-1996 as their see port**

Encoded By: **Jocelyn Pastoral**

Document Type: **Letter**

Control Code:

Date & Time Received: **01/06/2023 08:40 AM**

Address:

Is This Urgent?: **Yes**

HISTORY LOGS

DOC. FROM	DOC. TO	RECEIVED	RELEASED	RUNTIME	ACTION TO BE TAKEN	REMARKS	ATTACHMENTS
• Presbitero J. Velasco, Jr.	• Simeon Diaz	01/06/2023 08:40 AM	01/06/2023 08:43 AM	2 mins.	For appropriate action		
• Simeon Diaz							

For. Brink

Please attach to the
PLAQI application of
PAM. If completed,
prepare memorandum to
the P.O.

ty

β



Republic of the Philippines
PROVINCE OF MARINDUQUE
PROVINCIAL CAPITOL
Boac

Office of the Governor



CERTIFICATION

THIS IS TO CERTIFY that the Proposed Area was used by MARCOPPER MINING COMPANY from 1969-1996 as their sea port. The use of sea port only stopped when mining operation stopped. The said area is also classified in Comprehensive Land Use Plan of the province as port facility.

Issued this 5th day of January, 2023 for whatever purpose this may serve.


PRESBITERO J. VELASCO, JR.
Provincial Governor



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
Boac, Marinduque

PENRO MARINDUQUE

OFFICE OF THE PENRO

RECEIVED

BY: *[Signature]*

DATE: *12/07/22*

TIME: *4:40 pm*

PENRO DOCUMENT ACTION AND TRACKING SLIP

DOCUMENT INFORMATION

Document Category: Incoming

Document No.: 2022-IN-003054

Sender/s:

- James Solas

Originating Office:

Classification: Simple

Subject: Application for Gratuitous Special Use Permit for the Balago International Port Project and Economic Zone in Sta.Cruz, Marinduque - James Solas

Encoded By: Manoel Christian Munar

Document Type: Letter

Control Code:

Date & Time Received: 12/07/2022 04:28 PM

Address:

Is This Urgent?: Yes

HISTORY LOGS

DOC. FROM	DOC. TO	RECEIVED	RELEASED	RUNTIME	ACTION TO BE TAKEN	REMARKS	ATTACHMENTS
<ul style="list-style-type: none">James Solas	<ul style="list-style-type: none">Imelda Diaz	12/07/2022 04:28 PM	12/07/2022 04:29 PM	1 min.	For evaluation and comment/s		
<ul style="list-style-type: none">Imelda Diaz	<i>TSD/RPS</i>				<i>For info. & appropriate action.</i>		

↓
Sir Tony, let us take note of marginal instruction of our OIC, PEWRD, on this matter

Include this in your eval. and in the supporting documents for GSWP.

[Signature]

thank you po
Joybert

Fruu/
Pa. Brian

Please attach to the
GSWP applicati- 3
PAM as a requirement.

Ty

X



Republic of the Philippines
PROVINCE OF MARINDUQUE
Boac



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES
18TH REGULAR SESSION, 16TH SANGGUNIANG PANLALAWIGAN
SP SESSION HALL, NOVEMBER 11, 2022

Present:

Hon. Adeline M. Angeles	Vice-Governor & Presiding Officer
Hon. Mark Julius P. Caballes	SP Member
Hon. Melgabal R. Encabo	SP Member
Hon. Mercedes R. Rejano	SP Member
Hon. Danilo R. Red	SP Member
Hon. Ishmael DP. Lim	SP Member
Hon. Antonio L. Mangcucang III	SP Member
Hon. Jose Neryl L. Manggol	SP Member (PCL)
Hon. Baldomero L. Limpiada	SP Member (LnB)
Hon. Lauren R. Rosales	SP Member (PPSK)

Absent:

Hon. Aurelio J. Leva III	SP Member (OB)
Hon. Bernadine E. Opis-Mercado	SP Member (SPL)

Resolution No. 256 Series 2022

RESOLUTION

AUTHORIZING THE HONORABLE GOVERNOR PRESBITERO J. VELASCO, JR. TO APPLY FOR A GRATUITOUS SPECIAL USE PERMIT (GSUP) WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) FOR THE BALOGO INTERNATIONAL PORT PROJECT AND ECONOMIC ZONE IN STA. CRUZ, MARINDUQUE

WHEREAS, the Provincial Government of Marinduque has identified the Balogo Port Facilities, in Sta. Cruz this province, as one of the locations wherein which it intends to establish and develop as an economic zone to be called the "Balogo International Port and Economic Zone". The economic zone aims to promote the flow of trades and investments in the province that would generate employment opportunities and establish linkages between and among industries;

WHEREAS, there are portions/areas in the proposed economic zone that are classified as either, residential, special, or mineral lands and for the establishment and development of the area to pursue, a Gratuitous Permit for Special Uses of Forest Land (GSUP) from the DENR is necessary/required;

WHEREAS, as regards thereto, the Honorable Governor Presbitero J. Velasco, Jr. requested the Sangguniang Panlalawigan for an authority to apply for the GSUP for the purpose above-stated;

WHEREAS, pursuant to Section 465(b)(1)(vi) or Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the Provincial Governor, as the Local Chief Executive of the province, shall represent the province in all its business dealings and sign for and in its behalf, all contracts and obligations and such other documents upon authority of the Sangguniang Panlalawigan or pursuant to law or ordinance;

WHEREFORE, on motion of Chairperson of the Committee on Local Economic Enterprises, Honorable Ishmael DP. Lim, duly seconded by Honorable Antonio L. Mangcucang III, it was:

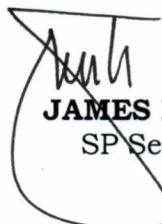
RESOLVED, as it is hereby resolved, to authorize the Honorable Governor Presbitero J. Velasco, Jr. to apply for a Gratuitous Special Use Permit (GSUP) with the Department of Environment and Natural Resources (DENR) for the Balogo International Port Project and Economic Zone in Sta. Cruz, Marinduque.

RESOLVED FURTHER, that copy of the letter-request of the Governor and its accompanying documents be made part and parcel of this resolution.


RESOLVED FINALLY, that copies of this resolution be furnished to the Honorable Governor Presbitero J. Velasco, Jr. for his information and appropriate action; copy furnished the Provincial Environment and Natural Resources Office (PENRO) for their information and guidance.

ADOPTED, this 11th day of November 2022 at Boac, Marinduque.

CERTIFIED TO BE DULY ADOPTED:


JAMES L. SOLAS
SP Secretary

ATTESTED:


ADELINE M. ANGELES
Vice-Governor & Presiding Officer



Republic of the Philippines
PROVINCE OF MARINDUQUE
Boac



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

December 7, 2022

MS. IMELDA M. DIAZ
PENRO Officer
Department of Environment and Natural Resources
DENR – Marinduque
Boac, Marinduque

Dear Ms. Diaz:

Please be furnished copy of SP Resolution No. 256 s. 2022, entitled: **RESOLUTION AUTHORIZING THE HONORABLE GOVERNOR PRESBITERO J. VELASCO, JR. TO APPLY FOR A GRATUITOUS SPECIAL USE PERMIT (GSUP) WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) FOR THE BALOGO INTERNATIONAL PORT PROJECT AND ECONOMIC ZONE IN STA. CRUZ, MARINDUQUE.**

For your information and appropriate action.

Very truly yours,

JAMES L. SOLAS
SP Secretary



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
Boac, Marinduque

PENRO MARINDUQUE

OFFICE OF THE PENRO

RECEIVED

BY: *[Signature]*

DATE: 12-07-22

TIME: 4:00 pm

PENRO DOCUMENT ACTION AND TRACKING SLIP

DOCUMENT INFORMATION

Document Category: Incoming
Document No.: 2022-IN-003053
Sender/s:
• Rizal Redugerio

Originating Office:
Classification: Simple
Subject: Pagpapatunay na walang Indigenous People sa Balogo, Sta.Cruz...etc - Rizal Redugerio

Encoded By: Manoel Christian Munar
Document Type: Letter
Control Code:
Date & Time Received: 12/07/2022 03:51 PM

Address:
Is This Urgent?: Yes

HISTORY LOGS

DOC. FROM	DOC. TO	RECEIVED	RELEASED	RUNTIME	ACTION TO BE TAKEN	REMARKS	ATTACHMENTS
• Rizal Redugerio	• Imelda Diaz	12/07/2022 03:51 PM	12/07/2022 03:52 PM	1 min	For evaluation and comment/s		
• Imelda Diaz	<i>TSD/RPS</i> ↓ <i>Sir Tony,</i>				<i>For info. & appropriate action, kindly act based on guidelines, please consider our premise that only the NCIP can issue this kind of certification, and a barangay certification can be considered as additional justification</i>		
					<i>thank you po</i> <i>Joybert</i>		

Republika ng Pilipinas
Lalawigan ng Marinduque
Bayan ng Santa Cruz
BARANGAY BALOGO



TANGGAPAN NG PUNONG BARANGAY

PAGPAPATUNAY

SA SINUMANG KINAUUKULAN:

ITO AY NAGPAPATUNAY na walang naninirahang **Indigenous People (IP)** dito sa Barangay Balogo, Sta. Cruz, Marinduque mula noong hanggang sa kasalukuyan.

Ang pagpapatunay na ito ay ginawa sa kahilingan ni **G. Dante de Luna** para sa talaan ng Provincial Government.

Ginawa ngayong **ika- 29th ng November, 2022** dito sa Barangay Balogo Sta. Cruz, Marinduque.


RIZAL R. REDUGERIO
Punong Barangay



Republic of the Philippines
PROVINCE OF MARINDUQUE
Boac



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES
18TH REGULAR SESSION, 16TH SANGGUNIANG PANLALAWIGAN
SP SESSION HALL, NOVEMBER 11, 2022

Present:

Hon. Adeline M. Angeles	Vice-Governor & Presiding Officer
Hon. Mark Julius P. Caballes	SP Member
Hon. Melgabal R. Encabo	SP Member
Hon. Mercedes R. Rejano	SP Member
Hon. Danilo R. Red	SP Member
Hon. Ishmael DP. Lim	SP Member
Hon. Antonio L. Mangcucang III	SP Member
Hon. Jose Neryl L. Manggol	SP Member (PCL)
Hon. Baldomero L. Limpiada	SP Member (LnB)
Hon. Lauren R. Rosales	SP Member (PPSK)

Absent:

Hon. Aurelio J. Leva III	SP Member (OB)
Hon. Bernadine E. Opis-Mercado	SP Member (SPL)

Resolution No. 256 Series 2022

RESOLUTION

AUTHORIZING THE HONORABLE GOVERNOR PRESBITERO J. VELASCO, JR. TO APPLY FOR A GRATUITOUS SPECIAL USE PERMIT (GSUP) WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) FOR THE BALOGO INTERNATIONAL PORT PROJECT AND ECONOMIC ZONE IN STA. CRUZ, MARINDUQUE

WHEREAS, the Provincial Government of Marinduque has identified the Balogo Port Facilities, in Sta. Cruz this province, as one of the locations wherein which it intends to establish and develop as an economic zone to be called the "Balogo International Port and Economic Zone". The economic zone aims to promote the flow of trades and investments in the province that would generate employment opportunities and establish linkages between and among industries;

WHEREAS, there are portions/areas in the proposed economic zone that are classified as either, residential, special, or mineral lands and for the establishment and development of the area to pursue, a Gratuitous Permit for Special Uses of Forest Land (GSUP) from the DENR is necessary/required;

WHEREAS, as regards thereto, the Honorable Governor Presbitero J. Velasco, Jr. requested the Sangguniang Panlalawigan for an authority to apply for the GSUP for the purpose above-stated;

WHEREAS, pursuant to Section 465(b)(1)(vi) or Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the Provincial Governor, as the Local Chief Executive of the province, shall represent the province in all its business dealings and sign for and in its behalf, all contracts and obligations and such other documents upon authority of the Sangguniang Panlalawigan or pursuant to law or ordinance;

WHEREFORE, on motion of Chairperson of the Committee on Local Economic Enterprises, Honorable Ishmael DP. Lim, duly seconded by Honorable Antonio L. Mangcucang III, it was:

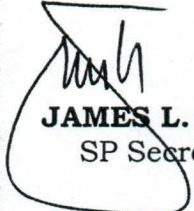
RESOLVED, as it is hereby resolved, to authorize the Honorable Governor Presbitero J. Velasco, Jr. to apply for a Gratuitous Special Use Permit (GSUP) with the Department of Environment and Natural Resources (DENR) for the Balogo International Port Project and Economic Zone in Sta. Cruz, Marinduque.

RESOLVED FURTHER, that copy of the letter-request of the Governor and its accompanying documents be made part and parcel of this resolution.

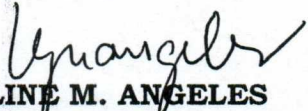
RESOLVED FINALLY, that copies of this resolution be furnished to the Honorable Governor Presbitero J. Velasco, Jr. for his information and appropriate action; copy furnished the Provincial Environment and Natural Resources Office (PENRO) for their information and guidance.

ADOPTED, this 11th day of November 2022 at Boac, Marinduque.

CERTIFIED TO BE DULY ADOPTED:


JAMES L. SOLAS
SP Secretary

ATTESTED:


ADELINE M. ANGELES
Vice-Governor & Presiding Officer



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
Boac, Marinduque

PENRO MARINDUQUE	
OFFICE OF THE PENRO	
RECEIVED	
BY:	<i>[Signature]</i>
DATE:	12-07-22
TIME:	4:00 pm

PENRO DOCUMENT ACTION AND TRACKING SLIP

DOCUMENT INFORMATION

Document Category: **Incoming**

Document No.: **2022-IN-003053**

Sender/s:

- Rizal Redugerio

Originating Office:

Classification: **Simple**

Subject: **Pagpapatunay na walang Indigenous People sa Balogo, Sta.Cruz...etc - Rizal Redugerio**

Encoded By: **Manoel Christian Munar**

Document Type: **Letter**

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Date & Time Received: **12/07/2022 03:51 PM**

Address:

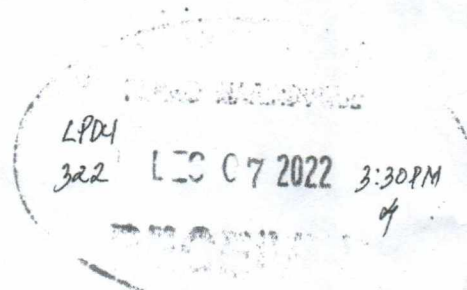
Is This Urgent?: **Yes**

HISTORY LOGS

DOC. FROM	DOC. TO	RECEIVED	RELEASED	RUNTIME	ACTION TO BE TAKEN	REMARKS	ATTACHMENTS
• Rizal Redugerio	• Imelda Diaz	12/07/2022 03:51 PM	12/07/2022 03:52 PM	1 min	For evaluation and comment/s		
• Imelda Diaz	<i>TSD/RPS</i>				<i>For info. & appropriate action,</i>		
					<i>Please alert to the Group application of PGR.</i>		
					<i>Also, inform them that NCRP from National Office will conduct and act the P/B of Balogo, Sta. Cruz.</i>		
						<i>[Signature]</i>	
						<i>[Signature]</i>	

Barangay Form No. 16

Republika ng Pilipinas
Lalawigan ng Marinduque
Bayan ng Santa Cruz
BARANGAY BALOGO



TANGGAPAN NG PUNONG BARANGAY


PAGPAPATUNAY

SA SINUMANG KINAUUKULAN:

ITO AY NAGPAPATUNAY na walang naninirahang **Indigenous People (IP)** dito sa Barangay Balogo, Sta. Cruz, Marinduque mula noong hanggang sa kasalukuyan.

Ang pagpapatunay na ito ay ginawa sa kahilingan ni **G. Dante de Luna** para sa talaan ng Provincial Government.

Ginawa ngayong **ika- 29th ng November, 2022** dito sa Barangay Balogo Sta. Cruz, Marinduque.


RIZAL R. REDUGERIO
Punong Barangay



Republic of the Philippines
PROVINCE OF MARINDUQUE
Boac



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES
18TH REGULAR SESSION, 16TH SANGGUNIANG PANLALAWIGAN
SP SESSION HALL, NOVEMBER 11, 2022

Present:

Hon. Adeline M. Angeles	Vice-Governor & Presiding Officer
Hon. Mark Julius P. Caballes	SP Member
Hon. Melgabal R. Encabo	SP Member
Hon. Mercedes R. Rejano	SP Member
Hon. Danilo R. Red	SP Member
Hon. Ishmael DP. Lim	SP Member
Hon. Antonio L. Mangcucang III	SP Member
Hon. Jose Neryl L. Manggol	SP Member (PCL)
Hon. Baldomero L. Limpiada	SP Member (LnB)
Hon. Lauren R. Rosales	SP Member (PPSK)

Absent:

Hon. Aurelio J. Leva III	SP Member (OB)
Hon. Bernadine E. Opis-Mercado	SP Member (SPL)

Resolution No. 256 Series 2022

RESOLUTION

AUTHORIZING THE HONORABLE GOVERNOR PRESBITERO J. VELASCO, JR. TO APPLY FOR A GRATUITOUS SPECIAL USE PERMIT (GSUP) WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) FOR THE BALOGO INTERNATIONAL PORT PROJECT AND ECONOMIC ZONE IN STA. CRUZ, MARINDUQUE

WHEREAS, the Provincial Government of Marinduque has identified the Balogo Port Facilities, in Sta. Cruz this province, as one of the locations wherein which it intends to establish and develop as an economic zone to be called the "Balogo International Port and Economic Zone". The economic zone aims to promote the flow of trades and investments in the province that would generate employment opportunities and establish linkages between and among industries;

WHEREAS, there are portions/areas in the proposed economic zone that are classified as either, residential, special, or mineral lands and for the establishment and development of the area to pursue, a Gratuitous Permit for Special Uses of Forest Land (GSUP) from the DENR is necessary/required;

WHEREAS, as regards thereto, the Honorable Governor Presbitero J. Velasco, Jr. requested the Sangguniang Panlalawigan for an authority to apply for the GSUP for the purpose above-stated;

WHEREAS, pursuant to Section 465(b)(1)(vi) or Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the Provincial Governor, as the Local Chief Executive of the province, shall represent the province in all its business dealings and sign for and in its behalf, all contracts and obligations and such other documents upon authority of the Sangguniang Panlalawigan or pursuant to law or ordinance;

WHEREFORE, on motion of Chairperson of the Committee on Local Economic Enterprises, Honorable Ishmael DP. Lim, duly seconded by Honorable Antonio L. Mangcucang III, it was:

RESOLVED, as it is hereby resolved, to authorize the Honorable Governor Presbitero J. Velasco, Jr. to apply for a Gratuitous Special Use Permit (GSUP) with the Department of Environment and Natural Resources (DENR) for the Balogo International Port Project and Economic Zone in Sta. Cruz, Marinduque.

RESOLVED FURTHER, that copy of the letter-request of the Governor and its accompanying documents be made part and parcel of this resolution.

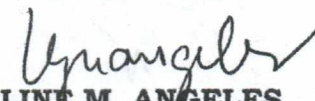
RESOLVED FINALLY, that copies of this resolution be furnished to the Honorable Governor Presbitero J. Velasco, Jr. for his information and appropriate action; copy furnished the Provincial Environment and Natural Resources Office (PENRO) for their information and guidance.

ADOPTED, this 11th day of November 2022 at Boac, Marinduque.

CERTIFIED TO BE DULY ADOPTED:


JAMES L. SOLAS
SP Secretary

ATTESTED:


ADELINE M. ANGELES
Vice-Governor & Presiding Officer


ITINERARY OF TRAVEL

Date	Place to be Visited (Destination)	Time		Means of Transportation	Fare	Per Diems	Total
		Departure	Arrival				
Nov. 15, 2022	From Official Station to RO			RP vehicle terminal fee (129) Roro fare (3,360)	3,521.00 2,187.	2,200.00	5,721.00 4,387.00
Nov. 16, 2022	To Ninoy Aquino Airport			Airplane	6,574.84	1,800.00	8,374.84
	To Convention Center Cebu City			Boarding Pass	1,232.00		1,232.00
Nov. 17, 2022	Convention Center, Cebu City	2022 SFFI Conference/Live-out				1,620.00	1,620.00
Nov. 18, 2022						1,440.00	1,440.00
Nov. 19, 2022						1,800.00	1,800.00
Nov. 20, 2022	From Cebu City to Manila			Airplane		1,800.00	1,800.00
Nov. 21, 2022	To Official Station			RP vehicle terminal fee (129+30) Roro fare (3,360)	3,539.00	1,100.00	3,539.00
TOTAL					13,644.84	10,660.00	24,304.84


I certify:

- (1) I have reviewed the foregoing itinerary
- (2) the travel is necessary to the service
- (3) the period is reasonable
- (4) the expenses claimed are proper

Prepared by (Official/Employee)


IMELDA M. DIAZ
 OIC, PENR Officer

Approved by


LORMELYN E. CLAUDIO, CESO IV
 Regional Executive Director

Forms shall be attached to all claims for travelling expenses



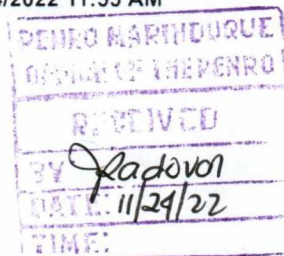
Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
Boac, Marinduque

DOCUMENT INFORMATION

Subject: **Application for gratuitous special use permit - Presbitero Velasco Jr.**

Date & Time Received: 11/24/2022 11:55 AM

Is This Urgent?: **Yes**



HISTORY LOGS

DOC. FROM	DOC. TO	RECEIVED	RELEASED	RUNTIME	ACTION TO BE TAKEN	REMARKS	ATTACHMENTS
• Presbitero Velasco Jr.	• Imelda Diaz	11/24/2022 11:55 AM	11/24/2022 11:56 AM	1 min	For evaluation and comment/s	URGENT	
• Imelda Diaz	TSD				For review/evaluation.		
	FRW						



GSUP CHECKLIST OF REQUIREMENTS

1. Letter of intent	✓
2. Certification as to the Land Classification of the area being applied for GSUP (To be issued by the DENR)	✓
3. GIS-Generated map of the area	✓
4. Appropriate Certification from the National Commission on Indigenous People (NCIP)	(to follow)
5. Indicative Management Plan (DAO-2022-01 Annex B)	✓
6. Proof of budget allocation for the development and management of the project	✓
7. Agency resolution or authorization designating the authorized representative of the national government agency/ies and other relevant agencies to officially apply with the DENR regarding gratuitous permit acquisition	(N/A)
8. Local Government Unit (LGU) endorsement (incase the applicant is NGA)	(N/A)
9. Resolution authorizing the local chief executive to apply for gratuitous special use permit (in case the applicant is LGU)	✓
10. In case of LGUs, a proof that the proposed project is indicated in the Forest Land Use Plan (FLUP) and within the ambit of the approved Comprehensive Land Use Plan (CLUP)	✓
11. Appropriate clearance from the Palawan Council for Sustainable Development (PCSD) (if the project is located in Palawan)	(N/A)

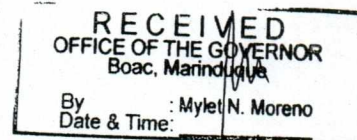


Republic of the Philippines
Department of Environment and Natural Resources
PENRO Marinduque

December 2, 2022

HON. PRESBITERO J. VELASCO, Jr.

Provincial Governor
Province of Marinduque



Dear Governor Velasco Jr.,

This pertains to your application for Gratuitous Permit for the Special-Use of Forest Land (GSUP) for the abandoned Balogo Port, located at Brgy. Balogo, Sta. Cruz, Marinduque.

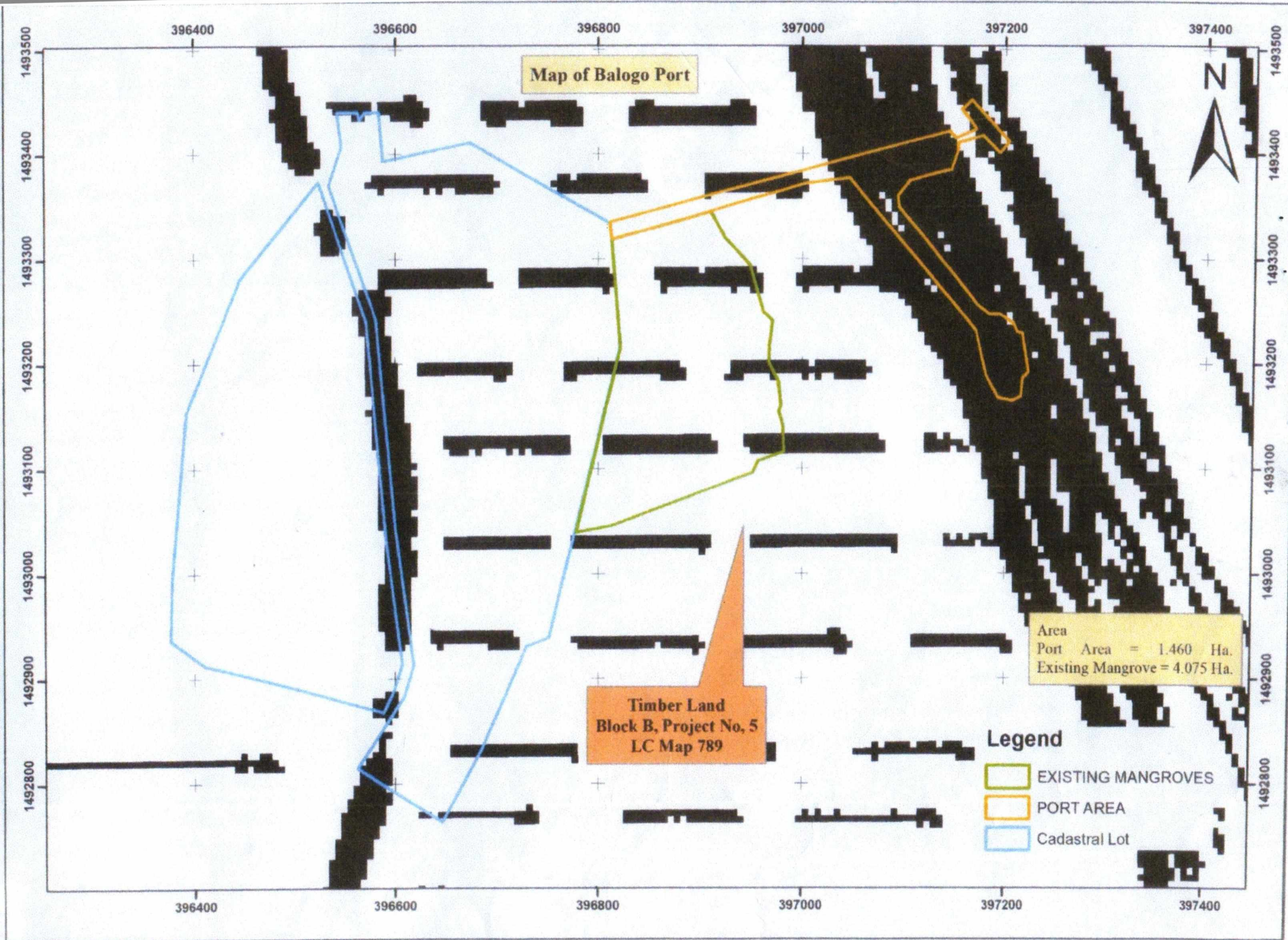
Please be informed that based on the evaluation of the submitted documentary requirements, you are required to submit the following lacking requirement(s) marked with **X**, to wit:

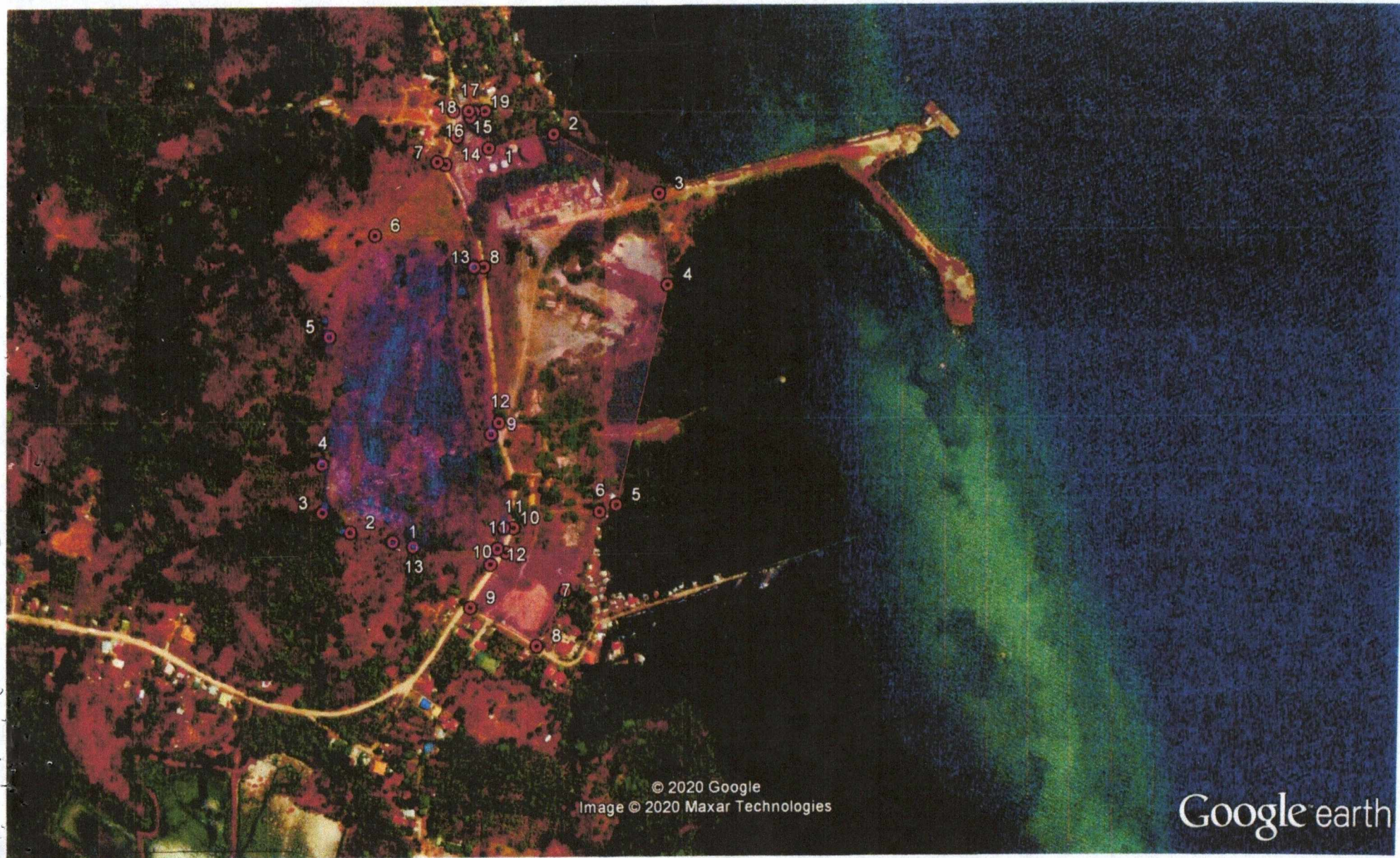
1. ✓ Letter of intent	
2. Certification as to the Land Classification of the area being applied for GSUP (To be issued by the DENR)	
3. ✓ GIS-Generated map of the area	
4. ✗ Appropriate Certification from the National Commission on Indigenous People (NCIP)	X
5. ✓ Indicative Management Plan (DAO-2022-01 Annex B)	
6. ✓ Proof of budget allocation for the development and management of the project	
7. Agency resolution or authorization designating the authorized representative of the national government agency/ies and other relevant agencies to officially apply with the DENR regarding gratuitous permit acquisition	X
8. ✗ Local Government Unit (LGU) endorsement (in case the applicant is NGA)	
9. ✓ Resolution authorizing the local chief executive to apply for gratuitous special use permit (in case the applicant is LGU) before Feb. 28	X
10. In case of LGUs, a proof that the proposed project is indicated in the Forest Land Use Plan (FLUP) and within the ambit of the approved Comprehensive Land Use Plan (CLUP)	X
11. ✗ Appropriate clearance from the Palawan Council for Sustainable Development (PCSD) (if the project is located in Palawan)	X

Submission of the above lacking requirements will facilitate processing of your GSUP application.

Very truly yours,

IMELDA M. DIAZ
OIC-PENRO Officer





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Google earth

Google Earth Pro

feet 3000
km 1

