



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

FOR : **The Regional Executive Director**
Region IV-B

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

SUBJECT : **MEMO. DATED JULY 14, 2023 RE: ORDER ISSUED BY THE SECRETARY OF DEPARTMENT OF AGRARIAN REFORM (DAR) DATED SEPT. 1, 2022 RE: CASE NO. GOL 0001-CO-2020**

DATE : **SEP 04 2023**

This has reference to a memorandum regarding the abovementioned subject. In the said document, the Regional Executive Director (RED) of Region IV-B is requesting for an update and/or status of the protest of the Bureau on Case No. GOL-0001-CO-2020 dated 1 September 2022.

In this regard, be informed that the case is currently pending before the Office of the President as the Bureau filed an appeal under **Administrative Order No. 22**¹ dated 11 October 2011. A copy of the said appeal is hereinafter attached for ease of reference.

As such, considering the pending appeal, the Bureau recommends that the approval of the survey plans be **held in abeyance** until after the decision of the Office of the President on the matter.

FOR THE REGIONAL EXECUTIVE DIRECTOR'S INFORMATION AND CONSIDERATION, PLEASE.


ARLEIGH J. ADORABLE, CESO III

¹ Prescribing Rules and Regulations Governing Appeals to the Office of the President of the Philippines.

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
MALACAÑAN PALACE, MANILA



IN RE: PROTEST ON THE COVERAGE OF A
9,022.933-HECTARE LAND PORTION OF
THE BUSUANGA PASTURE RESERVE (BPR)
LOCATED AT BARANGAYS STO. NINO,
SAGRADA, BUGTONG, SALVACION, OLD
BUSUANGA, NEW BUSUANGA, SAN
RAFAEL, BULUANG AND CHEEY,
BUSUANGA, PALAWAN PURSUANT TO
EXECUTIVE ORDER NO. 75 SERIES OF 2019

FOREST MANAGEMENT BUREAU,
hereinafter represented by its Director, ARLEIGH
J. ADORABLE,

Protestant – Appellant

-versus-

DEPARTMENT OF AGRARIAN REFORM,
hereinafter represented by its Secretary
CONRADO M. ESTRELLA III,

Protestee - Appellee,

Office of the President
REPUBLIC OF THE PHILIPPINES

Sender's Copy



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051223-MRO-57555

O.P Case No. _____
DAR Case No. GOL
0001-CO-2020

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COMPLIANCE

COMES NOW, the Appellant, through the undersigned counsel and unto
this Honorable Office, most respectfully aver:

1. That the Secretary of Agrarian Reform rendered a decision against the
appellant on DAR Case No. GOL 0001-CO-2020 on 1 September
2022;

2. That on 03 May 2023, the appellant received a letter dated 25 April from the DARAB Secretariat, Atty. Roland C, Manalaysay, which informed the appellant of the decision by the SAR;

3. That Section 1 of Administrative Order No. 22 Series of 2011 states:

SECTION 1. Period to appeal. Unless otherwise provided by special law, an appeal to the Office of the President shall be taken within fifteen (15) days from notice of the aggrieved party of the decision/resolution/order appealed from, or of the denial, in part or in whole, of a motion for reconsideration duly filed in accordance with the governing law of the department or agency concerned.

4. That the appellant filed a **Notice of Appeal with Appeal Memorandum** to this Honorable Office on the decision of the Secretary of Agrarian Reform on 9 May 2023;

5. That Section 2 of A.O. Series of 2011 states:

SECTION 2. Appeal, how taken. The appeal shall be taken by filing a Notice of Appeal with the Office of the President, with proof of service of a copy thereof to the department or agency concerned and the affected parties, and payment of the appeal fee.

6. That Section 5 of A.O. 22 Series of 2011 states:

SECTION 5. Perfection of appeal. The appeal shall be deemed perfected upon the filing of the Notice of Appeal, payment of the appeal fee, and the filing of the appeal memorandum.

7. That the appellant stated in its Appeal that a copy thereof will be personally served to the appellee;

8. That on 11 May 2023, the appellee was personally served a copy of the Appeal, as evidenced by the receiving copy of the appellant which is hereinafter attached and made an integral part hereof as **ANNEX "A"**;

9. That the Appeal Fee was duly paid by the appellant, a copy of which is hereinafter attached and made an integral part hereof as **ANNEX "B"**,

WHEREFORE, premises considered, the undersigned is respectfully submitting this pleading as proof of compliance with the requirements stated in Sections 1, 2, and 5 of Administrative Order No. 22 series of 2011, the same being submitted within the fifteen (15) day period.

Quezon City for Manila, May 12, 2023



ATTY. RAY THOMAS F. KABIGTING

Legal Officer, Forest Management Bureau

IBP No. 277459 issued on January 09, 2023

PTR No. 277459 issued on March 3, 2023

Roll of Attorneys No. 77761

On MCLE Compliance: Newly Admitted to the Bar

ANNEX A

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
MALACAÑAN PALACE, MANILA

Department of Agrarian Reform
Elliptical Rd. Diliman, Quezon City
RECORDS DIVISION

Received

By Michelle M. Gamera

Position: RSS-1

Date: 5/11/2023

Document No.: 1.37

IN RE: PROTEST ON THE COVERAGE OF A
9,022.933-HECTARE LAND PORTION OF
THE BUSUANGA PASTURE RESERVE (BPR)
LOCATED AT BARANGAYS STO. NINO,
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FOREST MANAGEMENT BUREAU,
hereinafter represented by its Director, ARLEIGH
J. ADORABLE,

Protestant – Appellant

-versus-

DEPARTMENT OF AGRARIAN REFORM,
hereinafter represented by its Secretary
CONRADO M. ESTRELLA III,

Protestee - Appellee,

O.P Case No. _____
DAR Case No. GOL
0001-CO-2020

NOTICE OF APPEAL
WITH APPEAL MEMORANDUM

COMES NOW the appellant, Forest Management Bureau, by the
undersigned representative, unto this Honorable Office, hereinafter states the
following:

CERTIFIED TRUE COPY

Ray Thomas F. Kabigting
ATTY. RAY THOMAS F. KABIGTING
Attorney IV
Legal Officer
Office of the Director

NATURE OF THE CASE

1. Pursuant to Administrative Order No. 22 dated 11 October 2011¹ the appellant is most respectfully appealing the decision of the Secretary of Agrarian Reform on the inclusion of 9,022.9330-hectares of land located within the Busuanga Pasture Reserve (hereinafter referred to as BPR), located in Busuanga, province of Palawan pursuant to Executive Order No. 75 series of 2019.

TIMELINESS OF THE APPEAL

2. Section 1 of A.O. No. 22 dated 11 October 2011 provides that an appeal to the Office of the President shall be done by filing a Notice of Appeal within fifteen (15) days from notice of the aggrieved party of the decision, resolution, or order appealed from or of the denial, in part or in whole, of a motion for reconsideration duly filed in accordance with the governing law of the department or agency concerned.
3. On 5 September 2022, the Department of Agrarian Reform (DAR) rendered a decision denying the protest of herein appellant on the inclusion of the subject lands, a copy of which is herein attached and made an integral part hereof as *Annex "A"*.
4. The appellant was notified of the decision issued by the Secretary of Agrarian Reform through a letter dated 25 April 2023 from the Department of Agrarian Reform Adjudication Board (DARAB) Secretariat which was received by the Bureau on 03 May 2023, a copy of which is herein attached and made an integral part hereof as *Annex "B"*.
5. As such, the appellant has fifteen (15) calendar days from the date it was notified of the decision to file an appeal to the Office of the President, or until 18 May 2023.

¹ Prescribing Rules and Regulations Governing Appeals to the Office of the President of the Philippines.

RELEVANT ANTECEDENTS

6. In 1975, pursuant to the legislative powers of then President Ferdinand E. Marcos², Presidential Proclamation No. 1387 was issued which reserved and established almost 40,000 hectares of land located in the island of Busuanga, Palawan as a pasture reserve, designated as the Busuanga Pasture Reserve (BPR)
7. In 1988, Republic Act No. 6657³ was passed by Congress which provided, among others, that all agricultural lands of the public domain devoted to or suitable for agriculture be distributed to qualified beneficiaries⁴.
8. In 2010, the administration and development of the BPR was transferred to the Philippine Forest Corporation (PFC) pursuant to Presidential Proclamation No. 2057⁵. However, the designation to the PFC as administrator was transferred to herein petitioner pursuant to Presidential Proclamation No. 663⁶ dated 14 October 2013, due to the involuntary abolition of the corporation on the same year.
9. In 20 February 2019, Executive Order No. 75⁷ was issued which directed the identification of lands owned by the government devoted to or suitable for agriculture for distribution to qualified beneficiaries.
10. Pursuant to the abovementioned Order, the Department of Agrarian Reform (DAR) and the Department of Justice (DOJ) issued Joint

² Sanidad v COMELEC, 73 SCRA 336.

³ Comprehensive Agrarian Reform Law of 1988.

⁴ Section 4 (a), R.A. 6657 - All alienable and disposable lands of the public domain devoted to or suitable for agriculture. No reclassification of forest or mineral lands to agricultural lands shall be undertaken after the approval of this Act until Congress, taking into account ecological, developmental and equity considerations, shall have determined by law, the specific limits of the public domain.

⁵ Authorizing the Philippine Forest Corporation to Administer the Development of the Area covered by the Busuanga Pasture Reserve Delineated by Presidential Proclamation No. 1387 dated 13th February 1975, situated in the Island of Busuanga, Province of Palawan.

⁶ Repealing Proclamation No. 2057 and Transferring the Administration of the Busuanga Pasture Reserve to the Forest Management Bureau (FMB) of the Department of Environment and Natural Resources (DENR).

⁷ Directing all Departments, Bureaus, Offices, and Instrumentalities of the Government to Identify Lands Owned by the Government Devoted to or Suitable for Agriculture for Distribution to Qualified Beneficiaries.

Administrative Order (JAO) No. 7 dated 15 February 2019⁸. Also included in the abovementioned JAO is the procedure on the transfer of Government-Owned Lands, to wit:

Section 6. Transfer of GOLs

6.1 The DAR Shall issue a Request for Execution of DOT (Deed of Transfer) for validated coverable GOL to the department, bureau, office, or instrumentality concerned.

6.2 In case the department, bureau, office or instrumentality concerned refuses or fails to execute a DOT within fifteen (15) days from receipt of the request, the DAR shall issue an NTPA.

6.3 Upon receipt of the duly executed DOT from the DAR or upon the issuance of NTPA, the DAR shall proceed with the process of land acquisition and distribution of the subject landholding in accordance with R.A. No. 6657, as amended, other pertinent policies, rules, and issuances of the DAR.

11. The DAR issued a Request for Execution of Deed of Transfer on 19 November 2019 on the subject lands. It was not favorably acted upon by the Bureau, as such the DAR issued a Notice to Proceed Acquisition (NTPA) on 17 February 2020.

12. On 11 September 2020, appellant filed a Protest before the Office of the Secretary of Agrarian Reform on the coverage of subject lands under E.O. 75.

13. On 1 September 2022, the Secretary rendered a decision denying the protest of the appellant. However, the appellant was not notified of the said decision.

14. In a letter dated 25 April 2023, the DARAB, through its Executive Director and Secretariat, Atty. Roland C. Manalaysay, sent a letter to the

⁸ Implementing Rules and Regulations of the Executive Order No. 75 Series of 2019.

Bureau which formally informed the latter of the decision by the Secretary of Agrarian Reform which was received by the Bureau on 03 May 2023. Thus, the herein appeal.

STATEMENT OF THE ISSUE

- I. Whether the Secretary of Agrarian Reform erred in deciding against the protest filed by the Bureau on the grounds of lack of legal standing.
- II. Whether or not the Secretary of Agrarian Reform erred in pursuing to include 9,000 hectares of land within the Busuanga Pasture Reserve under the coverage of Executive Order No. 75 series of 2019.

ARGUMENTS

I.

The Bureau has legal Standing to file the present appeal

15. As early as 1939, Congress had expressly granted the Bureau of Forestry jurisdiction and authority over the administration, protection, and management of pasture lands by virtue of Commonwealth Act No. 452⁹. Section 3 thereof provides:

Section 3, Commonwealth Act No. 452 - The Bureau of Forestry shall have jurisdiction and authority over the administration, protection, and management of pasture lands and over the granting of leases or permits for pasture purposes to any citizen of lawful age of the Philippines and any corporation or association of which at least sixty per centum of the capital stock belongs wholly to citizens of the Philippines, and which is organized and constituted under the laws of the Philippines for an area of not more than two thousand hectares in accordance with the provisions of this Act. x x x (emphasis supplied)

⁹ Pasture Land Act.

it did not present any authority to file the same on behalf the Secretary of Environment and Natural Resources. However, contrary to the contention of the SAR, the authority of the appellant to file the protest and the instant appeal is based on Book IV, Chapter IV, Section 19 of E.O. 292, to wit:

SECTION 19. Staff Bureau.—(1) A staff bureau shall primarily perform policy, program development and advisory functions.

(2) The Director of a staff bureau shall:

(a) Advise and assist the Office of the Secretary on matters pertaining to the Bureau's area of specialization; (b) Provide consultative and advisory services to the regional offices of the department; (c) Develop plans, programs, operating standards, and administrative techniques for the attainment of the objectives and functions of the bureau; and (d) Perform such other duties as may be provided by law. (emphasis supplied)

(3) The staff bureau shall avail itself of the planning, financial and administrative services in the department proper. The bureau may have a separate administrative division, if circumstances so warrant.

20. As it could be gleaned from the abovementioned section, a staff bureau may perform other functions which may be provided by law. The question therefore, would be: is there a law that provides for the authority of the Director of Forest Management Bureau to institute the present action despite the lack of authority from the SENR? It is the position of the Bureau that E.O. 292 expressly vested FMB the authority to protect and manage grazing lands and pasture reserve considering that integrated and absorbed the powers of the Bureau of Forest Development. Therefore, as the BPR is pasture reserve, the Director of FMB has the duty to protect and conserve it.

21. As elucidated by the Court in *Zabal v. Duterte*, which was also aptly cited by the SAR:

"Legal standing or locus standi is a party's personal and substantial interest in a case such that he has sustained or will sustain direct injury as a result of the governmental act being challenged. It calls for more than just a generalized grievance. The term 'interest' means a material interest, an interest in issue affected by the decree, as distinguished from mere interest in the question involved, or a mere incidental interest." There must be a present substantial interest and not a mere expectancy or a future, contingent, subordinate, or consequential interest.

22. As the present controversy arose from the coverage and distribution of lands located within Busuanga Pasture Reserve which was withdrawn from sale or distribution by virtue of Presidential Proclamation 1387, and by virtue of Proclamation No. 663 s. 2013, the FMB has a present substantial interest which is not a mere expectancy nor a future, contingent, subordinate, or consequential interest. The procedural issues having been discussed, the appellant would now discuss the substantive issue of the present case.

II.

Busuanga Pasture Reserve may not be covered by E.O. 75

Only agricultural lands, not forest lands are covered.

23. The SAR alleged that the issuance of E.O. 75 sufficiently covered BPR as it avers that the subject land was a "Government-Owned Land" suitable for agriculture as provided in Section 1 thereof:

Section 1. Acquisition of Government-Owned Agricultural Lands. Subject to the limitations and conditions provided under applicable laws, rules and issuances, the DAR shall acquire all lands devoted to or suitable for agriculture which are owned by the departments, bureaus, offices, and instrumentalities of the Government, and which are no longer actually, directly, and exclusively used or necessary for the purpose for which they have been reserved or acquire for the purpose of eventual distribution to qualified beneficiaries

24. Likewise, Section 1 of the Implementing Rules and Regulations of E.O. 75 provides:

Section 1. *Coverage.* These rules and regulations shall govern the identification, validation, segregation, transfer, and distribution of all government-owned land (GOLs), devoted to, or suitable for agriculture and which are no longer actually, directly, or exclusively used or necessary for the purpose for which they have been reserved or acquired for purpose of eventual distribution to qualified beneficiaries in accordance with E.O. 75 s. 2019, and such other pertinent laws.

25. The distribution of GOL to “qualified beneficiaries” stemmed from Republic Act No. 6657. As such, based on the abovesited provisions, it is the position of the SAR that GOLs which are owned by a department, bureau, office, and/or of the government and its instrumentalities which have been acquired by purchase or grant, or which have been reserved in their favor by virtue of a presidential proclamation, executive fiat, or legislative grant were sufficient to establish the coverage of BPR on the said issuance.
26. However, contrary to the position of the SAR, the Comprehensive Agrarian Reform Program provides the scope as well as the limitation as to what could be covered in the implementation of CARP, to wit:

SECTION 4. Scope. – The Comprehensive Agrarian Reform Law of 1988 shall cover, regardless of tenurial arrangement and commodity produced, all public and private agricultural lands, as provided in Proclamation No. 131 and Executive Order No. 229, including other lands of the public domain suitable for agriculture.

More specifically, the following lands are covered by the Comprehensive Agrarian Reform Program:

- (a) All alienable and disposable lands of the public domain devoted to or suitable for agriculture. No reclassification of forest or mineral

lands to agricultural lands shall be undertaken after the approval of this Act until Congress, taking into account ecological, developmental and equity considerations, shall have determined by law, the specific limits of the public domain. (emphasis ours)

- (b) All lands of the public domain in excess of the specific limits as determined by Congress in the preceding paragraph;
- (c) All other lands owned by the Government devoted to or suitable for agriculture; and
- (d) All private lands devoted to or suitable for agriculture regardless of the agricultural products raised or that can be raised thereon.

27. Also, it must be noted that Section 4 (c) which states “all other lands of the Government” refers only to agricultural land, as aptly discussed by the Court in *Severino v. Ermita*¹⁴:

The CARL, as amended, is unequivocal that only lands devoted to agricultural activity and not classified as mineral, forest, residential, commercial or industrial land are within its scope. Thus, the slope of the land or the fact of its being irrigated or non-irrigated becomes material only if the land is agricultural, for purposes of exempting the same from the coverage of the agrarian law. However, if the land is non-agricultural — as is the case of the property here under consideration — the character and topography of the land lose significance. (Emphasis ours)

28. Considering that the BPR is a pasture reserve which is a type of forest land, it could not be validly included among the GOL which could be distributed to qualified beneficiaries until and unless Congress expressly repeal Proclamation No. 1387.

29. Consequently, the allegation of the SAR that FMB failed to prove that the subject landholdings were actually, directly, and exclusively used for

¹⁴ G.R. No. 205618, 16 September 2019.

its intended purpose would not be discussed by the appellant considering that, as discussed above, only agricultural lands are covered by Republic Act No. 6657.

Section 2 of E.O. 448 could not apply to the instant case.

30. The SAR alleges that as early as 1991, Executive Order No. 448 already amended Proclamation No. 1387 in such a way that the subject lands were placed under the coverage of Republic Act No. 6657 when it provided for a new section pursuant to Executive Order No. 407¹⁵ which was issued on 14 June 1990, to wit:

"Sec. 1-A. All lands or portions thereof reserved by virtue of Presidential proclamations for specific public uses by the government, its agencies and instrumentalities, including government-owned or controlled corporations suitable for agriculture and no longer actually, directly and exclusively used or necessary for the purposes for which they have been reserved, as determined by the Department of Agrarian Reform in coordination with the government agency or instrumentality concerned in whose favor the reservation was established, shall be segregated from the reservation and transferred to the Department of Agrarian Reform for distribution to qualified beneficiaries under the Comprehensive Agrarian Reform Program."

Sec. 2. All proclamations establishing such reservations and falling within the coverage of this Executive Order are hereby revoked, amended or modified accordingly.

31. Consequently, it is the position of the appellant that it could not validly amend Proclamation No. 1387 for the simple fact that the latter was issued pursuant to the legislative powers of the president in times of martial law. Indeed, in *Sanidad v COMELEC*¹⁶, the Court held:

¹⁵ Accelerating the Acquisition and Distribution of Agricultural Lands, Pasture Lands, Fishponds, Agro-Forestry Lands and Other Lands of the Public Domain Suitable for Agriculture.

¹⁶ 73 SCRA 366.

The presidential exercise of legislative powers in time of martial law is now a conceded valid act. That sun clear authority of the President is saddled on Section 3 (pars. 1 and 2) of the Transitory Provisions, thus:

The incumbent President of the Philippines shall initially convene the interim National Assembly and shall preside over its sessions until the interim Speaker shall have been elected. He shall continue to exercise his powers and prerogatives under the nineteen hundred and thirty-five Constitution and the powers vested in the President and the Prime Minister under this Constitution until the calls upon the interim National Assembly to elect the interim President and the interim Prime Minister, who shall then exercise their respective powers vested by this Constitution.

All proclamations, orders, decrees, instructions, and acts promulgated, issued, or done by the incumbent President shall be part of the law of the land, and shall remain valid, binding, and effective even after lifting of martial law or the ratification of this Constitution, unless modified, revoked, or superseded by subsequent proclamations, orders, decrees, instructions, or other acts of the incumbent President, or unless expressly and explicitly modified or repealed by the regular National Assembly.

E.O. 448 was merely an executive act.

32. Although E.O. 448 s. 1991 is a Presidential Issuance like Proclamation No. 1387 s. 1975, the former could not modify, amend, or otherwise repeal the latter for the reason that when E.O. 448 was issued on 14 February 1991, it did not have the force and effect of law for the reason that Congress had already convened on 27 July 1987. As such, the Court held in *DTI v. Enriquez*¹⁷:

Foremost, an executive order cannot repeal a law. Ordinarily, since both the Administrative Code and E.O. No. 13 and "its allied E.O.s" are all presidential issuances, one may repeal or otherwise alter, modify or amend the other,

¹⁷ G.R. No. 225301, June 02, 2020.

depending on which comes later. The intricacy of this case, however, is owed to the fact that E.O. No. 292 or the Administrative Code was signed into law by President Corazon C. Aquino, not merely as an executive act, but in the exercise of her transitory legislative powers under the Freedom Constitution. Section 6, Article XVIII of the 1987 Constitution states that "the incumbent President shall continue to exercise legislative powers until the first Congress convened." The Administrative Code was signed into law on July 25, 1987, or two days before the first Congress convened on July 27, 1987. Hence, having been issued by the President in the exercise of her extraordinary power of legislation during the transition from the authoritarian regime to the revolutionary government, the Administrative Code is not merely an executive order which has the force and effect of law, but is actually a law.

33. Moreover, assuming *arguendo* that E.O. 448 was not merely an executive act, a perusal of the amendment reveals that it was intended for portions of land for the use by the government, its agencies, instrumentalities, including Government-Owned or Controlled Corporation by virtue of a Presidential Proclamation¹⁸. The BPR was not reserved for the use of the BFD, it merely classified as a pasture reserve some 40,000 hectares of land within the island of Busuanga, Palawan and withdrew the same from sale, settlement, or any other form of disposition. Therefore, the contention of the SAR that Proclamation No. 1387 was repealed by Section 2 of E.O. 448 s. 1991 does not hold water.

PP 1387 was not repealed by Republic Act No. 6657.

34. The SAR provides that Proclamation No. 1387 was specifically repealed by Section 76 of Republic Act No. 6657, to wit:

¹⁸ Section 1-A, Executive Order No. 448, Series of 1991.

SECTION 76. Repealing Clause. – Section 35 of Republic Act No. 3834, Presidential Decree No. 316, the last two paragraphs of Section 12 of Presidential Decree No. 946, Presidential Decree No. 1038, and all other laws, decrees, executive orders, rules and regulations, issuances or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

35. A plain examination would show that Proclamation No. 1387 was not mentioned nor did it provide that pasture reserve or forest reservations shall be included in the law. Should, as appellee believes, that Congress had intended to repeal a law, it should have expressly done so, as provided in the laws that were cited in Section 76.
36. In a plethora of cases decided by the Court, implied repeal is frowned upon absent any irreconcilable conflict between the two laws¹⁹ as the legislature is presumed to know the existing laws on the subject and would express a repeal if one is intended²⁰. In the case of *Bangko Sentral ng Pilipinas v. The Commission on Audit*²¹, the Court held that all doubts must be resolved against the implied repeal of a statute and every statute must be interpreted and harmonized with other law:

Well-settled is the rule that repeals of laws by implication are not favored, and that courts must generally assume their congruent application. The two laws must be absolutely incompatible, and a clear finding thereof must surface, before the inference of implied repeal may be drawn. The rule is expressed in the maxim, *interpretare et concordare legibus est optimus interpretandi*, i.e., every statute must be so interpreted and brought into accord with other laws as to form a uniform system of jurisprudence. The fundament is that the legislature should be presumed to have known the existing laws on the subject and not have enacted conflicting statutes. Hence, any doubts must be resolved against any implied repeal, and all efforts should be exerted in order to harmonize and give effect to all laws on the subject.

¹⁹ *Alban v COMELEC*, G.R. No. 243968, 22 March 2022.

²⁰ *Bank of Commerce v. Planters Development Bank*, 695 Phil. 627, 650 (2012).

²¹ *Bangko Sentral ng Pilipinas v The Commission on Audit*, G.R. No. 210314, 12 October 2021.

Proclamation No. 2057 series of 2010.

37. Pursuant to the reorganization powers of the President in the executive branch, Proclamation No. 2057 was issued which transferred the administration of BPR from the Forest Management Bureau, to the Philippine Forest Corporation (PFC). It also provided the following powers, duties, and functions for the PFC, to wit:

SECTION I. The PFC is hereby mandated to be the administrator of the area covered by the afore-cited Proclamation No. 1387. As such, it shall have the following powers, duties and functions:

- a) Assess, evaluate and determine the possibility of redefining and/or modifying the land use of the subject property; provided, that any redefinition and/or modification thereof;
- b) Based on the results of its assessment under the preceding paragraph, it shall identify and implement other economic activities calculated to enhance the development potential of the area; and if still feasible as originally intended, plan out other development interventions that can co-exist with pasture;
- c) Actively enlist, invite and solicit the participation of the private sector in any facet of the development of the area, taking into consideration the limited resources of the government and other statutory limitations in the utilization and development of the said property;
- d) Enter into contract, agreement, lease, loans, bond flotation activities, and similar modes of government indebtedness in order to augment the corporate funds of the PFC;
- e) Network and build alliances with business and industry leaders as well as with international development partners, whenever necessary.

38. The provision of powers, duties, and responsibilities for PFC under Proclamation 2057 is essential considering that, unlike FMB, the former did not have powers expressly granted unto it by law.

39. Should, as the appellee contends, that Proclamation No. 1387 was repealed as early as the year 1991, then surely the President would not have directed DAR to cease, desist, and refrain from introducing further activities in the BPR²².

Proclamation No. 663, series of 2013.

40. In September 2013, the Governance Commission for Government-Owned or Controlled Corporation (GCG) submitted a recommendation before the President for the abolition of PDAF-linked GOCCs²³ and among those recommended for abolition is PFC.

41. Subsequent to the recommendation of GCG but prior to its abolition, Proclamation No. 663 was issued on 14 October 2013. Under the said Order, it expressly repealed Proclamation No. 2057 and it transferred back to the FMB the administration of BPR.

42. Similar to the immediately preceding discussion, the President would not have recognized, again, Proclamation No. 1387 if it was already repealed by earlier laws and issuances.

43. A question, therefore, should be asked: Did the President repeal Proclamation No. 2057 in its entirety to the extent that all of its provisions would be given without effect? Or Did the President merely repeal the designation of PFC?

44. To answer the question, an examination of the preambular clauses of Proclamation No. 663 is in order. While the "whereas clauses" or "preamble" is not part of the law, nevertheless, it is the key to understanding the statute, written to the minds of the makers to the

²² SECTION 3. The Presidential Commission on Good Government, the Department of Agriculture, the Bureau of Animal Industry, and other government agencies that may be carrying out activities in the area hereby directed to cease, desist and refrain from introducing further activities therein; and, upon effectivity of this Proclamation, shall forthwith transfer, endorse or turn-over assets, rights and other interests over the property to the PFC.

²³ <https://www.dof.gov.ph/gcg-recommends-abolition-of-pdaf-linked-goocs/>; 2013 Annual Report of GCG.

mischiefs that are to be remedied, and the purposes that are to be accomplished by the provisions of the statute²⁴. As such, when the statute itself is ambiguous and difficult to interpret, the preamble may be resorted to as a key to understanding the statute²⁵.

45. As such, it is the belief of the appellant that only the designation of PFC was repealed by Proclamation No. 663. As such, the DAR, as well as other agencies of the government, should refrain from conducting activities in BPR.

²⁴ Estrada v. Escritor, 455 Phil. 411, 569 (2003).

²⁵ Apex Mining Co., Inc v. Southeast Mindanao Gold Mining Corp et. al.; G.R. No. 152628, 20 November 2009.

RELIEF


WHEREFORE, considering the discussion above, the protestant-appellant FOREST MANAGEMENT BUREAU respectfully pray before the Honorable Office that the Decision of the Secretary for Agrarian Reform be REVERSED and SET ASIDE.

Other reliefs just and equitable are likewise prayed for.

Quezon City for Manila, May 09, 2023

FOREST MANAGEMENT BUREAU
Visayas Avenue, Diliman Quezon City

By:



ARDEIGH J. ADORABLE, CESO III
*Assistant Secretary for Field Operations – Western Mindanao,
and Director, in concurrent Capacity*

EXPLANATION ON MODE OF SERVICE AND FILING

This Notice of Appeal with Appeal Memorandum shall be served and filed personally to the Office of the President. A copy of this motion will be sent to:

HON. CONRADO M. ESTRELLA III
Secretary of Agrarian Reform
Department of Agrarian Reform
Elliptical Rd, Diliman, Quezon City

ACCOUNTABLE FORM No. 51-C
Revised January, 1992 (ORIGINAL)

	Official Receipt of the Republic of the Philippines		
	Nº 8377607 H		
	Date MAY 9, 2023		
Agency Office of the President Malacanang		Fund	
Payor FOREST MANAGEMENT BUREAU			
Nature of Collection	Account Code	Amount	
Appeal Fee		P 1,500.-	
DP CASE NO.			
DAR CASE NO. GOL -			
0001 - CO - 2020			
TOTAL		P 1,500.-	
Amount in Words ONE THOUSAND FIVE HUNDRED PESOS ONLY			
<input checked="" type="checkbox"/> Cash	Drawee Bank	Number	Date
<input type="checkbox"/> Check			
<input type="checkbox"/> Money Order			
Received the amount stated above.			
GAYLE MARIE CLAIRE F. HERMOGENES CCSDD <i>Receives</i> Issuing Officer			
NOTE: Write the number and date of this receipt on the back of check or money order received.			

CERTIFIED TRUE COPY
Ray Thomas

ATTY. RAY THOMAS F. KABIGTING
Attorney IV
Legal Officer
Office of the Director