



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN

MEMORANDUM

TO : THE OIC-ASSISTANT SECRETARY FOR FIELD OPERATIONS
AND FOREST MANAGEMENT BUREAU (FMB) DIRECTOR
IN CONCURRENT CAPACITY

THE ASSISTANT SECRETARY AND
BIODIVERSITY MANAGEMENT BUREAU (BMB)
DIRECTOR IN CONCURRENT CAPACITY

THE ASSISTANT SECRETARY AND
ENVIRONMENTAL MANAGEMENT BUREAU (EMB)
DIRECTOR IN CONCURRENT CAPACITY

ALL REGIONAL EXECUTIVE DIRECTORS
DENR Regional Offices

FROM : THE UNDERSECRETARY
Finance, Information Systems and Climate Change

SUBJECT : REQUEST OF THE NATIONAL POWER CORPORATION (NPC) TO
SECURE CERTIFICATE OF APPLICATION UPON SUBMISSION
OF APPLICATION FOR RELEVANT TENURIAL INSTRUMENTS AS
PART OF REQUIREMENTS FOR SECURING ENVIRONMENTAL
COMPLIANCE CERTIFICATE (ECC)

DATE : 18 October 2023

This refers to the letter dated 03 August 2023 of Mr. Fernando Martin Y. Roxas, President and CEO of the National Power Corporation (NPC), addressed to Secretary Maria Antonia Yulo Loyzaga, which we received on 16 August 2023. Said letter pertains to their pending applications for tenurial rights, licensing/ permitting and other compliances for the implementation of Small Power Utilities Group (SPUG) projects.

One of the concerns raised by the NPC is regarding the long process of securing tenurial instruments as a requirement for the application for Environmental Compliance Certificate (ECC). To facilitate the implementation of power-related projects, the NPC requests that they be issued a Certificate of Application upon submission of application for the relevant tenurial instruments:

1. Special Use Agreement in Protected Areas (SAPA) from BMB; and
2. Forest Land use Agreement (FLAg) and Special Land Use Permit (SLUP) from the REDs.

Attached herein is the list of both existing and yet-to-be filed NPC's tenurial instrument applications, for your information and reference.

May we request your Offices to coordinate directly with NPC on how to best proceed with their applications, subject to existing laws, rules and regulations. Kindly provide this Office with updates regarding the matter for monitoring purposes.


ATTY. ANALIZA REBUELTA-TEH

CC : **THE UNDERSECRETARY**
Policy, Planning and International Affairs

THE UNDERSECRETARY
Field Operations – Luzon, Visayas and Environment

THE UNDERSECRETARY
Field Operations – Mindanao

THE UNDERSECRETARY
Special Concerns and Legislative Affairs

MR. FERNANDO MARTIN Y. ROXAS
President and CEO
National Power Corporation (NPC)
NPC Building, Quezon Ave, corner BIR Road
Diliman, Quezon City

A. LIST OF PROJECTS WITH FILED TENURIAL INSTRUMENTS TO DENR / MENRE

PROJECT		LOCATION	TENURIAL INSTRUMENT	DATE APPLIED	REMARKS
PROJECT IMPLEMENTATION CLUSTER – A (PIC-A)					
PALAWAN					
1	Panlaitan DPP	Busuanga, Palawan	NCIP Permit	Nov. 2021	For finalization of schedule of field-based validation.
2	Cabugao DPP	Coron, Palawan			
3	Bulalacao DPP	Coron, Palawan			
4	Maroyogroy og DPP	Linapacan, Palawan	SLUP	Letter of intent for application of SLUP forwarded to CENRO last 11 July 2023	NPC and DENR personnel conducted site inspection and assessment last 22-24 August 2023
5	Pical DPP	Linapacan, Palawan			
6	Galoc DPP	Culion, Palawan			
7	Maracañao DPP	Cuyo, Palawan			
8	Green Island DPP	Roxas, Palawan			
CATANDUANES					
1	San Miguel – Viga 69kV T/L	Catanduanes	SAPA	29 Jul. 2022	Signed SAPA by NPC was forwarded to BMB on 06 Sep. 2023. As per latest coordination with BMB, the SAPA is now forwarded to Usec. Adobo for evaluation.
PROJECT IMPLEMENTATION CLUSTER – B (PIC-B)					
BATANES					
1	Sabtang Solar	Sabtang, Batanes	NCIP/DENR	Aug. 2022	MOA was presented to the ManCom on 12 Sep. 2023. It was recommended for approval and

2	Itbayat Solar	Itbayat, Batanes	NCIP/DENR		signature of the NPC's President and CEO. For issuance of Certificate of Pre-Condition upon finalization of the MOA.
PROJECT IMPLEMENTATION CLUSTER - C (PIC-C)					
ZAMBOANGA DEL SUR (DENR)					
1	Tigtabon DPP	Zamboanga City, Zamboanga del Sur	FLAg	28 Jan. 2021 - Application Submitted 15 Mar. 2022 - Submitted additional requirements	Submitted the additional requirements on 17 Apr. 2023 for the FLAg application. Awaiting the release of the approved FLAg application.
TAWI-TAWI (BARM - MENRE)					
1	Taganak DPP	Turtle Island, Tawi-Tawi	SAPA	22 Oct. 2021	Ongoing review by the new PAMB Chairman of Turtle Island.
OPERATIONS PROJECT DIVISION (OPD)					
BOHOL					
1	Hingotanan DPP	Bien Unido, Bohol	FLAg	For submission of revised application form within Sep. 2023	FLAg application was submitted on 01 Dec. 2022. But on 14 Aug. 2023, CENRO-Talibon. advised NPC to revise the FLAg application form. The revised form is now endorsed for approval of the
2	Malingin DPP	Bien Unido, Bohol	FLAg		
3	Maomawan DPP	Bien Unido, Bohol	FLAg		

4	Sagasa DPP	Bien Unido, Bohol	FLAg		NPC's President and CEO.
5	Gaus DPP	Pres. Carlos P. Garcia, Bohol	FLAg	13 Apr. 2023	Ongoing review of FLAg Application by CENRO-Talibon

**B. LIST OF PROJECTS FOR FILING OF TENURIAL INSTRUMENTS TO DENR/
MENRE**

PROJECT	LOCATION	TENURIAL INSTRUMENT	DATE APPLIED	REMARKS	
PROJECT IMPLEMENTATION CLUSTER – A (PIC-A)					
MASBATE					
1	Jintotolo Island DPP	Balud, Masbate	SLUP	For application within 4th quarter of 2023	Ongoing preparation of supporting documents for the SLUP Application
2	Gilotongan Island Solar	Cawayan, Masbate	SLUP		
3	Naro Island Solar	Cawayan, Masbate	SLUP		
4	Peña Island Solar	Cawayan, Masbate	SLUP		
5	Bugtong Island Solar	Pio V. Corpuz, Masbate	SLUP	For application within 1st semester of 2024	For preparation of supporting documents for the SLUP Application
6	Chico Island Solar	Cawayan, Masbate	SLUP		
7	Cobre Island Solar	Cawayan, Masbate	SLUP		
8	Guinluthang an Island Solar	Milagros, Masbate	SLUP	For application within 1st semester of 2024	For preparation of supporting documents for the SLUP Application
9	Magcaraguit Island Solar	Dimasalang, Masbate	SLUP		
10	Nagarao Island Solar	Placer, Masbate	SLUP		

1	Osmeña Solar	Claveria, Masbate	SLUP		
1	Zapatos Island	Balud, Masbate	SLUP		
CATANDUANES					
1	Codon – Caramoran 69kV T/L	Catanduanes	SLUP/SAP A	For application within 4th quarter of 2023	For preparation of supporting documents for the SLUP/SAPA Application
PROJECT IMPLEMENTATION CLUSTER – C (PIC-C)					
SURIGAO DEL NORTE (DENR)					
1	Sibanag Solar	Basilisa, Dinagat Island, Surigao del Norte	SLUP	For application within 1st semester of 2024	For site selection of solar farm site
2	Sibanag Distribution Line	Basilisa, Dinagat Island, Surigao del Norte	SLUP	For application within 1st semester of 2024	Ongoing preparation of supporting documents for the SLUP application
3	Loreto Mooring Facilities	Loreto, Dinagat Island, Surigao del Norte	FLA/MLA	For application within 1st semester of 2024	Ongoing gathering of requirements for FLA/MLA application
4	San Jose Mooring Facilities	San Jose, Dinagat Island, Surigao del Norte	SLUP		To be relocated as advised by PPA. For application For site selection.
ZAMBOANGA DEL SUR (DENR)					
1	Pangapuyan DPP	Zamboanga City, Zamboanga del Sur	SLUP	For application within 4th quarter of 2023	For re-submission of SLUP Application
TAWI-TAWI (BARM – MENRE)					

1	Sibutu Solar	Sibutu, Tawi-Tawi	FLAg	For application within 4th quarter of 2023	Ongoing preparation of supporting documents for the FLAg Application
2	Baldatal DPP	Baldatal, Sapa-Sapa, Tawi-Tawi	FLAg	For application within 1 st semester of 2023	For preparation of supporting documents for the FLAg Application
OPERATIONS PROJECT DIVISION (OPD)					
BOHOL					
1	Bilangbilang an DPP	Bien Unido, Bohol	SLUP/FLAg	For FLAg application within 4 th quarter of 2023	SLUP valid until 05 Jul. 2024. For FLAg Application before expiry of SLUP.
CEBU					
1	Kinatarcan (Guintarcan) Solar	Bantayan, Cebu	PAMB/SAPA	For PAMB / SAPA Application within 4 th quarter of 2023	Ongoing coordination with PAMB/DENR and gathering of supporting documents for the SAPA Application
GUIMARAS					
1	Guiwanon Solar	Nueva Valencia, Guimaras	SLUP	For application within 4th quarter of 2023	Ongoing preparation of supporting documents for the SLUP application
SAMAR					
1	Bagongon Solar	Catbalogan City, Samar	SLUP	For application within 4th quarter of 2023	Ongoing preparation of supporting documents for the SLUP application

C. LIST OF PROJECTS WITH SLUP AND FOR CONVERSION TO FLAG

PROJECT		LOCATION	TENURIAL INSTRUMENT	DATE APPLIED	REMARKS
OFFICE OF THE LEGAL COUNSEL - LAND AND LAND RIGHTS					
BOHOL					
1	Bagongbanwa DPP	Bagongbanwa Island, Tubigon, Bohol	FLAg	For application within 1st semester of 2024	SLUP Permit No. R7-2021-09 issued on 10 November 2021; For preparation of documents for conversion to FLAG
2	Ubay DPP	Ubay, Tubigon, Bohol	FLAg		SLUP Permit No. R7-2021-12 issued on 10 November 2021; For preparation of documents for conversion to FLAG
3	Pangapasan DPP	Pangapasan, Tubigon, Bohol	FLAg		SLUP Permit No. R7-2021-11 issued on 10 November 2021; For preparation of documents for conversion to FLAG
4	Bilangbilangan DPP	Bilangbilangan, Tubigon, Bohol	FLAg		SLUP Permit No. R7-2021-10 issued on 10 November 2021; For preparation of documents for conversion to FLAG
5	Mantatao DPP	Mantatao, Calape, Bohol	FLAg		SLUP Permit No. R7-2022-01 issued on 02 June 2022; For preparation of documents for

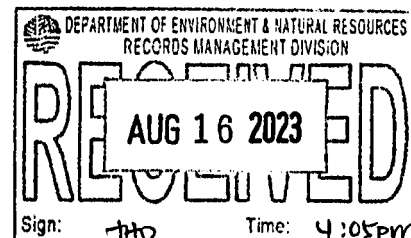
					conversion to FLAG
6	Balicasag DPP	Balicasag, Panglao, Bohol	FLAg		SLUP Permit No. R7-2023-02 issued on 16 May 2023; For preparation of documents for conversion to FLAG
SURIGAO DEL NORTE					
1	Hikdop DPP	Buenavista, Surigao del Norte	FLAg	For application within 2 nd quarter of 2024	SLUP Permit No. RXIII-03-2023 issued on 31 March 2023; For preparation of documents for conversion to FLAG
CAMARINES NORTE					
1	Calaguas DPP	Calaguas Island, Vinzon, Camarines Norte	FLAg	For application within 2 nd quarter of 2024	SLUP Permit No. R5CAMNORTE- 2023-02 issued on 18 July 2023; For preparation of documents for conversion to FLAG



NATIONAL POWER CORPORATION

3 August 2023

Hon. MARIA ANTONIA YULO-LOYZAGA
Secretary
Department of Environment & Natural Resources
Visayas Avenue, Diliman, Quezon City



THRU: Undersecretary ANALIZA REBUELTA-TEH
Finance, Info Systems and Climate Change
DENR Representative to NPC Board

Undersecretary IGNATIUS LOYOLA A. RODRIGUEZ
Special Concerns and Legislative Affairs
DENR Alternate Representative to NPC Board

**SUBJECT: NPC-DENR COORDINATION MEETING ON PENDING
APPLICATIONS FOR TENURIAL RIGHTS, LICENSING/
PERMITTING CONCERNS AND OTHER COMPLIANCES**

Dear Secretary Yulo-Loyzaga:

The National Power Corporation (NPC) expresses its appreciation for the invaluable assistance rendered by the Department of Environment and Natural Resources (DENR), through its representatives, headed by Usec. Analiza Rebuelta-Teh and the Regional officials of DENR and EMB during the 28 July 2023 meeting on various NPC concerns.

NPC and DENR identified feasible solutions and reached significant agreements to resolve issues affecting NPC's tenurial applications, ECC requirements, water discharge permits, and other environmental compliances. Summarized below are the concerns and key agreements/proposals reached during the said meeting:

Concerns	Agreements/Proposals
1. Request to streamline and standardize the requirement for the issuance of Certificate of Land Classification	DENR-Head Office to issue a Memorandum for the standardization of requirements.
2. DENR's imposition of Annual Fees instead of Development Fee which is the subject of NPC's request for exemption from fees and charges per letter dated 9 December 2021	Information was relayed that the DENR-HO through its LAHRLA issued a legal opinion finding that 1) NPC is not exempted from payment of SAPA User Fee or Development Fees; 2) one-time payment of Annual Fee under DAO 2019-05 is not applicable to NPC and 3) there is no legal basis to exclude the value of the improvements in the computation of User Fee or Development Fee due from NPC.



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	NPC seeks reconsideration or appeal on the said legal opinion.
3. The requirement for SLUP conversion to FLAg and Site Expansion to be consolidated to avoid duplicity of submission	<p>The SLUP conversion to FLAg is not an automatic conversion. NPC still has to apply for FLAG and may include the additional area for site expansion.</p> <p>The procedure on SLUP and all other tenorial apps and permits need to be streamlined and considered to align with the EVOSS mechanism. List of requirements and procedures will be revisited.</p> <p>On the matter concerning issuance of provisional agreement under DAO 2021-27 involving SLUP and FLAg applications, NPC requests that it may also be allowed to proceed with the construction of the power plant considering the urgency of the project. Thus, said guidelines needs to be reviewed and to include policy on SAPA.</p>
4. The proof of NPC Authority to be a conditional requirement in the approval of ECC and other permits	<p>CENRO or EMB Regional Office concerned to issue Certification of Application indicating that land is public as proof of NPC's authority for SPUG plants with pending tenorial applications.</p> <p>Issuance of provisional ECC and other permits pending processing of tenorial applications to address delay in securing permits from NCIP, among others, and to fast-track project completion and commissioning.</p> <p>To furnish DENR-HO of all tenorial applications to be filed at CENROs or EMB Regional Offices as well as the list of the yet-to-be filed applications with project locations for advance evaluation.</p>
5. Emergency deployment/transfer of NPC Power Barges/ Generating Sets	Issuance of 30-days prior Notice by NPC to DENR for the deployment/transfer of NPC Power Barges/GenSets to different locations in the country to address power shortages except in emergency situations that will require less than 30-days prior Notice (e.g. calamities necessitating immediate provision of electricity).
6. Difficulty in complying with the required analysis of water effluent to BOD and Coliform, a requirement for Water Discharge Permit (WDP) due to long travel	Certain time sensitive parameters will no longer be tested due distance and travel constraints, but NPC is required to desludge/siphon wastewater (only in areas where there are DENR-

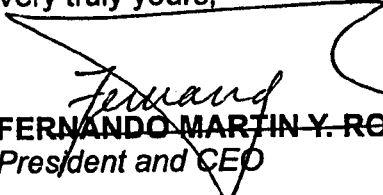
time to the nearest accredited laboratory	accredited services) and to provide water-tight septic tank in other areas.
7. Non-issuance of WDP and imposition of penalty for SPUG Plants with non-water tight septic tanks	For those with existing non-water tight septic tanks, the same should be proven sealed or build containment tanks.
8. Difficulty in complying the required septic tanks desludging, a requirement for WDP renewal for SPUG Plants located in areas without desludging services	
9. Requirement of 40-hrs Basic PCO Re-Training for Accreditation Renewal or transfer of PCO to another SPUG Plant	DENR-Head Office to issue a Memorandum to EMB to further review EMB MC 2020-28 and to standardize requirements particularly to recognize prior accreditation.
10. ECCs and WDPs were held in abeyance due to non-payment of penalties for previous non-compliances. Non-issuance of ECCs and WDPs further lead to non-issuance of Certificate of Compliance by the Energy Regulatory Commission, thus resulting to further penalties.	<p>DENR to review the penalties and consider issuing a provisional ECC and other permits. May also need to clarify and layer the requirements or provide alternative requirements.</p> <p>Compliance action on the part of NPC may include, in lieu of penalties, tree-planting programs.</p>

In addition, a Technical Working Group (TWG) and designation of focal persons from NPC and DENR per regions were also agreed and thus, we respectfully submit the attached list (Annex "A") for DENR's information and designation of counterparts. Regular TWG quarterly meeting will also be scheduled and conducted.

Since the proposals could entail review of and amendments to various DENR policies, we respectfully request the Honorable Secretary's critical support in this endeavor. We hope to further strengthen our collaboration to expedite the government's objective of total electrification of SPUG areas reiterated during the President's latest SONA.

Thank you and more power!

Very truly yours,


FERNANDO MARTIN Y. ROXAS
 President and CEO

Encl.: Copy of the Presentation Material during the 28 July 2023 Meeting
 Annex A re List of NPC Focal Persons