



MEMORANDUM

FOR : ATTY. JUAN MIGUEL T. CUNA, CESO I
The Undersecretary for Field Operations-Luzon,
Visayas and Environment

FROM : THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT : **UNDATED LETTER FROM SPOUSES FELIPE ACOSTA AND
LUZVIMINDA ACOSTA RE: DENR CASE NO. 5904 [E-2023-
106816]**

DATE : **JUL 17 2023**

This Completed Staff Work (CSW) (see *attached*) is respectfully submitted in compliance with your Memorandum-instruction dated March 31, 2023 regarding the *IMPLEMENTATION OF THE DECISION DATED AUGUST 13, 2007 OF THE OFFICE OF THE PRESIDENT DOCKETED AS O.P. CASE NO. 06-K-398 RELATIVE TO DENR CASE NO. 5904 ENTITLED "DIGNA MATALANG COCHING, SPS. FELIPE AND LUZVIMINDA ACOSTA, APPELLANTS, -VERSUS- EMELIE BESAGA, APPELLEE*, which has reached its finality and recorded in the Book of Entries of Judgments on September 21, 2015.

Based on the discussion during the meeting conducted by this office on July 5, 2023 (*minutes of meeting attached*) and results of the latest conducted survey on the subject case area, this office requests for opinion on the following recommendations as this office believes that this will affect the full implementation of the subject case Decision.

1.) Cancellation of the FLAgT of Emelie Besaga; and

Based on the result of the latest survey on the subject area, the Lot 4513 which shall be covered by the amended FLAgT of Emelie Besaga pursuant to the case Decision "falls entirely within the salvage zone of 25m wide designated by the LGU". Using the 40-meter easement zone on forest lands, portions of Lots 4512 and 4512 also encroaches the same zone.

2.) The application for tenurial instrument over the subject area is subject for bidding procedure.

As stated in the Decision dated August 06, 2006 being implemented, "the Special Land Use Application of Appellant Luzviminda Acosta be GIVEN DUE COURSE to cover Lot Nos. 4512 and 4514, subject to the provisions of DENR Administrative Order No. 28, Series of 2004". It should be made clear that the Appellants are not given the sole right to apply over the said Lots. The area will undergo bidding that would also be open to the public.

In view of the foregoing, this office earnestly request for your consideration and guidance on the matter in order to fully implement the subject case Decision.


LORMELYN E. CLAUDIO, CESO IV

 Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 106816

**COMPLETED STAFF WORK RE
IMPLEMENTATION OF THE DECISION DATED AUGUST 13, 2007 OF THE OFFICE
OF THE PRESIDENT DOCKETED AS O.P. CASE NO. 06-K-398 RELATIVE TO
DENR CASE NO. 5904 ENTITLED "DIGNA MATALANG COCHING, SPS. FELIPE
AND LUZVIMINDA ACOSTA, APPELLANTS, -VERSUS- EMELIE BESAGA,
APPELLEE.**

1. On September 30, 2015, then Regional Director Oscar Dominguez issued a Memorandum addressed to the PENRO Palawan attention CENRO Roxas to submit a report in CSW format within five (5) days upon implementation hereof
2. On October 8, 2015, the CENRO Roxas issued a Memorandum thru the PENRO Palawan addressed to RD Dominguez stating that the said Order was implemented on October 7, 2015 with the presence of both parties. CSW will follow upon completion of the desired documents.
3. On October 13, 2015, the CENRO Roxas issued a Memorandum thru the PENRO Palawan addressed to RD Dominguez submitting report in CSW format re implementation of the subject Decision. It was recommended that Acosta shall file appropriate application for tenurial instrument that will cover Lot Nos. 4512 and 4514 in order to give due course as ordered
4. On October 21, 2015, the PENRO Palawan forwarded the Memorandum dated October 13, 2015 by the CENRO Roxas.
5. On October 30, 2015, then RD Dominguez issued a Memorandum forwarding for the Acting Assistant Secretary for Legal Affairs the Memorandum dated October 21, 2015 by the PENRO Palawan.
6. On January 26, 2016, in response to Memorandum dated October 30, 2015, the Acting Assistant Secretary for Legal Affairs Atty. Anselmo C. Abungan issued a Memorandum returning to this office the entire regional records of the DENR case for the full implementation of the Decision; and that the full implementation of the August 6, 2006 Decision necessitates the following:
 - 1) Amendment of FLaGT in the name of Emelie Besaga to cover only Lot No. 4513; and
 - 2) Exclusion of Lot Nos. 4512 and 4514 from the coverage of Emelie Besaga's FLaGT and to be covered by the Special Land Use Permit application of Spouses Felipe and Luzviminda Acosta which shall be given due course pursuant to DAO No. 28, series of 2004, as amended.
7. On February 22, 2016, then RD Dominguez issued a Memorandum addressed to the PENRO Palawan attention CENRO Roxas, Palawan reiterating the necessities of the full implementation of the subject Decision, for compliance.
8. On March 21, 2016, the Acting Secretary for Legal Affairs Services issued a Memorandum to the RD relative to the OPPOSITION to MEMORANDUM DATED 26 JANUARY 2016 dated March 1, 2016 filed by Emelie Besaga thru counsel praying that the 2016 Memorandum be set aside, as she claims that the Memorandum is attempting to implement a wrong decision. It was informed that from the Decision of the Supreme Court on April 20, 2015, what was affirmed by both the CA and SC was the Decision of the Office of the President dated August 13, 2007, hence, the 2007 O.P. Decision has to be implemented.
9. On April 28, 2016, RD Dominguez issued a Memorandum for the Assistant Secretary for Legal Services, providing series of events which transpired relative to the case, and requesting clarification whether the implementation of the August 6, 2006 Decision rendered by then DENR Secretary Angelo Reyes will be recalled in view of

the directive contained in our March 21, 2016 Memorandum to implement the O.P. Decision dated August 13, 2007.

10. On May 02, 2016, the CENRO Roxas, Palawan issued a Memorandum submitting the **map showing the Lot 4513 which would cover the amended FLAgT of Emelie Besaga and the would be excluded Lot No. 4512 and 4514 which shall cover the SLUP of Acosta**, in compliance to the Memorandum dated January 26, 2016 of the Acting Secretary for Legal Affairs. **Also attached was the application for FLAgT of Acosta.** *(It is worthy to note that only an application form was submitted by Ms. Acosta, hence lacking of all other requirements to support the application. The map submitted by the CENRO still included the Lots 4512 and 4514 , with note "Lot 4513 is amended amended FLAgT of Emelie Besaga and the exclusion of Lots 4512 & 4514 from the coverage of Emelie Besaga's FLAgT to be covered by SLUP of spouses Felipe and Lizvimenda Acosta")*
11. On May 12, 2016, PENRO Palawan issued a Memorandum forwarding to the Regional Director the Memorandum dated May 2, 2016 by the CENRO Roxas.
12. On April 12, 2017, then OIC-CENRO Roxas, Palawan Arnoldo A. Blaza, Jr. issued a Memorandum with attached copy of Notice to Vacate dated April 6, 2017 which was informed to be served to thirteen (13) residents of Barangay Port Barton to immediately vacate and remove erected structures within the area covered by FLAgT of Ms. Besaga.
13. On April 20, 2017, a memorandum was issued by OIC-Director, Legal Service Atty. Norlito A. Eneran, CESE to RD, DENR MIMAROPA in response to Memorandum dated April 28, 2016. It was mentioned in the Memorandum that the O.P. Decision reinstated the Decision dated August 6, 2006 hence no need to recall the implementation of the same.

A 1st INDORSEMENT was also issued by the OIC-Director, Legal Service referring to the RD, DENR MIMAROPA the indorsement dated 17 October 2016 from Hon. Ryan R. Acosta, Acting Deputy Executive Secretary for Legal Affairs, Office of the President, Malacañang, Manila relative to the letter of Ms. Acosta requesting for full implementation of the Decision dated 13 August 2007.
14. On May 26, 2017, a memorandum from the Regional Director was issued to the ARD for Technical Services, attention the Chief of LPDD, relative to the 1st Indorsement and Memorandum dated April 20, 2017 issued by the OIC-Director, Legal Services. In compliance with the Memorandum dated January 26, 2016, attached therewith is the Memorandum dated May 2, 2016 of the OIC CENRO Roxas with an attached map showing Lot. No. 4513 which would cover the amended FLAgT of Emelie Besaga excluding the Lot Nos. 4512 and 4514, and the application for FLAgT of Ms. Acosta.
15. On June 05, 2017, Assistant Regional Director for Technical Services Vicente B. Tuddao, Jr., Ph.D., CESO IV issued a Memorandum addressed to the Chief, Licenses, Patents and Deeds Division with directive to act accordingly in compliance with the Memorandum dated January 26, 2016 of then Acting Secretary for Legal Affairs directing the full implementation of the Decision dated August 6, 2006.
16. On July 13, 2017, Regional Special Order No. 337, Series of 2017 was issued by the Regional Director under the subject of "CREATION OF A COMPOSITE TEAM TO FACILITATE IMPLEMENTATION OF O.P. DECISION (O.P. Case No. 5904) DATED AUGUST 13, 2007 ENTITLED "DIGNA MATALANG COCHING SPS. FELIPE AND LUZVIMINDA ACOSTA, APPELLANTS VERSUS EMELIE BESAGA, APPELLEE")

17. On October 25, 2017, a technical conference/meeting attended by both parties and representatives from PENRO and CENRO was facilitated by the Regional Composite Team as created per RSO No. 337 regarding the implementation of the subject Decision. *(copy of minutes of meeting attached)*
18. On November 20, 2017, a Memorandum from members of Regional Composite Team created per RSO No. 337 series of 2017 submitted to the Regional Director report on conduct of meeting/technical conference/ocular inspection and survey of the FLAgT area of the subject decision. On the day of ocular inspection and supposed segregation survey of areas, the members of the team were caught flat-footed when Ms. Besaga and her staff prevented the team from entering her resort or the FLAgT area. **Notwithstanding the number of decisions by the administrative quasi-judicial bodies and the Courts aforementioned, Ms. Besaga insisted loudly that there is no ORDER on record whatsoever that states clearly and unequivocally that her FLAgT has been cancelled and/or amended already.** The members of the team thought it wise to avoid any untoward incident and decided to just leave and report the incident. The team recommended that an ORDER be issued by the Regional Director amending the subject FLAgT pursuant to subject case Decision.
19. On **December 27, 2017**, then OIC, Regional Director Natividad Y. Bernardino issued an **ORDER** for the FLAgT issued to Emelie Besaga be **AMENDED** to cover only Lot. No. 4513 of Cad 860-D, San Vicente Cadastre and to exclude there-from Lots No. 4512 and 4514 of the said cadastre which pertain to and are covered by the FLAgT application of Luzviminda Acosta. CENRO Roxas was directed thru Memorandum dated **February 28, 2018** to serve copy of the ORDER to both parties and to ensure its full implementation and submit report of compliance within fifteen (15) days upon receipt.
20. On February 05, 2018, the OIC CENRO Roxas issued a Memorandum for the RD thru PENRO Palawan informing that while Ms. Besaga took her copy of the Order, Ms. Besaga refused to affix her signature acknowledging receipt thereof. A corresponding affidavit was also submitted to that effect.
21. On March 19, 2018, the OIC PENRO Palawan issued a Memorandum for the Regional Director forwarding the Memorandum dated February 5, 2018 of CENRO Roxas. It was mentioned that accordingly, Ms. Besaga already received the copy of the Order dated December 27, 2017 however, she refused to affix her signature on the acknowledgement receipt.
22. On April 02, 2018, the Undersecretary for Field Operations-Luzon issued a Memorandum with reference to the Order issued on 27th December 2017. This office was instructed to take appropriate action with dispatch and to submit updated on the action taken directly to the FMB for monitoring purposes.
23. On April 30, 2018, the Undersecretary for Field Operations issued a Memorandum addressed to the Regional Director referring to the letter dated 26 February 2018 of Ms. Emelie L. Besaga regarding her complaint against Felipe and Luzviminda Acosta for harassing her over the subject area. This office was instructed to coordinate with Ms. Besaga and appropriately inform her about the issues/concerns regarding the FLAgT such as **(a)** unsubmitted FLAgT requirements, **(b)** validity of FLAgT should include the SLUP duration, **(c)** proper computation of Annual Government Share and payment of back rental, **(d)** cancellation of FLAgT upon non-compliance. The regional Office was also instructed to explain why it failed to adhere with the pertinent provisions of DAO 2004-28 and submit a report in CSW format within 15 days upon completion of undertakings on the matter.

24. On July 24, 2018, the Regional Director issued a Memorandum addressed to the PENRO Palawan attn. CENRO Roxas with reference with the Memorandum dated April 30, 2018 of Undersecretary for Field Operations pertaining to the letter of Ms. Emelie Besaga dated February 26, 2018.
25. On September 3, 2018, the Regional Director issued a Memorandum to the OIC PENRO Palawan in response to the request of CENRO Roxas for detailed guidelines in the implementation of the case and relative to the issued Order dated December 27, 2017. The field office was instructed to coordinate with the barangay officials of Brgy. Port Barton, San Vicente; the appropriate municipal officials of the municipality of San Vicente, Palawan to assist in its implementation, viz: preliminarily, the conduct of relocation survey.
26. On August 20, 2020, a Notice to Vacate signed by the RED was issued to Ms. Emelie Besaga to immediately vacate Lot Nos. 4512 and 4514, Cad. 860-D, San Vicente Cadastre, which were previously part of her FLAgT.
27. On November 24, 2021, then RED Maria Lourdes G. Ferrer, *CESO III* issued a Memorandum addressed to the PENRO Palawan attention CENRO Roxas with instruction to submit report of compliance with Memorandum dated February 28, 2018 (Memorandum with directive to serve copy of the ORDER dated December 27, 2017 to both parties and to ensure its full implementation) as this office has not yet received compliance thereto.
28. On January 20, 2022, OIC, Regional Executive Director issued a Memorandum to the OIC PENRO Palawan attention CENRO Roxas in reference to the Memorandum dated January 6, 2022 from the Director of the Legal Affairs Service regarding the Motion to Quash filed by Emelie Besaga relative to the subject case. The CENRO Roxas was instructed to implement the Order dated December 27, 2017 in compliance with the Memorandum dated January 26, 2016 of the Office of the Assistant Secretary for Legal Affairs; secure the assistance of the local government unit concerned and personnel of the Philippine National Police, and immediately submit a report of compliance.
29. On February 08, 2022, the CENRO Roxas issued a letter invitation to both parties for a conference on February 22, 2022 for the scheduling of activities not limited to survey of the areas involved.
30. On March 21, 2022, the OIC PENRO Palawan issued a Memorandum forwarding the report of the Survey Team dated March 18, 2022 submitted in compliance to the Memorandum dated January 20, 2022 of the RED. Per result of the survey, the following were determined:
 - a. The corners of subject lots were all marked with stake to delineate its boundaries;
 - b. **Lot 4513, Cad. 860-D falls entirely within the salvage zone of 25m wide designated by the LGU;** and
 - c. All existing structures of Ms. Besaga were identified and observed to fall inside Lot 4512 and 4514



Republic of the Philippines
Department of Environment and Natural Resources
Region IV
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Roxas, Palawan

MEMORANDUM

FOR : The Regional Director
DENR-IV, MIMAROPA L & S Bldg.
Ermita, Manila

THRU : The Provincial Environment and
Natural Resources Officer
PENRO, Roxas, Palawan

FROM : The Community Environment and
Natural Resources Officer
CENRO, Roxas, Palawan

SUBJECT : IMPLEMENTATION OF THE DECISION DATED AUGUST 06,
2006 ISSUED BY THE SECRETARY ANGELO C. REYES IN DENR
CASE NO. 5904 ENTITLED "DIGNA MATALANG COCHING AND
SPOUSES LUZVIMINDA AND FELIPE ACOSTA V.S. EMELIE BESAGA".

DATE : 08 October 2015

In compliance with your memorandum dated 30 September 2015 which was received by this office on 02 October 2015, on the subject;


Please be informed that the said order was implemented yesterday 07 October 2015 with the presence of both parties.

Completed Staff Work (CSW) will follow upon completion of the desired documents.

For information and record.


WILFREDO R. ANGELES

CERTIFIED PHOTOCOPY


ANGELICA D. VERIAN
Senior Forest Mgt. Specialist



Republic of the Philippines
Department of Environment and Natural Resources
Region IVB-MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Roxas, Palawan

**DENR PENRO
PALAWAN RECORDS
RECEIVED**

BY: Y
DATE: 10-15-15 CN 15-2238-1

MEMORANDUM

FOR : The Regional Director
DENR Region-IVB, MIMAROPA
Roxas Blvd., Ermita, Manila

THRU : The PENR Officer
Puerto Princesa City, Palawan

FROM : The CENR Officer

SUBJECT : **SUBMISSION OF A REPORT IN COMPLETED STAFF (CSW) FORMAT RE: IMPLEMENTATION OF THE DECISION DATED AUGUST 06, 2006 ISSUED BY THEN SECRETARY ANGELO T. REYES IN DENR CASE NO. 5904 ENTITLED "DIGNA MATALANG COCHING AND SPOUSES LUZVIMINDA AND FELIPE ACOSTA VERSUS EMELIE BESAGA.**

DATE : October 13, 2015

I. REFERENCE:

Memorandum from the OIC, Regional Director Region IV-B, MIMAROPA dated September 30, 2015 giving instruction to implement the subject Decision by then Secretary Angelo T. Reyes.

II. INTRODUCTION

Verification conducted, the subject land under controversy is a portion of the classified "TIMBERLAND" per L.C. Map No. 3309 under Project No. 1-U, Block-A and certified on June 29, 1987.

Nevertheless, its present actual land use is that of Residential rather than that of Forest Purposes which would have conformed with its present land classification.

Article XII, Section 3 provides that alienable land of the public domain shall be limited to agricultural lands and its alienation and disposition is governed by the Public Land Act.

In connection herewith, the subject land have been subjected under a Cadastral Survey, but its implementation within the said controversial

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land is questionable due to lack of jurisdiction. Hence, its result cannot be used for further legal action unless the classification of the land will be reverted.

On the other hand, the utilization, exploitation, occupancy and possession within any forest land is being governed by the Revised Forestry Code, particularly Section 20, 51, 52, 53 and 58. Any possession or occupancy within the forest land without authority from the DENR Secretary or his duly authorized representative is penalized under Section 78 of Revised Forestry Code.

III. BACKGROUND

1. On February 11, 2003, Ms. Emelie Besaga filed an application for special Land Use Permit (SLUP) at the PENRO Puerto Princesa City covering a 1.4 hectares portion of the classified Timberland at Brgy. Port Barton, San Vicente, Palawan which she claimed to have been possessed and occupied by his late father, Arturo Besaga, Sr. who accordingly to witness, was one of the pioneering occupants of Brgy. Port Barton, San Vicente, Palawan way back during the 1950's;
2. On the other hand, a certain Luzviminda Acosta, wife of the incumbent Barangay Captain of the area, Mr. Felipe Acosta, opposed the SLUP application filed by the former, claiming ownership to the portion of the land being applied for, particularly described as Lot 4512 and 4514 on the Cadastral Map, basing her claim over lot No. 4512 on one Affidavit of Waiver of Rights dated March 19, 1998 executed by a certain Rogelio Maraon, the alleged Survey Claimant and over Lot No. 4514 on an Agreement executed by and between Mr. Segundo Langilao and Mr. Felipe Acosta (husband of Luzviminda Acosta). Based on the above claim, Luzviminda Acosta also filed an application for SLUP, covering the two (2) she have been claiming ownership, which overlaps the earlier application of Emelie Besaga;
3. Due to the controversy that have arised, the Chief of the Forest Management Services of CENRO Roxas, Palawan conducted on on-site investigation and subsequently submitted his report dated August 04, 2003 wherein he recommended that the Special Land Use Permit application by Ms. Emelie L. Besaga be processed.
4. The case was forwarded at the Regional Office for resolution, and as a result, OIC-Regional Executive Director Dionisio S. Tolentino, Jr. issued an Order dated December 01, 2003 directing the CENRO concerned to give due course to the application of Ms. Emelie L. Besaga; reject the application filed by Luzviminda Acosta and the same be considered closed or dropped from the records.

CERTIFIED TRUE COPY

Atty
ANGELICA D. VERIAN
Senior Forest Mgt. Specialist

rendered by the same Office, on the following grounds that the appellants failed to file a Notice of Appeal with the DENR-MIMAROPA Regional Office and likewise failed to pay the required docket and appeal fees within the reglementary period. Thus, there was no appeal perfected from the questioned Orders dated December 01, 2003 and July 26, 2004. As a necessary consequence, the said Orders became final.

12. As a result, on October 17, 2006, the Office of the DENR Secretary reversed and set aside its Decision dated August 6, 2006 and affirmed the Orders dated December 01, 2003 and July 26, 2004;
13. Digna Matalang Coching, Spouses Felipe Acosta and Luzviminda Acosta filed their appeal at the Office of the President from the Resolution of the Secretary of the DENR, dated October 17, 2006, dismissing their appeal from the Orders of the Regional Executive Director, DENR-MIMAROPA dated December 1, 2003 and July 26, 2004.
14. On August 13, 2007, the Office of the President thru its Executive Secretary rendered its Decision giving due course to the instant appeal and setting aside the Resolution dated October 17, 2006 of the DENR Secretary;
15. Emelie Besaga, thru her counsel, filed a Petition for Review at the Special Eleventh Division of the Court of Appeals, Manila seeking to appeal the Decision dated August 13, 2007 of the Office of the President in O.P. Case No. 06-K-398, setting aside the Resolution issued by the DENR Secretary.
16. On October 30, 2009, the Court of Appeals promulgated its Decision dismissing the petition for lack of merit, thereby affirming the decision of the Office of the President dated August 13, 2007;
17. Emelie Besaga, thru her counsel, filed a petition for review on Certiorari assailing the October 30, 2009 decision and the October 01, 2010 resolution of the Court of Appeals (CA) in CA G.R. No. 100616.
18. On April 20, 2015 Second Division of the Supreme Court promulgated its Decision again denying the petition and affirming the October 30, 2009 decision and October 01, 2010 resolution of the Court of Appeals in CA-G.R.SP No. 100616, Affirming the August 13, 2007 decision of the Office of the President in O.P. Case No. 06-K-398.
19. On June 17, 2015, Emelie Besaga thru her counsel filed a Supplemental Motion for Reconsideration with Entry of Appearance as Collaboratory Counsel for Petitioner, at the same Court, based on supervening facts that transpired after the Regional Executive Director, DENR-MIMAROPA issued the Certificate of Finality dated

ANGELINA D. VERIAN
Senior Counsel, Specialist

5. On January 15, 2004, the Spouses Felipe and Luzviminda Acosta submitted their Motion for Reconsideration to the Office of the Regional Executive Director. However, the said Motion for Reconsideration was dismissed on the grounds that the issues raised by the respondents were already judiciously passed upon and deliberated in the assailed Order, hence, there is no valid or cogent reason to modify, reverse or revise the same;

On December 10, 2004, Special Land Use Permit (Bathing Establishment) No. DENR-IV-PENRO-12102005-0004 was issued to Emelie L. Besaga which expired on September 27, 2005.

6. On June 21, 2005, Emelie L. Besaga applied for the conversion of the SLUP into Forest Land Use Agreement for Tourism (FLAgT);
7. With prior Clearance from then DENR Secretary Michael T. Defensor, the applicant was awarded Forest Land Use Agreement for Tourism Purposes (FLAgT) No. DENR-IV-MIMAROPA-11302030-002, issued by then OIC-A Sec for Field Operations and consequent Regional Executive Director for Region IV-B Vicente S. Paragas, CESO III. Said Technical Instrument shall expire on November 30, 2013;
8. On August 25, 2004, Spouses Felipe and Luzviminda Acosta filed their appeal to the Office of the DENR Secretary, while Digna Matalang Coching filed a separate appeal at the same office on September 16, 2004.
9. While the appeal of the appellant was pending resolution with the Office of the DENR Secretary, the Office of the Regional Executive Director, DENR-MIMAROPA issued a Certificate of Finality, dated October 11, 2004;
10. On August 06, 2006, the Office of the DENR Secretary issued its Decision ordering the Orders dated December 01, 2003 and July 26, 2004, of the Regional Executive Director for DENR-MIMAROPA be REVERSED and thereby directing that the Special Land Use Permit (Bathing Establishment), now FLAgT of Appellee Emelie Besaga be AMENDED to cover only Lot No. 4513 and let the Special Land Use Permit Application of Appellant Luzviminda Acosta be GIVEN DUE CAUSE to cover Lot Nos. 4512 and 4514, subject to the provisions of DENR Administrative Order No. 28, Series of 2004.
11. On August 25, 2006, Appellee Emelie Besaga filed Motion for Reconsideration at the Office of the DENR Secretary, seeking the reversal and setting aside of the Decision dated August 06, 2006

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ANGELICA D. VERIAN
Senior Forest Management Specialist

October 11, 2004 for its Order dated December 01, 2003 and July 26, 2004.

20. On August 05, 2015, the Second Division of the Supreme Court issued a Resolution denying the motion with Finality and Ordering that no further pleading on motion shall be entertained in the said case and at the same time ordered the entry of final judgement be made in due course.
21. On September 30, 2015 the OIC-Regional Director issued a Memorandum directing the implementation of the decision dated August 06, 2006 issued by then Secretary Angelo T. Reyes.
22. On October 07, 2015 with the presence of both parties concerned, the said Decision was implemented. The meets and bounds of Lot Nos. 4512 and 4514 have been established on the ground as well as that of Lot No. 4513.


IV. COMMENTS:

During the tenure of her SLUP and FLAgT, Emelie Besaga have already introduced improvement within the lots being affected, particularly Lot Nos. 4512 and 4514, such as one (1) unit banana shed, one (1) unit picnic hut, two (2) units cottages and one (1) residential house.

Meanwhile, Lot No. 4513 which be left of the FLAgT area of Ms. Besaga. Lots 4514 and 4512 where previously developed by Ms. Besaga to include one (1) unit duplex cottage with two (2) bedroom and one (1) unit residential house which had long been its abode prior to the issuance of FLAgT the remaining cottages structures were two (2) units cottages/single bedroom, one (1) unit Multi-Purpose picnic house and old house of Mrs. Acosta which was accordingly developed by Mrs. Besaga. Other structures which residential house were seen in the area are within the aforecited lots.

V. ANNEXES

- A** - Report of evaluation/investigation of FMS, Chief Judy S. Velasco;
- B** - Order dated Dec. 01, 2003 by OIC-RED Dionisio S. Tolentino, Jr.;
- C** - Special Land Use Permit No. DENR-IV-PENRO-12102005-0004;
- D** - Application for conversion from SLUP to FLAgT by Emelie Besaga for her SLUP area;
- E** - FLAgT No. DENR- IV-MIMAROPA-11302030-0002;


ANGELICA D. VERIAN
Senior Forest Mgt. Specialist


- F** – DECISION dated August 06, 2006 of then Secretary Angelo T. Reyes;
- G** – Resolution dated October 17, 2006 of then DENR Secretary Angelo T. Reyes
- H** – Decision dated August 13, 2007 by the Executive Secretary Eduardo Ermita;
- I** – Decision of the Special Eleventh Division, Court of Appeals, Manila, promulgated October 30, 2009;
- J** – Decision of the Second Division, Supreme Court, Baguio City, promulgated on April 20, 2015;
- K** – Supplemental Motion for Reconsideration with Entry of Appearance as Collaborating Counsel for Petitioner by Emelie Besaga, dated June 19, 2015;
- L** – NOTICE from the Second Division Supreme Court, Manila dated August 05, 2015;
- M** – Memorandum from the OIC, Regional Director, R-4B, MIMAROPA dated April 20, 2015;
- N** – Photographs taken at the subject area;
- O** – Map showing Lot Nos. 4512, 4513 and 4514;
- P** – Map showing the structures introduced at the area.

VI. RECOMMENDATION

It is hereby recommended that Luzviminda Acosta shall file appropriate application for a Tenorial instrument that will cover Lot Nos. 4512 and 4514, in order to give due course as ordered.


WILFREDO R. ANGELES
CENRO

CERTIFIED PHOTOCOPY


ANGELICA D. VARIAN
Senior Forest Mgt. Specialist



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-B (MIMAROPA)
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TeleFax #: (048) 433-5638

October 21, 2015

MEMORANDUM


FOR : The Regional Director
DENR-IVB, MIMAROPA
1515 L&S Bldg., Roxas Blvd.
Ermita, Manila

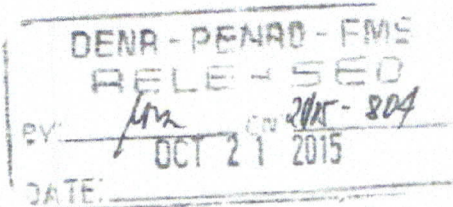
FROM : The PENR Officer
Puerto Princesa City, Palawan

SUBJECT : SUBMISSION OF REPORT IN COMPLETED STAFF (CSW) FORMAT RE: IMPLEMENTATION OF THE DECISION DATED AUGUST 6, 2006 ISSUED BY THEN SECRETARY ANGELO T. REYES IN DENR CASE NO. 5904 ENTITLED "DIGNA MATALANG COCHING AND SPOUSES LUZVIMINDA AND FELIPE ACOSTA VERSUS EMELIE BESAGA"

Respectfully forwarded is the memorandum dated October 13, 2015 of CENRO Roxas, Palawan re: above cited subject with the recommendation that Luzviminda Acosta shall file appropriate application for a tenurial instrument that will cover Lot Nos. 4512 and 4514.


For information and record.


JUAN C. DELA CRUZ



Received by: 
27 OCT 15

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ANGELICA D. VERIAN
Senior Forest Mgt. Specialist



Republic of the Philippines
Department of Environment and Natural Resources
Vicayas Avenue, Diliman, Quezon City
Tel Nos. 929-6625 to 29; 929-6633 to 33
929-7041 to 43; 929-6250; 929-1655
Webster: <http://www.denr.gov.ph> E-mail: denr@denr.gov.ph



RECEIVED
Hon. V.E. SORIO
Reg. Agd.
2-4-16

MEMORANDUM

TO : THE REGIONAL DIRECTOR
DENR-REGION IV-B
1515 L & S BLDG., ROXAS BLVD.
MANILA

FROM : THE ACTING ASSISTANT SECRETARY
FOR LEGAL AFFAIRS

SUBJECT : DENR Case No. 5904, entitled "Digna
Matalang Coching, Sps. Felipe Acosta and
Luzviminda Acosta, Appellants, versus
Emelie L. Besaga, Appellee."

DATE : **JAN 26 2016**


In relation to your Memorandum dated October 30, 2015 and the August 5, 2015 Resolution rendered by the Supreme Court in G.R. No. 194061 (Emelie L. Besaga, Petitioner, versus Spouses Felipe and Luzviminda Acosta, et al.), denying with finality the Petitioner's Motion for Reconsideration of the April 20, 2015 Decision rendered in the same case affirming the Decision dated October 30, 2009 and the Resolution, dated October 1, 2010 of the Court of Appeals in C.A.-G.R. SP No. 100616, the entire regional records of DENR Case No. 5904 are herewith returned to that Office for the full implementation of the August 6, 2006 Decision rendered in said DENR Case No. 5904.

The full implementation of the August 6, 2006 Decision necessitates the:

- 1) Amendment of FLAgT in the name of Emelie Besaga to cover only Lot No. 4513; and
- 2) Exclusion of Lot Nos. 4512 and 4514 from the coverage of Emelie Besaga's FLAgT and to be covered by the Special Land Use Permit of Spouses Felipe and Luzviminda Acosta

which shall be given due course pursuant to DAO No. 28,
Series of 2004, as amended.

For your strict compliance.


ATTY. ANSELMO C. ABUNGAN

Copy furnished:

The PENRO
Puerto Princesa City

The CENRO
Roxas, Palawan

Sps. Felipe and Luzviminda Acosta
No. 12, Km. 3, WESCOM Road
Puerto Princesa City

Emelie Besaga
Port Barton
San Vicente, Palawan



Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA

February 22, 2016

MEMORANDUM

TO : The PENR Officer
Palawan

ATTN : *The CENR Officer*
Roxas, Palawan

FROM : The Regional Director

SUBJECT : DENR CASE NO. 5904 ENTITLED "DIGNA MATALANG COCHING,
SPS. FELIPE ACOSTA and LUZVIMINDA ACOSTA, Appellants,
versus EMELIE L. BESAGA, Appellee"

Attached is the Memorandum dated October 30, 2015 of the undersigned requesting for further instruction from the Acting Assistant Secretary for Legal Affairs regarding the above-cited subject.

In response thereto, attached is the Memorandum dated January 26, 2016 of the Acting Assistant Secretary for Legal Affairs wherein the latter stated that the full implementation of the August 6, 2006 Decision necessitates the:

1. **Amendment of FLAgT in the name of Emelie Besaga to cover only Lot 4513; and**
2. **Exclusion of Lot Nos. 4512 and 4514 from the coverage of Emelie Besaga's FLAgT and to be covered by the Special Land Use Permit of Spouses Felipe and Luzviminda Acosta which shall be given due course pursuant to DAO No. 28, Series of 2004, as amended.**

For strict compliance.


OSCAR C. DOMINGUEZ

cc:

Sps. Felipe and Luzviminda Acosta

Emelie Besaga

Atty. Voltaire T. Duano

The Acting Assistant Secretary for Legal Affairs

No. 12, Km. 3, WESCOM Road, Puerto Princesa City

Port Barton, San Vicente, Palawan

*Unit 2502-A East Tower Philippine Stock Exchange Centre
Exchange Road, Ortigas Center, Pasig City*

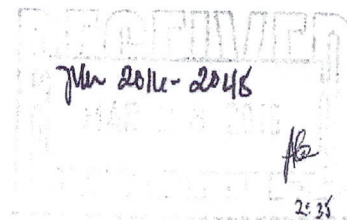
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Department of Environment
and Natural Resources
REGION 4B



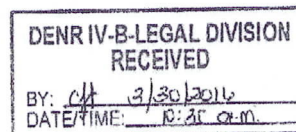


Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. 929-6626 to 29; 929-6633 to 35
926-7041 to 43; 929-6252; 929-1669
Website: <http://www.denr.gov.ph> / E-mail: web@denr.gov.ph



MEMORANDUM

TO : THE REGIONAL DIRECTOR
DENR-Region IV-B (MIMAROPA)
1515 L & S Building, Roxas Boulevard
Ermita, Manila



FROM : THE ACTING ASSISTANT SECRETARY
For Legal Affairs Services

SUBJECT : OPPOSITION FILED BY EMELIE BESAGA, THROUGH
COUNSEL, RE: DENR CASE NO. 5904 ENTITLED
"DIGNA MATALANG COCHING, SPS. FELIPE ACOSTA
AND LUZVIMINDA ACOSTA, APPELLANTS VERSUS
EMELIE L. BESAGA, APPELLEE"

DATE : MAR 21 2016

Before this Office is an Opposition to Memorandum dated 26 January 2016 issued by this Office filed by Emelie L. Besaga, through counsel, praying that this Office thru the Legal Department sets aside the subject memorandum.

In her opposition, Appellee Emelie L. Besaga claimed that the subject Memorandum is attempting to implement a wrong decision by directing the full implementation of the August 6, 2006 Decision rendered in DENR Case No. 5904.

Records reveal that on August 6, 2006, this Office issued a Decision (i) vacating the December 1, 2003 and July 26, 2004 orders of the RED; (ii) amending the coverage of the SLUP of the petitioner to cover Lot No. 4513 only; and (iii) giving due course to the SLUP of the respondent spouses to cover Lot Nos. 4512 and 4514.

On October 17, 2006, this Office issued a Resolution the dispositive portion of which reads:

"WHEREFORE, premises considered, the Decision dated August 6, 2006 is REVERSED and SET ASIDE and the Orders dated December 1, 2003 and July 26, 2004 are hereby AFFIRMED.

SO ORDERED."

On August 13, 2007, the Office of the President (OP) issued a Decision the dispositive portion of which reads:

"WHEREFORE, the instant appeal is hereby GIVEN DUE COURSE, and the Resolution dated October 17, 2006 of the Secretary of Environment and Natural Resources is hereby SET ASIDE.

SO ORDERED."

On October 30, 2009, the Court of Appeals issued a Decision the dispositive portion of which reads:

"WHEREFORE, the petition is DISMISSED for lack of merit and the assailed decision of the Office of the President dated August 13, 2007 is hereby affirmed."

On October 1, 2010, the Court of Appeals again issued a Resolution affirming its Decision dated October 30, 2009.

On April 20, 2015, the Supreme Court promulgated a Decision in G.R. No. 194061 entitled "Emelie L. Besaga, Petitioner versus Spouses Felipe Acosta and Luzviminda Acosta and Digna Matalang Coching, Respondents", the dispositive portion of which reads:

"WHEREFORE, premises considered, we DENY the petition and AFFIRM the October 30, 2009 decision and October 1, 2010 resolution of the Court of Appeals in CA-G.R. SP No. 100616, affirming the August 13, 2007 decision of the Office of the President in O.P. Case No. 06-K-398.

SO ORDERED."

From the above decision of the Supreme Court, what was affirmed by both the Court of Appeals and the Supreme Court was the Decision of the Office of the President dated August 13, 2007. Consequently, what has to be implemented is the said OP Decision dated August 13, 2007.

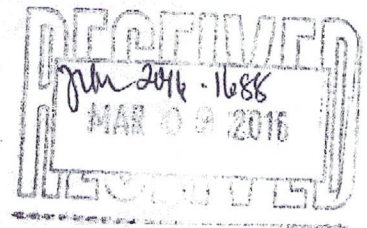
For information and reference.


ATTY. ANSELMO C. ABUNGAN

Copy Furnished:

Atty. Romeo Q. Artazo, Jr.
166 Sampaguita Street
Villa Leticia Subdivision
Tanzang Luma VI, Imus, Cavite

Republic of the Philippines
Department of Environment and Natural Resources
Office of the Secretary
Visayas Avenue, Diliman
Quezon City



DIGNA MATALANG COCHING
SPS. FELIPE ACOSTA and
LUZVIMINDA ACOSTA,
Appellants,

- versus -

DENR CASE NO. 5904

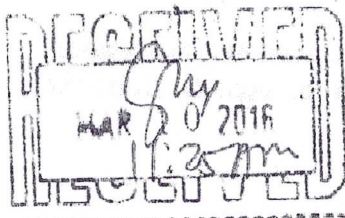
EMELIE L. BESAGA,
Appellee.

X-----X
Hon. Ramon J.P. Paje
Secretary
Deptment of Environment & Natural Resouces
Visayas Avenue, Diliman
1100 Quezon City.

DENR - R - IV - B OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR	
DOC. NO.	
RECEIVED	RELEASED
BY: TEL	BY:
DATE: 3/9/16	DATE:
TIME: 2:40 pm	TIME:

THRU: **Atty. Anselmo C. Abungan**
Assistant Secretary for Legal Services

Re: DENR Case 5904, entitled "Digna
Matalang Coching, Sps. Felipe Acosta and
Luzviminda Acosta, Appellants, versus
Emelie L. Besaga, Appellee."



OPPOSITION to MEMORANDUM DATED 26 JANUARY 2016

The subject of this opposition is the Memorandum dated 26 January 2016 (Memorandum) directing the execution of the DENR Case No. 5904, signed by Atty. Anselmo C. Abungan, Acting Assistant Secretary for Legal Affairs, DENR.

Pertinent Facts:

On one hand, Emelie Besaga (Besaga) applied for a Special Land Use Permit (SLUP) covering lots Nos 4512, 4513, 4514 located in Port Barton, San Vicente, Palawan. On the other hand, spouses Felipe Acosta (Acosta) also applied for SLUP but their application covered the same two lots applied by Besaga specifically Lot Nos. 4512 and 4514.

The DENR-MIMAROPA (MIMAROPA), thru Order dated 01 December 2003, gave due course to the SLUP application of Besaga while rejected the application of Acosta.

Acosta appealed the MIMAROPA's Order *via* Memorandum of Appeal to the DENR Secretary, which under the rules should have been done *via* notice of appeal and filed in the MIMAROPA. In due time, MIMAROPA issued another Order declaring its Order dated 01 December 2003 as final and executory, thereby a SLUP was issued to Besaga.

In a parallel development, DENR Secretary rendered Decision dated 06 August 2006 on Acosta's appeal in favour of Acosta. However upon Besaga's motion for reconsideration, the DENR Secretary reversed its own Decision thru Resolution dated 17 October 2006 in favour of Besaga.

Acosta filed again an appeal to the Office of the President (OP) which granted the appeal in favour of Acosta.

Besaga appealed to the Court of Appeals (CA) but was dismissed. She further appealed to the Supreme Court (SC) but was also denied. Her motion for reconsideration thereon was denied too. She filed a second motion for reconsideration, which is now pending in the Supreme Court

All told, the case resulted to the issuance of memorandum which is now the subject herein.

Issues:

- i. The Memorandum is attempting to implement a wrong decision.
- ii. The OP decision dated 13 August 2007, which is the decision due for execution, merely ordains the giving due course to the appeal of Acosta from the MIMAROPA's Order dated 01 December 2003

Discussions:

The Memorandum, which is entirely an order of execution, is illegal and contrary to doctrinal jurisprudence.

Besaga with utmost respect submits that the Memorandum is attempting to execute a wrong decision.

This case went way up to the Supreme Court whose Decision¹ contained a *fallo* reading:

WHEREFORE, premises considered, we DENY the petition and AFFIRM the October 30, 2009 decision and October 1, 2010 resolution of the Court of Appeals in CA-G.R. SP No. 100616, affirming the August 13, 2007 decision of the Office of the President in O.P. Case No. 06-K-398. (Underscored supplied).

As it reads, the SC Decision made reference to the CA decision and resolution respectively dated 30 October 2009 and 01 October 2010, which It has affirmed. In turned, the said CA decision and resolution is the affirmation of the OP decision dated 13 August 2007. To state:

¹ G.R. No. 194061

WHEREFORE, the petition is DISMISSED for lack of merit and the assailed decision of the Office of the President dated August 13, 2007 is hereby affirmed.

Accordingly, the decision referred to by the SC and the CA to have attained finality is the the OP decision² dated 13 August 2007. Hence the said OP decision is the proper decision due for execution.

Unfortunately and strangely, the memorandums is seeking to implement a different decision — the DENR decision dated 06 August 2006. This is crystal from the reading of the memorandum itself to wit:

In relation to your Memorandum dated October 30, 2015 and the August 5, 2015 Resolution rendered by the Supreme Court in G.R. No. 194061 (Emelie L. Besaga, Petitioner, versus Spouses Felipe and Luzviminda Acosta, et al), denying with finality the Petitioner's Motion for Reconsideration of the April 20, 2015 Decision rendered in the same case affirming the Decision dated October 30, 2009 and Resolution, dated October 1, 2010 of the Court of Appeals in C.A.-G.R. SP No. 100616, the entire regional records of DENR Case No. 5904 are herewith returned to that Office for the full implementation of the August 6, 2006 Decision rendered in said DENR Case No. 5904.

The full implementaion of the August 6, 2006 Decision necessitates the:

1) Amendment of FLAgT in the name of Emelie Besaga to cover only Lot No. 4513; and

2) Exclusion of Lot Nos. 4512 and 4514 from the coverage of Emelie Besaga's FLAgT and to be covered by the Special Land Use Permit of Spouses Felipe and Luzviminda Acosta which shall be given due course pursuant to DAO No. 28, Series of 2004 as amended. (Underscored supplied)

Indubitably, the memorandum is seeking to implement the DENR decision dated 06 August 2006,³ when what is proper for execution per the SC and CA decision is the OP decision dated 13 August 2007. Hence, the memorandum is seeking to implement a wrong decision.

Moreover, it is noteworthy that the DENR decision dated 06 August 2006, which the memorandum is attempting to implement, was set aside by another decision — the DENR decision dated 17 October 2006, the dispositive part of which reads:

the Orders dated December 01, 2003 and July 26, 2004 of the RED, DENR-MIMAROPA have attained finality for failure to perfect an appeal on the following grounds: (i) respondent spouses filed an appeal memorandum, instead of a notice of appeal; (ii) the appeal memorandum was directly filed with the DENR and not with the DENR-MIMAROPA Regional Office; and (iii) respondent spouses failed to pay the required docket and appeal fees within the reglementary period.

² O.P. Case No. 06-K-398

³ The dispositive part of the DENR decision dated 06 August 2006 reads:

(i) vacating the December 01, 2003 and July 26, 2004 Orders of the RED, DENR-MIMAROPA; (ii) amending the coverage of the SLUP of herein petitioner to cover only Lot No. 4513; and (iii) giving due course to the SLUP of respondent spouses to cover Lot Nos. 4512 and 4514.

WHEREFORE, premises considered, the Decision dated August 6, 2006 is REVERSED and SET ASIDE and the Orders dated December 1, 2003 and July 26, 2004 are hereby **AFFIRMED**.

SO ORDERED.

(Underscored Supplied)

Since the DENR decision dated 06 August 2006 was set aside by a later DENR decision, the former (DENR decision dated 06 August 2006) ceased to exist as a valid decision. Hence, it confers no right and disposes no issues. Needless to state, the said decision cannot be a basis of any writ of execution.

Besaga is not unmindful that the DENR decision dated 17 October 2006 (which sets aside the DENR decision dated 06 August 2006) was later set aside too by the OP decision dated 13 August 2007, the decision supposedly due for execution. However, the said OP decision did not dispose to rule that the DENR decision dated 06 August 2006 (which the memorandum seeks to execute) is affirmed or reinstated. This is crystal from the wording of *fallo* of the OP decision to wit:

WHEREFORE, the instant appeal is hereby GIVEN DUE COURSE, and the Resolution dated October 17, 2006 of the Secretary of Environment and Natural Resources hereby **SET ASIDE**.

Clearly, nothing reads in the OP decision with the tenor of reinstating or restoring the 06 August 2006 decision. Such being the case, the *en banc* case *United States vs. Soliman*⁴ finds application by analogy herein. The Supreme Court ruled therein:

Manifestly, with this rule in mind, section 12 of the Administrative Code (Act No. 2657) which is found in Article III, [Chapter I] dealing with the form and effect of laws in general, provides that "when a law which expressly repeals a prior law is itself repealed the law first repealed shall not be thereby revived unless expressly so provided." From which it may fairly be inferred that the old rule continues in force where a law which repeals a prior law, not expressly but by implication, it itself repealed; and that in such cases the repeal of the repealing law revives the prior law, unless the language of the repealing statute provides otherwise.

Verily although the OP decision set aside the DENR decision dated 17 October 2007 which decision previously set aside the DENR decision dated 06 August 2006, the OP decision did not have an effect of reviving or restoring the DENR decision dated 06 August 2006. If indeed the intent of the OP in rendering its decision were not only to set aside the DENR Secretary decision dated 17 October 2006 but also to restore or reinstate the DENR Secretary decision dated 06 August 2006, it would have categorically worded said decision (OP decision) in such tenor. Hence, in accordance to the ruling in *Soliman* case, the DENR decision dated 06 August 2006 has remained inexistent and cannot be a subject of an execution for all legal intent and purposes.

The OP decision dated 13 August 2007, which is the decision due for execution, merely ordains the giving due course to the appeal of Acosta from the MIMAROPA' Order dated 01 December 2003

⁴ G.R. No. L-11555

January 6, 1917

Besaga submits that the OP decision dated 13 August 2007 merely ordains "the giving of due course" to the appeal of Acosta from the MIMAROPA decision dated 01 December 2003. The MIMAROPA decision reads:

WHEREFORE, premises considered, the decision is hereby rendered, directing the CENRO concerned: Give due course the application of Ms. Emelie L. Besaga; Reject the application filed herein respondent Acosta and the same be considered closed or dropped from the records, likewise respondent is hereby enjoined to remove all improvements illegally installed and introduced therein or otherwise this office will initiate said demolition at the expense of respondent; and finally herein applicant Ms. Emelie L. Besaga is hereby enjoined to comply and submit all requirements pertinent to her application to CENRO concerned within sixty (60) days upon finality of this Order.

SO ORDERED.

The fact that "the giving of due course on Acosta' appeal" was the directive of the final decision is crystal from the discussion or *ratio decidendi* of the OP, CA and SC decisions. A reading of all said decisions — emphatically the SC decision — would readily show that the focal issues and thorough discussion therein dwelled in the exercise of the right to appeal of Acosta from the MIMAROPA decision, ruling that Acosta's appeal has been perfected despite some deviations from rules relative to appeal. Suffice is to state, the final decision ripe for execution is "to give due course to the appeal of Acosta even though was done *via* Memorandum of Appeal and filed in the DENR Secretary, while the under the rules the proper mode is a notice of appeal to be filed in the DENR MIMAROPA.

Besaga is aware that there were discussions relating to the merit of the case particularly in the OP decision which seems to favor Acosta. However, the said discussion were merely *arguendos*, the evident purpose of which is to show additional reason to sustain the appeal of Acosta from the MIMAROPA decision as having been perfected; presumably under the premise that, if the appeal were given due course, Acosta might be the rightful awardee of the SLUP. Stated otherwise, the final decision merely seeks that the applications for the SLUP should be resolved base on substantial rights, not on mere technicalities.

Be that as it may, the ruling of the Supreme Court in the en banc case *Gonzales vs. Solid Cement Corporation & Allen Querubin*⁵ is applicable. It reads:

The fallo or the dispositive portion

The resolution of the court in a given issue - embodied in the fallo or dispositive part of a decision or order - is the controlling factor in resolving the issues in a case. The fallo embodies the court's decisive action on the issue/s posed, and is thus the part of the decision that must be enforced during execution. The other parts of the decision only contain, and are aptly called, the *ratio decidendi* (or reason for the decision) and, in this sense, assume a lesser role in carrying into effect the tribunal's disposition of the case.

When a conflict exists between the dispositive portion and the opinion of the court in the text or body of the decision, the former must prevail over the latter under the rule that the dispositive portion is the definitive order, while the opinion is merely an explanatory statement without

⁵ G.R. No. 198423, October 23, 2012.

the effect of a directive. Hence, the execution must conform with what the fallo or dispositive portion of the decision ordains or decrees.

The Gonzales case pronounces that in case of conflict between the *ratio decidendi* and the *fallo* in a decision, the fallo prevails. The discussions relating to the merits of Acosta's application for SLUP are the *ratio decidendi* of the in the OP decision. It cannot prevail over the *fallo* of the said decision. To reiterate, the wording of *fallo* of the OP decision reads:

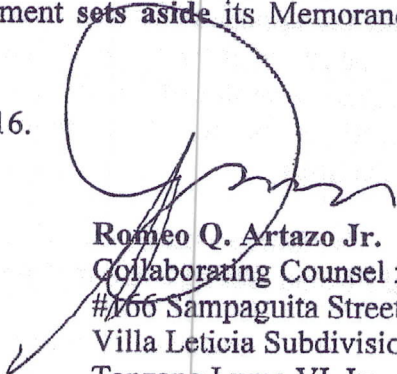
WHEREFORE, the instant appeal is hereby GIVEN DUE COURSE, and the Resolution dated October 17, 2006 of the Secretary of Environment and Natural Resources hereby SET ASIDE.

Crystal, the *fallo* of the OP decision due for execution does not command or order the amendment or dropping of lots from the SLUP of Besaga, of Besaga's SLUP. It merely ordains that the appeal of Acosta is given due course. This could only mean the appeal of Acosta from the decision of MIMAROPA to the DENR Secretary has been perfected, thereby this case is elevated to the DENR Secretary for review.

All told, the memorandum is attempting to implement a wrong decision. It also seeks to implement a disposition contrary to the fallo of the OP decision. Besides, the OP decision merely declared the appeal of Acosta as having been perfected despite the failure to strictly follow the rules on appeals.

Wherefore, premises considered, it is most respectfully prayed that the Honorable Office of the DENR thru the Legal Department sets aside its Memorandum dated 26 January 2016

Respectfully submitted, 01 March 2016.



Romeo Q. Artazo Jr.
Collaborating Counsel for Besaga
#166 Sampaguita Street
Villa Leticia Subdivision
Tanzang Luma VI, Imus City
Cavite

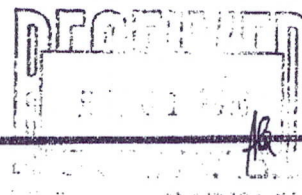
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Atty. Danilo C. Cunanan
Counsel for Sps. Felipe and Luzviminda Acosta
3561-A Second cor Mag. Villamor Streets
Bacood, Sta. Mesa, Manila



April 28, 2016

MEMORANDUM

FOR : The Assistant Secretary for Legal Services

FROM : The Regional Director

SUBJECT : COMPLETED STAFF WORK (CSW) AND CLARIFICATION RE: MEMORANDUM DATED MARCH 21, 2016 ORDERING THE IMPLEMENTATION OF O.P. DECISION DATED AUGUST 13, 2007 (O.P. CASE NO. 06-K-398 [DENR CASE NO. 5904] ENTITLED "DIGNA MATALANG COCHING, SPS. FELIPE AND LUZVIMINDA ACOSTA, APPELLANTS VERSUS EMELIE BESAGA, APPELLEE")

This refers to your instruction relative to the implementation of the above-cited subject.

Below are the series of events which transpired relative to the case of "Emelie Besagaversus Digna Matalang-Coching and Sps. Felipe and Luzviminda Acosta":

December 1, 2003	<p>Order issued by then OIC-Regional Executive Director Dionisio S. Tolentino, Jr. in the case entitled "Emelie L. Besaga, Complainant versus Digna Matalang-Coching and Sps. Felipe and Luzviminda Acosta":</p> <p><i>"WHEREFORE, premises considered, the decision is hereby rendered, directing the CENRO concerned : Give due course to the application of Ms. Emelie L. Besaga; Reject the application filed by herein respondent Acosta and the same be considered closed or dropped from the records, likewise respondent is hereby enjoined to remove all improvements illegally installed and introduced therein or otherwise this office will initiate said demolition at the expense of respondent; and finally, herein applicant Ms. Emelie L. Besaga is hereby enjoined to comply and submit all the requirements pertinent to her application to CENRO concerned within sixty (60) days upon finality of this Order."</i></p>
July 26, 2004	<p>Order issued by then Regional Executive Director Dionisio S. Tolentino, Jr.:</p> <p><i>"WHEREFORE, in the light of all the foregoing and after finding the instant Motion for Reconsideration to be without merit, the same is hereby DISMISSED. Consequently, the order issued by the Regional Executive Director on December 1, 2003 is hereby AFFIRMED"</i></p>

October 11, 2004	<p>Certification issued by then Regional Executive Director Dionisio S. Tolentino, Jr.:</p> <p><i>"Considering that per records of this Office, no NOTICE OF APPEAL has been filed by Digna Matalang Coching and Spouses Felipe and Luzviminda Acosta, the Orders dated December 1, 2003 and July 26, 2004 has already become final and executory"</i></p>
December 10, 2004	<p>SLUP NO. DENR IV-PENRO-12102005-0004 (Bathing Establishment) was issued to Emelie Besaga</p>
March 10, 2005	<p>Memorandum issued by then OIC, Regional Executive Director Pobleo M. Florece transmitting the complete records of the case entitled <i>"Digna Matalang Coching and Spouses Luzviminda and Felipe Acosta v. Emelie Besaga"</i> to the Assistant Secretary for Legal Services with the information that the said case has already become final and executory at the Regional Level</p>
November 18, 2005	<p>FLAgT Bathing Establishment No. DENR IV-MIMAROPA-11302030-0002 was issued to Emelie Besaga.</p> <p>(This FLAgT will expire on November 30, 2030)</p>
July 17, 2006	<p>Order issued by then Regional Executive Director Vicente S. Paragas in DENR Case No. M-003-03-F entitled "Emelie L. Besaga, Complainant versus Digna Matalang Coching and Sps. Felipe and Luzviminda Acosta, and all other persons acting for and in their behalf":</p> <p><i>"WHEREFORE, premises considered, the PENRO/CENRO concerned is hereby directed to implement the order dated December 01, 2003, and in order to ensure the equitable share of the government in the use of forestlands, the PENRO/CENRO concerned is further directed to assist the FLAgT holder in clearing the area covered by FLAG-T Bathing Establishment No. DENR IV-MIMAROPA-11302030-0002 in the name of Ms. Emelie L. Besaga from any illegal structure, intruder or occupant within ten (10) days upon receipt hereof. Submit report upon completion of this Order within ten (10) days"</i></p>
August 6, 2006	<p>Decision issued by then Secretary Angelo Reyes in DENR Case No. 5904 entitled "Digna Matalang Coching, Sps. Felipe Acosta and Luzviminda Acosta, Appellants versus Emelie L. Besaga, Appellee":</p> <p><i>"WHEREFORE, PREMISES CONSIDERED, the Orders dated December 1, 2003 and July 26, 2004 of the Regional Executive Director for DENR-MIMAROPA are hereby REVERSED and it is hereby directed that the Special Land Use Permit (Bathing Establishment), now FLAgT of Appellee Emelie Besaga be AMENDED to cover only Lot No. 4513 and the Special Land Use Permit of Appellant Luzviminda Acosta be GIVEN DUE COURSE to cover Lot 4512 and 4514, subject to the provisions of DENR Administrative Order No. 28, Series of 2004."</i></p>

August 11, 2006	Comments re: Decision dated August 6, 2006 submitted by then Regional Executive Director Vicente S. Paragas
October 17, 2006	Resolution issued by then Secretary Angelo T. Reyes: <i>"WHEREFORE, premises considered, the Decision dated August 6, 2006 is REVERSED and SET ASIDE and the Orders dated December 1, 2003 and July 26, 2004 are hereby AFFIRMED."</i>
November 22, 2006	Appeal Memorandum submitted by Luzviminda S. Acosta to the Office of the President
August 13, 2007	Decision issued by Executive Secretary Eduardo R. Ermita in O.P. Case No. 06-K-398 (DENR Case No. 5904) entitled "Digna Matalang Coching, Sps. Felipe and Luzviminda Acosta, Appellants versus Emelie Besaga, Appellee": <i>"WHEREFORE, the instant appeal is hereby GIVEN DUE COURSE, and the Resolution dated October 17, 2006 of the Secretary of Environment and Natural Resources hereby SET ASIDE."</i>
October 5, 2007	<i>Motion for Declaration of Finality in the Exhaustion of Administrative Remedies and Prayers for Execution of the Legal Consequences thereof</i> submitted by Luzviminda Acosta before the Office of the President
May 29, 2008	Order issued by Deputy Secretary for Legal Affairs Manuel B. Gaite in O.P. Case No. 06-K-398 (DENR Case No. 5904): <i>"This refers to the motion filed by appellant Luzviminda Acosta praying for declaration of finality of this Office's Decision dated August 13, 2007, giving due course to the appeal and setting aside the Resolution dated October 17, 2006 of the Secretary of Environment and Natural Resources.</i> <i>Records would show that a Petition for Review was filed by Emelie Besaga, thru counsel, before the Court of Appeals, Manila, docketed as CA-G.R. SP No. 100616.</i> <i>In view thereof, the Motion for Declaration of Finality is hereby DENIED."</i>
October 30, 2009	Decision issued by the Court of Appeals – Special Eleventh Division in CA-G.R. SP-No. 100616 entitled "Emelie Besaga, Petitioner versus Sps. Felipe Acosta & Luzviminda Acosta and Digna Matalang Coching, Respondents": <i>"WHEREFORE, the petition is DISMISSED for lack of merit and the assailed decision of the Office of the President dated August 13, 2007 is hereby affirmed."</i>
October 1, 2010	Resolution issued by the Court of Appeals – Former Special Eleventh Division in CA-G.R. SP-No. 100616:

	<i>"WHEREFORE, in view of the foregoing premises, the motion for reconsideration is hereby DENIED."</i>
September 11, 2014	Memorandum issued by the OIC, Assistant Secretary for Legal Affairs to the undersigned remanding the entire regional folder of the case with the instruction to implement the August 6, 2006 Decision signed by then Secretary Angelo C. Reyes
October 2, 2014	This Office received a Letter (Motion To Suspend the Full Implementation of the August 06, 2006 Decision) from Atty. Voltaire T. Duano, collaborating counsel for Emelie L. Besaga
November 5, 2014	Memorandum issued by the undersigned requesting the OIC-Assistant Secretary for Legal Service for further instruction regarding the Letter filed by Atty. Duano
November 11, 2014	Memorandum issued by the OIC-Assistant Secretary for Legal Service that the August 6, 2006 Decision will be implemented unless the collaborating counsel can show a restraining order or prohibition order from the appropriate court for that office not to implement the said Decision
March 12, 2015	Memorandum issued by the OIC-Assistant Secretary for Legal Service reiterating his position as previously stated in the Memorandum dated November 11, 2014 unless the collaborating counsel can show a restraining order or prohibition order from the appropriate court for that office not to implement the Decision dated August 6, 2006. He further stated that the letter of the said Counsel can be well addressed for the determination thereof by the Office of the President in view of the Order dated October 3, 2012 issued in O.P. Case No. 09-B-041
April 20, 2015	<p>Memorandum issued by the undersigned to the PENR Officer, Palawan (attention: the OIC, CENR Officer, Roxas, Palawan) instructing them to implement the Decision dated August 6, 2006 and to secure the property from being scrupulously sold to the prejudice of the parties and the government</p> <p>Decision issued by the Supreme Court – Second Division:</p> <p><i>"WHEREFORE, premises considered, we DENY the petition and AFFIRM the October 30, 2009 decision and October 1, 2010 resolution of the Court of Appeals in CA-G.R. SP No. 100616, affirming the August 13, 2007 decision of the Office of the President in O.P. Case No. 06-K-398"</i></p>
June 22, 2015	Letter of the undersigned to Luzviminda Acosta furnishing her a copy of the Memorandum dated April 20, 2015
June 29, 2015	<p>Memorandum of the Acting Assistant Secretary for Legal Services to the undersigned stating that:</p> <p><i>"This Office did not take cognizance of the Motion for Reconsideration, dated April 8, 2015, filed by Atty. Voltaire T. Duano in behalf of his client Emelie Besaga for lack of</i></p>

	<p><i>jurisdiction to resolve the same and, we have also received recently a Decision, dated April 20, 2015 issued by the Supreme Court denying the Petition for Review of Emelie Besaga and affirmed the August 6, 2006 Decision of this Office that was the subject of the directive for your Office to implement.</i></p> <p><i>In view thereof, you are hereby directed to proceed with the implementation/execution of the said August 6, 2006 Decision, and advise us of the action taken hereon."</i></p>
August 5, 2015	<p>Resolution issued by the Supreme Court Second Division which read as follows:</p> <p>"G.R. No. 194601 (Emelie L. Besaga vs. Spouses Felipe Acosta and Luzviminda Acosta and Digna Matalang Coching)- The Court resolves to:</p> <ol style="list-style-type: none"> 1. NOTE the supplemental motion for reconsideration dated 17 June 2015, with entry of appearance as collaborating counsel for petitioner of Atty. Romeo Q. Artazo, Jr., with therein conformity; and 2. DENY petitioner's motion for the issuance of status quo ante order/writ of preliminary injunction dated 8 July 2015, to enjoin the PENRO and the DENR from implementing the latter's Decision dated 6 August 2006 which emanated from DENR Case No. 5904 (O.P. Case No. 06-K-398). <p>Acting on petitioner's motion for reconsideration of the Decision dated 20 April 2015 (not 12 May 2015) which denied the petition and affirmed the Court of Appeals Decision dated 30 October 2009 and Resolution dated 1 October 2010 in CA-G.R. SP No. 100616, the Court further resolves to DENY the motion with FINALITY, the basic issues raised therein having been duly considered and passed upon by the Court in the aforesaid decision and no substantial argument having been adduced to warrant the reconsideration sought.</p> <p>No further pleadings or motions shall be entertained in this case. Let entry of final judgment be made in due course."</p>
September 30, 2015	<p>Memorandum issued by the undersigned to the PENR Officer, Palawan (attention: the CENR Officer, Roxas, Palawan) to submit a report in Completed Staff Work (CSW) format within five (5) days upon implementation thereof</p>
October 8, 2015	<p>Memorandum issued by the CENR Officer, Roxas, Palawan (thru the PENR Officer, Palawan) for the undersigned stating that the said Order was implemented on October 7, 2015 with the presence of both parties. Completed Staff Work (CSW) will follow upon completion of the desired documents</p>
October 13, 2015	<p>Memorandum from the CENR Officer, Roxas, Palawan (thru the</p>

	PENR Officer, Palawan) for the undersigned - Submission of a Report in Completed Staff (CSW) Format re: Implementation of the Decision dated August 06, 2006 issued by then Secretary Angelo T. Reyes in DENR Case No. 5904 entitled "Digna Matalang Coching and Spouses Luzviminda and Felipe Acosta versus Emelie Besaga"
October 21, 2015	Memorandum from the PENR Officer, Palawan for the undersigned forwarding the Memorandum dated October 13, 2015 of the CENR Officer, Roxas, Palawan
October 30, 2015	Memorandum of the undersigned for the Acting Assistant Secretary for Legal Affairs forwarding the Memoranda dated October 13 and 21, 2015 from the CENR Officer, Roxas, Palawan and PENR Officer, Palawan
January 26, 2016	<p>Memorandum issued by the Acting Assistant Secretary for Legal Affairs Services wherein this Office was informed that:</p> <p><i>"The full implementation of the August 6, 2006 Decision necessitates the:</i></p> <ol style="list-style-type: none"> <i>1. Amendment of the FLAgT in the name of Emelie Besaga to cover only Lot No.4513; and</i> <i>2. Exclusion of Lot Nos. 4512 and 4514 from the coverage of Emelie Besaga's FLAgT and to be covered by the Special Land Use Permit of Spouses Felipe and Luzviminda Acosta which shall be given due course pursuant to DAO No. 28, Series of 2004, as amended.</i> <p><i>For your strict compliance."</i></p>
February 22, 2016	Memorandum issued by the undersigned to the PENR Officer Palawan (attention the CENR Officer, Roxas, Palawan) reiterating the above instructions of the Acting Assistant Secretary for Legal Affairs Services
March 1, 2016	<p>Opposition to Memorandum dated 26 January 2016 of Atty. Romeo Q. Artazo Jr., collaborating counsel for Besaga wherein he stated that:</p> <p>"Crystal, the <i>fallo</i> of the OP decision due for execution does not command or order the amendment or dropping of lots from the SLUP of Besaga, of Besaga's SLUP. It merely ordains that the appeal of Acosta is given due course. This could only mean the appeal of Acosta from the decision of MIMAROPA to the DENR Secretary has been perfected, thereby this case is elevated to the DENR Secretary for review.</p> <p>All told, the Memorandum is attempting to implement a wrong decision. It also seeks to implement a disposition contrary to the fallo of the OP decision. Besides, the OP decision merely declared the appeal of Acosta as having been perfected despite the failure to strictly follow the rules on appeals.</p>

	<p>Wherefore, premises considered, it is most respectfully prayed that the Honorable Office of the DENR thru the Legal Department sets aside its Memorandum dated 26 January 2016"</p>
March 21, 2016	<p>Memorandum issued by the Acting Assistant Secretary for Legal Affairs Services wherein this Office was informed that:</p> <p>On April 20, 2015, the Supreme Court promulgated a Decision in G.R. No. 194061 entitled "Emelie L. Besaga, Petitioner versus Spouses Felipe Acosta and Luzviminda Acosta and Digna Matalang Coching, Respondents" the dispositive portion of which reads:</p> <p>"WHEREFORE, premises considered, we DENY the petition and AFFIRM the October 30, 2009 decision and October 1, 2010 resolution of the Court of Appeals in CA-G.R. SP No. 100616, affirming the August 13, 2007 decision of the Office of the President in O.P. Case No. 06-K-398"</p> <p>From the above decision of the Supreme Court, what was affirmed by both the Court of Appeals and the Supreme Court was the Decision of the Office of the President dated August 13, 2007. Consequently, what has to be implemented is the said OP Decision dated August 13, 2007.</p>

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In your Memorandum dated March 21, 2016, this Office was informed that what has to be implemented is the OP Decision dated August 13, 2007 which gave due course to the Appeal of the Spouses Felipe and Luzviminda Acosta and Digna Matalang-Coching and set aside the Resolution dated October 17, 2006 of the Secretary of Environment and Natural Resources.

Please be informed that the August 6, 2006 Decision was implemented by this Office in compliance with your Memorandum dated September 11, 2014 and further reiterated per your Memoranda dated November 11, 2014, March 12, 2015 and January 26, 2016.

In view of the foregoing, we are seeking clarification whether the implementation of the August 6, 2006 Decision will be recalled and the entire records of the case will be forwarded to that Office.

For further instruction.



Department of Environment
and Natural Resources
REGION 4B



OSCAR C. DOMINGUEZ
OSCAR C. DOMINGUEZ

DENR PPC
P 68
7/15/1

cc:

Emelie L. Besaga

Sps. Felipe and Luzviminda Acosta

The Undersecretary for Field Operations

DENRO Palawan

DENRO Roxas, Palawan

c/o Atty. Romeo Q. Artazo, Jr.
166 Sampaguita St., Villa Leticia Subdivision, Tanzaang Luma VI, Imus City, Cavite

c/o Atty. Danilo C. Curanan
3561-A Second cor. Mag. Villamor Streets, Bacood, Sta. Mesa, Manila
No. 12, Ym-J, Wilson Road, PPC

VICOR ACOSTA
JULY 26, 2015

DENRO RC

P 1
7/15/1

TSU
61
- 4000
5-11-16



Republic of the Philippines
Department of Environment and Natural Resources
Region IV
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Roxas, Palawan
E-mail: denrroxaspal@gmail.com

DENR DENRO
PALAWAN RECORDS
RECEIVED

BY: *[Signature]*
DATE: 5-10-16 16-6263

02 May 2016

MEMORANDUM

FOR : The Regional Director
R-IV-B MIMAROPA
1515 L&S Bldg., Roxas, Blvd.
Ermita, Manila

THRU : The Provincial Environment and
Natural Resources Officer
Sta. Monica, Puerto Princesa City

FROM : The Community Environment and
Natural Resources Officer
Roxas, Palawan

SUBJECT : DENR CASE NO. 5904 ENTITLED "DIGNA MATALANG COCHING,
SPS. FELIPE ACOSTA and LUZVIMINDA ACOSTA Appelants, versus
EMELIE L. BESAGA, Appelee."

DENR - DENRO
RECEIVED BY *[Signature]*
DATE MAY 11 2016
2016-102

In compliance to the Memorandum dated January 26, 2016 of the Acting Secretary for legal Affairs regarding the above-cited subject, giving instruction for the full implementation of the August 6, 2006 Decision, the map showing Lot 4513 which would cover the amended FLAgT of Emelie Besaga and the would be excluded Lots No. 4512 and 4514 from the said FLAgT, which shall cover the Special Land Use Permit of Spouses Felipe and Luzviminda Acosta, is hereby respectfully submitted.

Also submitted is the corresponding application for Forest Land Agreement for Tourism of Sps. Felipe and Luzviminda Acosta.

For your information and record.

FOR THE CENRO:

[Signature]
RONIE B. GANDEZA
DMO-IV
In-Charge, Office of the CENRO

RELEASED
BY: M. BIST
DATE: 5-3-16
SIGNATURE: *[Signature]*

MRD 2016-134

TECHNICAL DESCRIPTION

LOT 4512, Cad-860-D Area: 2,688 Sq. M.

LINE	BEARING	DISTANCE
1 - 2	N. 17° 42' E.	48.10 m.
2 - 3	S. 62° 54' E.	28.01 m.
3 - 4	S. 15° 35' W.	83.24 m.
4 - 5	N. 48° 44' W.	49.22 m.
5 - 6	N. 03° 04' E.	22.63 m.
6 - 1	S. 66° 22' E.	20.22 m.

PORT BARTON BAY



LOT 4514, Cad-860-D Area: 6,036 Sq. M.

1 - 2	N. 15° 35' E.	83.24 m.
2 - 3	N. 62° 54' W.	28.01 m.
3 - 4	N. 62° 38' W.	21.75 m.
4 - 5	N. 55° 49' E.	44.89 m.
5 - 6	N. 37° 16' E.	17.62 m.
6 - 7	S. 15° 57' E.	32.83 m.
7 - 8	S. 23° 13' E.	58.08 m.
8 - 9	S. 12° 49' E.	5.91 m.
9 - 10	S. 15° 21' W.	85.64 m.
10 - 11	N. 48° 06' W.	24.41 m.
11 - 1	N. 51° 04' W.	23.57 m.

LOT 4513, Cad-860-D Area: 1016 Sq. meter

1 - 2	N. 66° 53' W.	20.22 m.
2 - 3	N. 16° 12' E.	49.86 m.
3 - 4	S. 62° 38' E.	21.75 m.
4 - 1	S. 17° 42' W.	48.10 m.

NOTE:

LOT 4513 IS AMENDED FLAG OF EMELIE BESAGA, and THE EXCLUSION OF LOTS 4512 & 4514 FROM THE COVERAGE OF EMELIE BESAGA'S FLAG TO BE COVERED BY SLP OF SPOUSES FELIPE and LUZVIMENDA ACOSTA.

NOTE:

THE HEREIN PLOTTED AREA WAS MADE BASED FROM TD OF CAD-860-D SAN VICENTE CADASTRE.

SKETCH MAP SHOWING THE PROPOSED/ AMENDED FLAG OF EMELIE BESAGA

LOCATED AT

RURBAN CODE : 045319
BARANGAY OF : PORT BARTON
MUNICIPALITY OF : SAN VICENTE
PROVINCE OF : PALAWAN
ISLAND OF : PALAWAN

CONTAINING AN AREA OF : 9,740 SQUARE METER
SCALE 1 : 1000

Prepared/Plotted By:

LUCIBAR A. ELIJAN
FR/Adg. Cartographer

Checked/Verified By:

RONIE S. GANDEZA
DPMO - IV

Attested By:

WILFREDO R. ANGELES
CENRO

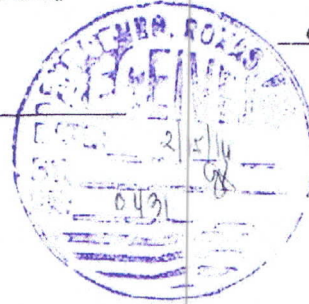
APPLICATION FOR FORESTLAND AGREEMENT FOR TOURISM/

APPLICATION NO. _____

2-15-16

DATE

The Community Environment and Natural Resources
DENR-CENRO, Roxas, Palawan



Sir:

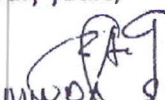
In connection with the Provision of PD 705 as amended, Executive Order No. 192, Series of 1987, Executive Order No. 278, Series of 1987 and all pertinent regulations on the on the matter. I/We hereby apply for Tourism Purposes the particulars of which are as follows:

Type of Forest Land Use	:	FLAG T
Approximate Area	:	9,800 sq m CAD Lot 4512 & 4514
Location	:	Palawan CAD 860-D
Province	:	San Vicente
Municipality/City	:	Port Borneo
Barangay/s	:	Quiole Pagala
Sitio/s	:	
Boundaries	:	
N	:	Pagdangan Bay, Creek
E	:	Rizal St
W	:	Pagdangan Bay
S	:	Roxas St.

I/We understand that the filing of this application does not convey the right to enter, occupy or develop the area applied for until an agreement has been executed between me / us and the Secretary / Regional Executive Director of the Department of Environment and Natural Resources.

All application requirements as stipulated in the regulation are enclosed together with the required non-refundable application fee of Php 500.00

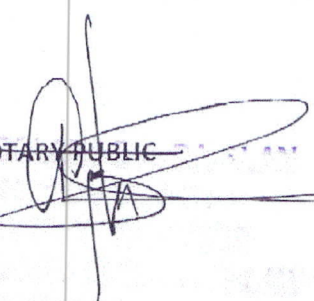
Very truly yours,


LURMINOR S. ADSTA
Applicant

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF _____ : S.S.
MUNICIPALITY OF _____)

SUBSCRIBED AND SWORN to before me this 15 day of Feb 2016
Affiant exhibited to me his/her Community Tax Certificate No. DSCA SV 10622 issued on
_____ issued at San Vicente Palawan

Doc. No. 239
Page No. 49
Book No. XVIII
Series of 2016


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Republic of the Philippines
Department of Environment and Natural Resources
Region IV-B MIMAROPA
Provincial Environment and Natural Resources Office
Sta. Monica, Puerto Princesa City, Palawan
Email ad. dempalawan@yahoo.com

Telefax #: (048) 433-5638

MEMORANDUM

FOR : The Regional Director
DENR-IVB MIMAROPA
1515 L&S Bldg., Roxas Blvd.
Ermita, Manila

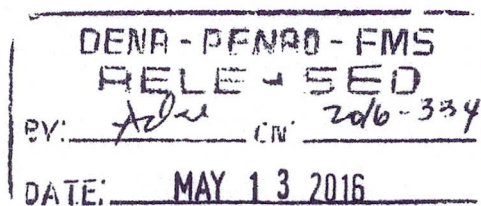
FROM : The PENRO
Puerto Princesa City

SUBJECT : DENR CASE NO. 5904 ENTITLED "DIGNA MATALANG
COCHING, SPS. FELIPE ACOSTA and LUZVIMINDA
ACOSTA Appelants, versus EMELIE L. BESAGA, Appelee."

DATE : May 12, 2016

Respectfully forwarded is the Memorandum dated 02 May 2016 of CENRO Roxas, Palawan re: above cited subject with attached pertinent endorcer in compliance with the Memorandum dated January 26, 2016 of the Acting Secretary for legal affairs.

For information, evaluation and record.



ORIGINAL SIGNED
JUAN C. DELA CRUZ

[Handwritten signature]

Forest Management Service

Received for FMS of Penro
8-17-16
[Handwritten signature]



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
PROVINCE OF PALAWAN
Email Address: denrroxas@gmail.com

April 12, 2017

MEMORANDUM

FOR : **Regional Director**
Region IV-B MIMAROPA
1515 L&S Building, Roxas Boulevard,
Ermita, Manila


THRU : **Provincial Environment and Natural Resources Officer**
Provincial Environment and Natural Resources Office
Sta. Monica Heights, Puerto Princesa City, Palawan

FROM : **OIC-Community Environment and Natural Resources Officer**
Community Environment and Natural Resources Office
Barangay III, Roxas, Palawan

SUBJECT : **ISSUANCE OF "ORDER TO VACATE" ALL THE ILLEGAL OCCUPANTS WITHIN THE AREA COVERED BY FOREST LAND USE AGREEMENT FOR TOURISM PURPOSES (FLAGT) NO. DENR IV-MIMAROPA- 11302030-0002 (BATHING ESTABLISHMENT) OF MS. EMELIE L. BESAGA.**

Forwarded the report with recommendation for the issuance of **"ORDER TO VACATE"** from the Regional Office against Mr. Joseph R. Roque, Sr., Mr. Wilfredo Mabalot, Mr. Wilson Mabalot, Mr. Winefren Mabalot, Mr. William Mabalot, Ms. Marlene Caabab, Mr. Marcelino Tinibro, Mr. Danielo A. Truza, Mr. Herminio Lizardo, Mr. Severino Asagra, Mr. Antonio Cabug-os, Mr. David Austria and Mr. Dennis Austria.

The above-subject persons are the actual illegal occupants within the area covered by Forest Land Use Agreement for Tourism Purposes (FLAgT) No. DENR IV-MIMAROPA-11302030-0002 (Bathing Establishment) of Ms. Emelie L. Besaga (Geo tagged of their houses are reflected in the attached map). The FLAgT of Ms. Besaga is located in Barangay Port Barton, San Vicente, Palawan. The **"NOTICE TO VACATE"** will be served soon to the respondents to **IMMEDIATELY VACATE AND REMOVE THEIR ERECTED STRUCTURES.**


ARNOLDO A. BLAZA, JR.
OIC-CENRO



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
PROVINCE OF PALAWAN
Email Address: denroxas@gmail.com

**TO: MR. JOSEPH R. ROQUE, SR.,
MR. WILFREDO MABALOT,
MR. WILSON MABALOT,
MR. WINEFREN MABALOT,
MR. WILLIAM MABALOT,
MS. MARLENE CAABAB,
MR. MARCELINO TINIBRO,
MR. DANIELO A. TRUZA,
MR. HERMINIO LIZARDO,
MR. SEVERINO ASAGRA,
MR. ANTONIO CABUG-OS,
MR. DAVID AUSTRIA AND
MR. DENNIS AUSTRIA.**

All are residents of Barangay Port Barton, San Vicente, Palawan

NOTICE TO VACATE

This Notice is hereby served upon you to **IMMEDIATELY VACATE AND REMOVE YOUR ERECTED STRUCTURES** within the area covered by Forest Land Use Agreement for Tourism Purposes (FLAgT) No. DENR IV-MIMAROPA-11302030-0002 (Bathing Establishment) of Ms. Emelie L. Besaga located at Barangay Port Barton, San Vicente, Palawan.

Records show that you constructed houses/structures inside the FLAgT area of Ms. Besaga and despite verbal reprimands that your structures are not allowed inside FLAgT and yet you continuously ignored with it.

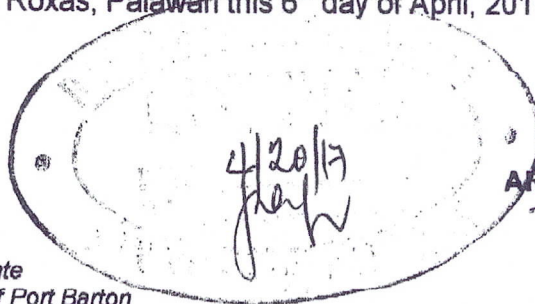
In this regard, you are formally notified to **VACATE THE AREA AND REMOVE ALL IMPROVEMENTS INTRODUCED BY YOU INSIDE FLAGT WITHIN FIFTEEN (15) DAYS FROM RECEIPT OF THIS NOTICE.** Otherwise, this Office will be constrained to file criminal and/or civil cases against you before the proper court.

The Chief of Forest Protection and Law Enforcement Unit and Patrol Sector No. 3 Personnel are directed to closely **MONITOR THE COMPLIANCE** of the above-subject persons and regularly update to this Office.

SO ORDERED.

Barangay III, Roxas, Palawan this 6th day of April, 2017

Cc:
Municipality of San Vicente
Barangay Government of Port Barton
PENRO Palawan
Regional Office



ARNOLDO A. BLAZA, JR.
DIC-CENRO

Barangay III, Roxas, Palawan
Email Address: denroxaspal@gmail.com



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
PROVINCE OF PALAWAN
Email Address: denroxas@gmail.com

April 4, 2017

MEMORANDUM

FOR : **OIC-Community Environment and Natural Resources Officer**
Community Environment and Natural Resources Office
Barangay III, Roxas, Palawan

FROM : **Chief, Forest Protection and Law Enforcement Unit**
Community Environment and Natural Resources Office
Barangay III, Roxas, Palawan

SUBJECT : **INVESTIGATION REPORT ON REPAIR OF SARI SARI STORE OF SPOUSES MR. JOSEPH R. ROQUE, SR. AND MS. ANECITA ROQUE MANAGE BY THEIR DAUGHTER MS. ANALYN R. PENIDA LOCATED WITHIN THE AREA COVERED BY FOREST LAND USE AGREEMENT FOR TOURISM PURPOSES (FLAgT) NO. DENR IV-MIMAROPA-11302030-0002 (BATHING ESTABLISHMENT) OF MS. EMELIE L. BESAGA**

The undersigned recommended for the issuance of **"NOTICE TO VACATE"** by CENRO Roxas, Palawan and later on **"ORDER TO VACATE"** from the Regional Office against Mr. Joseph R. Roque, Sr., Mr. Wilfredo Mabalot, Mr. Wilson Mabalot, Mr. Winefren Mabalot, Mr. William Mabalot, Ms. Marlene Caabab, Mr. Marcelino Tinibro, Mr. Danielo A. Truza, Mr. Herminio Lizardo, Mr. Severino Asagra, Mr. Antonio Cabug-os, Mr. David Austria and Mr. Dennis Austria.

The above-subject persons are occupied/resided inside the area covered by Forest Land Use Agreement for Tourism Purposes (FLAgT) No. DENR IV-MIMAROPA-11302030-0002 (Bathing Establishment) of Ms. Emelie L. Besaga (*Geo tagged of their houses are reflected in the attached map*). The FLAgT of Ms. Besaga is located in Barangay Port Barton, San Vicente, Palawan. The **"NOTICE TO VACATE"** will be served soon to the respondents to **IMMEDIATELY VACATE AND REMOVE THEIR ERECTED STRUCTURES** (*copy hereto attached*).

RESULT OF THE ACTIVITIES:

The DENR team composed of the undersigned as team leader, FTI Annjelette Jude F. Quezada, FR Toribio B. Bungalso, FR Teofilo O. Sindayen, FR Virgilio L. Cacatian coordinated at the Zoning Division of Municipal Planning and Development Office of San Vicente in the person of Mr. Edsel M. Serra and Mr. Charlie Cachliela (Engineering Office) on April 3, 2017 for the alleged issuance of Zoning Clearance and/or Building Permit for the repair of Sari Sari store of spouses Mr. Joseph R. Roque, Sr. and Ms. Anecita Roque manage by their daughter Ms. Analyn R. Penida located inside the area covered by Forest Land Use Agreement for Tourism Purposes (FLAgT) of Ms. Emelie L. Besaga.

Barangay III, Roxas, Palawan
Email Address: denroxaspal@gmail.com

At around 2:00 PM, the composite team from and composed of DENR, Zoning Division and Engineering Office of San Vicente proceeded to the area where the Sari Sari Store located. It was found out that the repair was accomplished within the previous space of the said Sari Sari Store using plywood and planted trees without issuances of Zoning Clearance or Building Permit.

According to Ms. Besaga, those kinds of problems will always continue because of illegal occupants who resided inside her FLAgT area. She requested us that those illegal occupants be removed to give enough space for the construction of additional facilities in the area at the same time take away the scenery which considered eye sore to the visitors of the bathing establishment.

We identified the persons to be recommended for the issuance of **"NOTICE TO VACATE"** by CENRO Roxas, Palawan and later on **"ORDER TO VACATE"** from the Regional Office against Mr. Joseph R. Roque, Sr., Mr. Wilfredo Mabalot, Mr. Wilson Mabalot, Mr. Winefren Mabalot, Mr. William Mabalot, Ms. Marlene Caabab, Mr. Marcelino Tinibro, Mr. Danielo A. Truza, Mr. Herminio Lizardo, Mr. Severino Asagra, Mr. Antonio Cabug-os, Mr. David Austria and Mr. Dennis Austria.

RECOMMENDATION/FOLLOW-UP ACTIVITY:

1. It is recommended that the **"NOTICE TO VACATE"** be issued by CENRO Roxas, Palawan and later on **"ORDER TO VACATE"** from the Regional Office against Mr. Joseph R. Roque, Sr., Mr. Wilfredo Mabalot, Mr. Wilson Mabalot, Mr. Winefren Mabalot, Mr. William Mabalot, Ms. Marlene Caabab, Mr. Marcelino Tinibro, Mr. Danielo A. Truza, Mr. Herminio Lizardo, Mr. Severino Asagra, Mr. Antonio Cabug-os, Mr. David Austria and Mr. Dennis Austria.

For your information and record.



ARNEL C. GAMUTIA



Republic of the Philippines
Department of Forestry and Natural Resources
Region IV
Cordillera Administrative Region
Palawan, Philippines

MAP

SHOWING THE HOUSE OF MR. JOSEPH R. ROQUE, JR.
MR. WILFREDO MABALOT, MR. WILSON MABALOT,
MR. WINFREN MABALOT, MR. WILLIAM MABALOT,
MS. MARLENE CAABAB, MR. TINIBRO MARCHINO,
MR. DANIELO A. TRUZA, MR. HERMINIO LIZADA,
MR. SEVERINO ASAGRA, MR. ANTONIO CABALLERO,
MR. DAVID AUSTRIA, MR. DENNIS AUSTRIA WHO
OCCUPIED/RESIDED INSIDE THE AREA COVERED
BY FOREST LAND USE AGREEMENT FOR TOURISM
PURPOSES (FLAGT) NO. DENR IV-MIMAROPA-11302031
0002 (BATHING ESTABLISHMENT) OF

EMELIE L. BESAGA

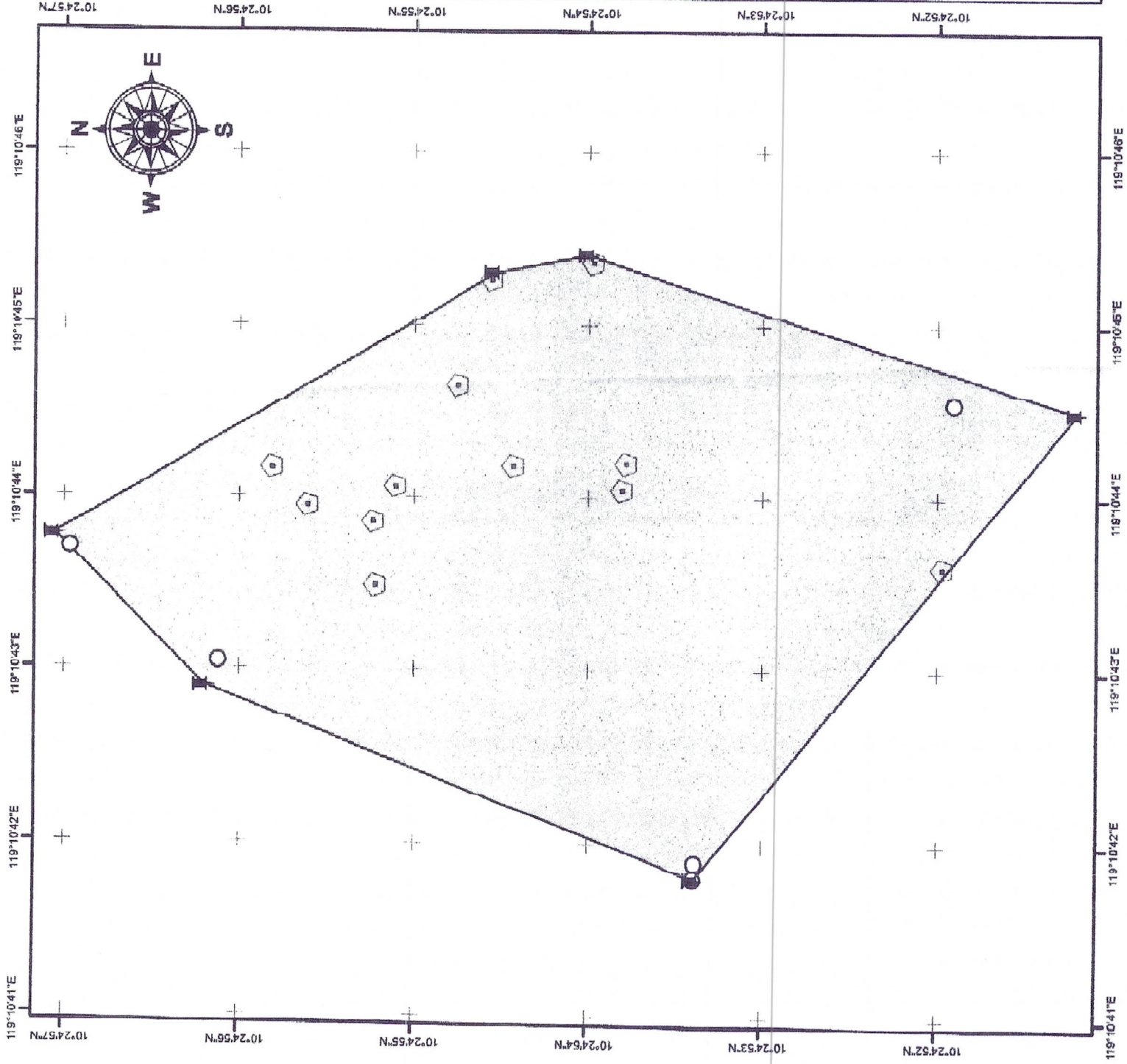
Coordinate System: WGS 1984 World Mercator
Projection: Mercator
Datum: WGS 1984

Legend

- CORNER
- HOUSE
- GEOTAG PHOTOS
- EMELIE BESAGA FLAGT AREA

Digitized By:

FATIMA-JADE T. ANDRES
Forest Technician I





The following photographs were taken from Municipal Hall of San Vicente and Barangay Port Barton, San Vicente, Palawan dated April 3, 2017.

Photograph No. 1 showing the Staff of Municipal Planning and Development Office of San Vicente while attending the query of Forester Arnel C. Gamutia, allegedly for the issuance of Zoning Clearance on the repair of Sari Sari Store of spouses Mr. Joseph R. Roque, Sr. and Ms. Anecita Roque manage by their daughter Ms. Analyn R. Penida located within the area covered by Forest Land Use Agreement for Tourism Purposes (FLAGT) of Ms. Emelie L. Besaga located at Barangay Port Barton, San Vicente, Palawan.



Photo taken by: Forest Technician I Annjelette Jude F. Quezada

Photograph No. 2 showing the composite team while preparing for the investigation or investigation to be conducted in the Sari Sari Store of spouses Mr. Joseph R. Roque, Sr. and Ms. Anecita Roque manage by their daughter Ms. Analyn R. Penida located within the area covered by Forest Land Use Agreement for Tourism Purposes (FLAgT) of Ms. Emelie L. Besaga located at Barangay Port Barton, San Vicente, Palawan.

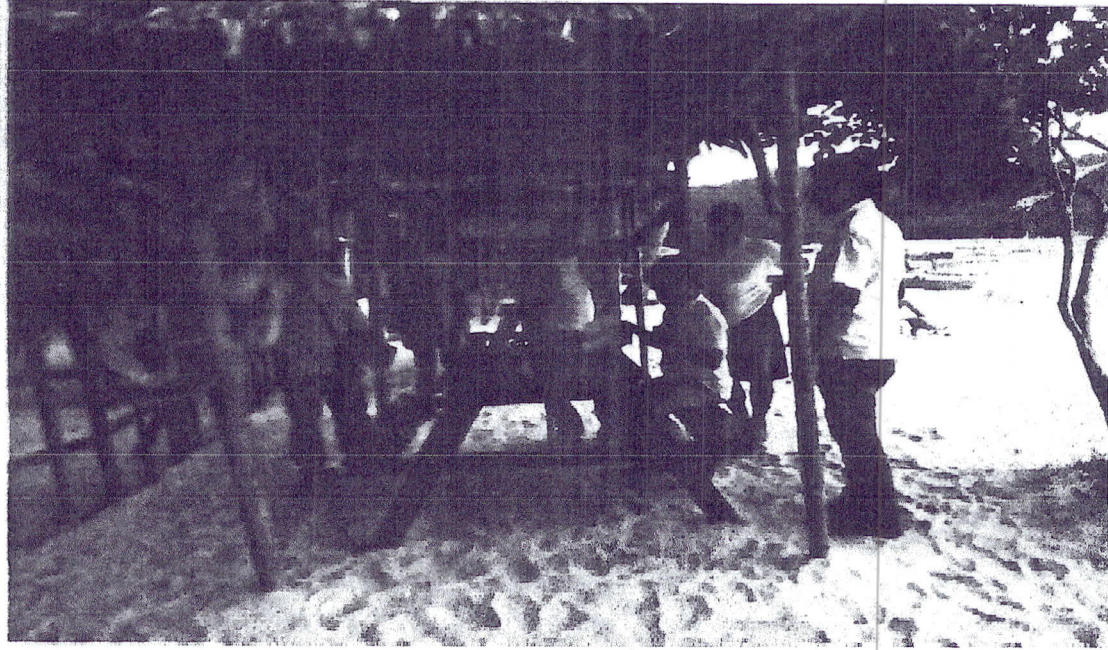


Photo taken by: Forest Technician I Annjelette Jude F. Quezada

[Signature]

Photograph No. 3 showing the composite team while conducting the investigation regarding the repair of Sari Sari Store of spouses Mr. Joseph R. Roque, Sr. and Ms. Anecita Roque manage by their daughter Ms. Analyn R. Penida located within the area covered by Forest Land Use Agreement for Tourism Purposes (FLAgT) of Ms. Emelie L. Besaga located at Barangay Port Barton, San Vicente, Palawan.



Photo taken by: Forest Technician I Annjelette Jude F. Quezada

[Signature]

Photograph No. 6 showing the inner space of newly repaired Sari Sari Store of spouses Mr. Joseph R. Roque, Sr. and Ms. Anecita Roque manage by their daughter Ms. Analyn R. Penida located within the area covered by Forest Land Use Agreement for Tourism Purposes (FLAGT) of Ms. Emelie L. Besaga located at Barangay Port Barton, San Vicente, Palawan.

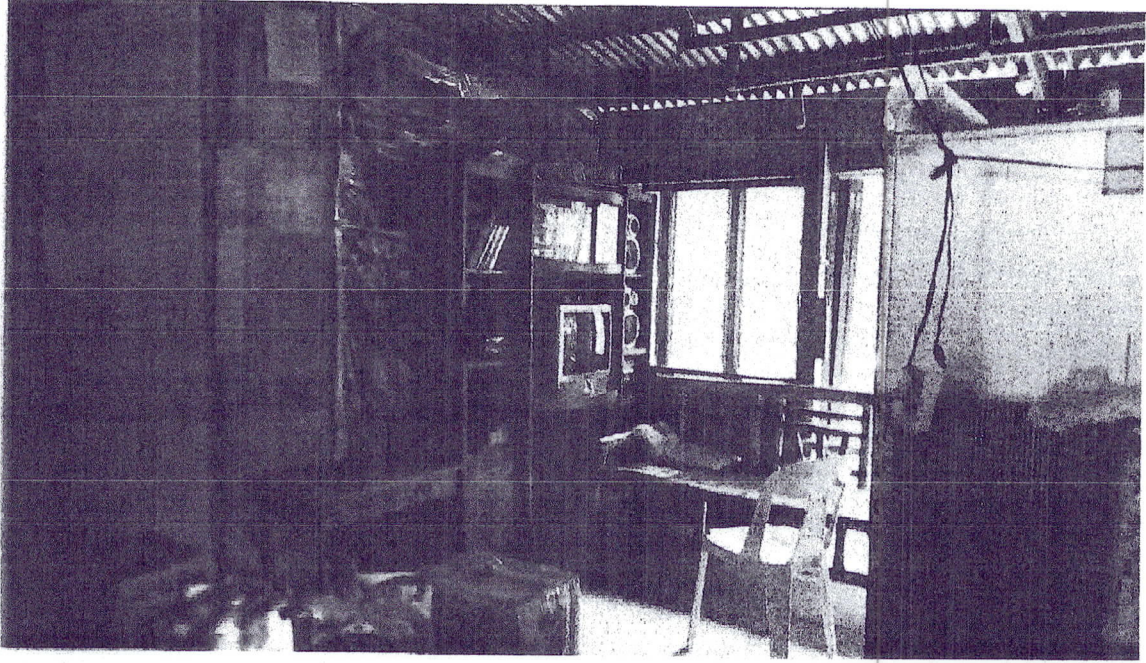


Photo taken by Forest Technician | Annjelette Jude F. Quezada

Annjelette Jude F. Quezada

Photograph No. 7 showing the facade of newly repaired Sari Sari Store of spouses Mr. Joseph R. Roque, Sr. and Ms. Anecita Roque manage by their daughter Ms. Analyn R. Penida located within the area covered by Forest Land Use Agreement for Tourism Purposes (FLAGT) of Ms. Emelie L. Besaga located at Barangay Port Barton, San Vicente, Palawan.

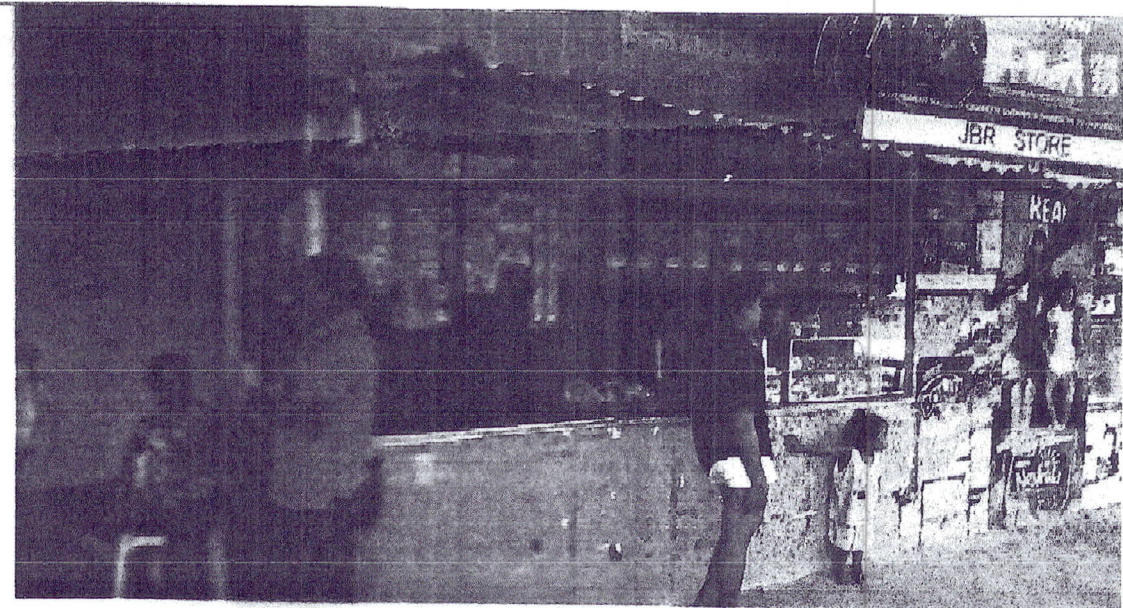


Photo taken by Forest Technician | Annjelette Jude F. Quezada

Annjelette Jude F. Quezada



Port Barton
San Vicente, Palawan
April 3, 2017

The Community Environment and
Natural Resources Officer
Rojas Palawan

Sir:

Ako po si Emelie Besaga (Flagt holder)
dito sa Port Barton.

Nais ko po sumagpita ang paghirang
ng tulong tungkol po sa isang permit na
nakikinabang sa area na sakop ng area ng Flagt.
Kinausap ko na sila at magbitaw sila ng salita
na aalis naman pag nakabili o nakahanap na sila
ng malikha, subalit hanggang ngayon hindi pa
din sila at nagtatayo pa ng tindahan. Sila po ang
may-ari ng JBR Tourist INN, Permit po ni
Mr. Joseph Roque, kagambal dito sa Bgy. Port Barton.
Umaasa po ako sa inyong magiging aksyon.

O imbestigasyon.

Kalakip po nito ang mapa ng FLAGT.

Maraming Salamat,
Lubos na Pannaglabang

Emelie Besaga
Emelie Besaga



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region IV-B - MIMAROPA
L & S Building, 1515 Roxas Boulevard,
Ermita, Manila

FOREST LAND USE AGREEMENT for TOURISM PURPOSES (FLAGT)

BATHING ESTABLISHMENT

No. DENR IV-MIMAROP-11302030-0002

is hereby awarded to

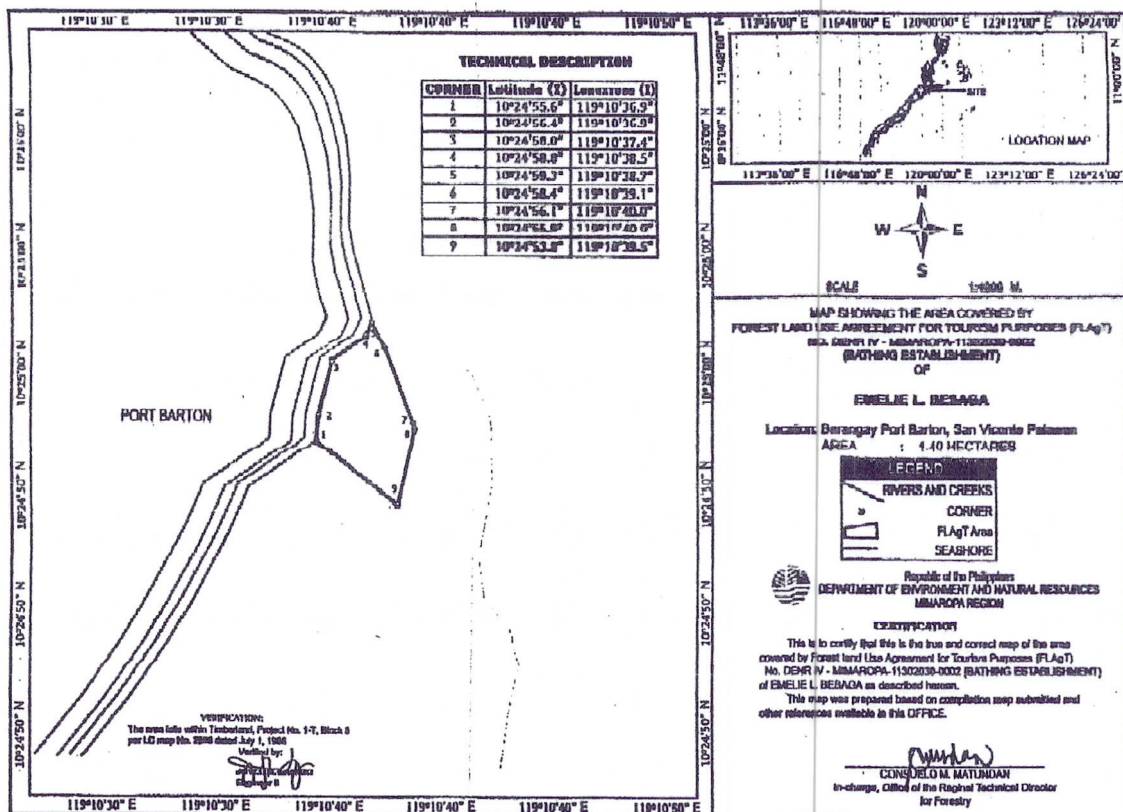
MS. EMELIE L. BESAGA

(Lessee)

Covering One Point Four (1.4) hectares of the forest land, located at Port Barton, San Vicente, Palawan pursuant to Section 1838 of Republic Act no. 2711, as amended by E.O. 292, known as the Revised Administrative Code, as amended by Section 57 of P.D. 705, as amended and DAO No. 2004-28, for a period of twenty-five (25) years to expire on November 30, 2030.

Given this 18th day of November, in the year of our Lord Two Thousand and Five at the City of Manila.

VICENTE S. PARAGAS, CESO III
OIC, ASSEC for Field Operations
Concurrent Regional Executive Director
Region IV-B



MEMORANDUM

FOR : The Regional Director
DENR-Region IV-B, MIMAROPA
Roxas Blvd., Manila

FROM : The OIC-Director
Legal Service

SUBJECT : CLARIFICATION IN THE IMPLEMENTATION OF THE
DECISION IN DENR CASE NO. 5904 , (O.P. CASE
NO.06-K-398) ENTITLED "DIGNA MATALANG
COCHING, SPOUSES FELIPE ACOSTA AND
LUZVIMINDA ACOSTA, APPELLANTS, VERSUS
EMELIE BESAGA, APPELLEE"

DATE : APR 20 2017

This pertains to your Memorandum dated April 28, 2016 seeking clarification whether the implementation of the August 6, 2006 Decision rendered by then DENR Secretary Angelo Reyes will be recalled in view of our directive contained in our March 21, 2016 Memorandum to implement the O.P. Decision dated August 13, 2007.

The O.P. Decision gave due course to the appeal of Spouses Acosta and Matalang-Coching and set aside the Resolution dated October 17, 2006 of DENR Secretary. It reinstated the previous Decision dated August 6, 2006 of the DENR Secretary. Thus, there is no need to recall the implementation of the same.

For your information and further guidance.



ATTY. NORLITO A. ENERAN, CESE



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City, 1100
Trunkline (632) 929-66-26 • 929-6628 • 929-6635 • 929-4028 • 929-3618
426-0465 • 426-0001 • 426-0347 • 426-0480 • 426-0491
Voice-Over-Internet-Protocol (VOIP) Trunkline (632) 755-3330 • 755-3300

2017-3271
MAY 08 2017

1ST INDORSEMENT

Respectfully referred to the Regional Director, DENR-Region IV-B, MIMAROPA, No. 1515 L&S Bldg., Roxas Blvd., Ermita, Manila the attached indorsement dated 17 October 2016 from Hon. Ryan R. Acosta, Acting Deputy Executive Secretary for Legal Affairs, Office of the President, Malacañang, Manila relative to the letter of Ms. Luzviminda S. Acosta requesting for the full implementation of the Decision dated 13 August 2007 of the Office of the President in O.P. Case No. 06-K-398 (DENR Case No. 5904) entitled "Digna Matalang Coching, Sps. Felipe Acosta and Luzviminda Acosta versus Emelie Besaga" for your information and appropriate action

ATTY. NORLITO A. ENERAN, CESE
OIC-Director, Legal Service

Copy furnished:

Hon. Ryan Alvin R. Acosta
Acting Deputy Executive Secretary
for Legal Affairs
Office of the President
Malacañang, Manila

Mrs. Luzviminda S. Acosta
12 Km. 3 Wescom Road
Puerto Princesa City, Palawan

5/22/17
10:57

DENR - R - IV - B	
OFFICE OF THE	
REGIONAL	DIRECTOR
DOC NO	
REC	ASED
MAY 08 2017	
DATE:	
TIME:	

**Office of the President
Of the Philippines
Malacañang**

LEGAL AFFAIRS OFFICE

**1ST Indorsement
Manila, 17 October 2016**

Respectfully forwarded to **Secretary Regina Paz L. Lopez, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR)**, Quezon City, for appropriate action, the attached letter of Ms. Luzviminda S. Acosta requesting assistance relative to the full implementation of the Decision dated 13 August 2007 of this Office in "OP Case No. 06-K-398 (DENR Case No. 5904) entitled, *Digna Matalang Coching, Spouses Felipe Acosta and Luzviminda Acosta vs. Emelie Besaga*."

It may be noted that this Office issued an Order dated 3 June 2013 remanding the entire records of the case to DENR for appropriate disposition.

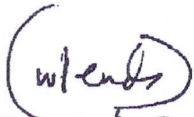
Advice on the action taken, directly to the letter-sender and with a copy furnished to this Office, will be highly appreciated.


RYAN ALVIN R. ACOSTA

Acting Deputy Executive Secretary
for Legal Affairs

Copy for:

MS. LUZVIMINDA S. ACOSTA
12 KM 3 Wescom Road
Puerto Princesa City
Palawan


C55-24-2

23714
OCT 18 2016
RECEIVED



May 26, 2017

MEMORANDUM

TO : The Assistant Regional Director for Technical Services

ATTN : *The Chief, Licenses, Patents and Deeds Division*

FROM : The OIC, Regional Director

SUBJECT : CLARIFICATION RE: MEMORANDUM DATED MARCH 21, 2016 ISSUED BY THEN ASSISTANT SECRETARY FOR LEGAL SERVICE ATTY. ANSELMO C. ABUNGAN ORDERING THE IMPLEMENTATION OF O.P. DECISION DATED AUGUST 13, 2007 (O.P. CASE NO. 06-K-398 [DENR CASE NO. 5904] ENTITLED "DIGNA MATALANG COCHING, SPS. FELIPE AND LUZVIMINDA ACOSTA, APPELLANTS VERSUS EMELIE BESAGA, APPELLEE")

This refers to the attached 1st Indorsement¹ and Memorandum both dated April 20, 2017 issued by the OIC-Director, Legal Service regarding the above-cited case.

Per Memorandum dated April 20, 2017, it was stated that:

"This pertains to your Memorandum dated April 28, 2016 seeking clarification whether the implementation of the August 6, 2006 Decision rendered by then DENR Secretary Angelo Reyes will be recalled in view of our directive contained in our March 21, 2016 Memorandum to implement the O.P. Decision date August 13, 2007.

The O.P. Decision gave due course to the appeal of Spouses Acosta and Matalang-Coching and set aside the Resolution dated October 17, 2006 of DENR Secretary. It reinstated the previous Decision dated August 6, 2006 of the DENR Secretary. Thus, there is no need to recall the implementation of the same".

¹ Forwarding the 1st Indorsement dated October 17, 2016 issued by Office of the President - Acting Deputy Executive Secretary for Legal Affairs Ryan Alvin R. Acosta

The dispositive portion of the Decision dated August 6, 2006 issued by then Secretary Angelo Reyes is hereunder quoted:

"WHEREFORE, PREMISES CONSIDERED, the Orders dated December 1, 2003 and July 26, 2004 of the Regional Executive Director for DENR-MIMAROPA are hereby REVERSED and it is hereby directed that the Special Land Use Permit (Bathing Establishment), now FLAgT of Appellee Emelie Besaga be AMENDED to cover only Lot No. 4513 and the Special Land Use Permit of Appellant Luzviminda Acosta be GIVEN DUE COURSE to cover Lot 4512 and 4514, subject to the provisions of DENR Administrative Order No. 28, Series of 2004."

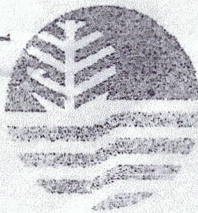
In compliance with the Memorandum dated January 26, 2016 of then Acting Secretary for Legal Affairs directing the full implementation of the Decision dated August 6, 2006, attached is the Memorandum dated May 2, 2016 of the In-Charge, Office of the CENRO Roxas, Palawan with an attached map showing Lot No. 4513 which would cover the amended FLAgT of Emelie Besaga excluding Lot Nos. 4512 and 4514; and the application for Forest Land Agreement for Tourism of Spouses Felipe and Luzviminda Acosta.

For appropriate action.

NATIVIDAD Y. BERNARDINO, CESE

cc:

Emelie L. Besaga	Port Barton, San Vicente, Palawan
Atty. Romeo Q. Artazo, Jr.	166 Sampaguita St., Villa Leticia Subdivision, Tanzang Luma VI, Imus City, Cavite
Sps. Felipe and Luzviminda Acosta	12 Km. 3, Wescom Road, Puerto Princesa City
Atty. Danilo C. Cunanan	3561-A Second cor. Mag. Villamor Streets, Bacood, Sta. Mesa, Manila
Atty. Ryan Alvin R. Acosta Acting Deputy Executive Secretary for Legal Affairs	Legal Affairs Office - Office of the President Malacañang, Manila
The OIC, Director for Legal Service	
PENRO	DENR Compound, Sta. Monica, Puerto Princesa City
CENRO	Roxas, Palawan



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

DENR PENNS
PALAWAN RECC
RECEIVED

BY: Ym
DATE 06-13-17 CM

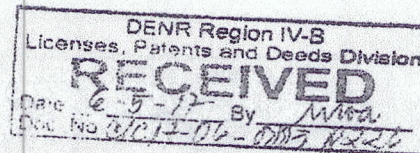
JUN 06 2017

MEMORANDUM

TO : The Chief
Licenses, Patents and Deeds Division

FROM : The Assistant Regional Director for Technical Services

SUBJECT : **CLARIFICATION RE: MEMORANDUM DATED MARCH 21, 2016 ISSUED BY THEN ASSISTANT SECRETARY FOR LEGAL SERVICE ATTY. ANSELMO C. ABUNGAN ORDERING THE IMPLEMENTATION OF O.P. DECISION DATED AUGUST 13, 2007 (O.P. CASE NO. 06-K-398 [DENR CASE NO. 5904] ENTITLED "DIGNA MATALANG COCHING, SPS. FELIPE AND LUZVIMINDA ACOSTA, APPELLANTS VERSUS EMELIE BESAGA, APPELLEE")**



This refers to the attached memorandum of the Regional Director dated May 26, 2017 and received by this office on June 01, 2017 relative to the memorandum of the OIC-Director, Legal Service, regarding the above-mentioned subject.

In this regard, you are hereby directed to act accordingly in compliance with the memorandum dated January 26, 2016 of then Acting Secretary for Legal Affairs directing the full implementation of the Decision dated August 6, 2006.

Submit your report to this office on action taken on the matter for information.

VICENTE B. TUDDAO, JR., Ph.D., CESO IV

cc: The Director, Legal Service, DENR Central Office
The Regional Director, DENR MIMAROPA Region
The Chief, Legal Division, DENR MIMAROPA Region

• Felipe / Luzviminda
Acosta
Contact Nos:

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 7553300/7553330 loc. 2700/2701
Direct Line: (632) 4050157; Facsimile: (632) 4050046

- 0116703111711



REGIONAL SPECIAL ORDER

No. 337
Series of 2017

JUL 13 2017

SUBJECT: CREATION OF A COMPOSITE TEAM TO FACILITATE IMPLEMENTATION OF O.P. DECISION (O.P. CASE NO. 06-K-398 [DENR CASE NO. 5904] DATED AUGUST 13, 2007 ENTITLED "DIGNA MATALANG COCHING, SPS. FELIPE AND LUZVIMINDA ACOSTA, APPELLANTS VERSUS EMELIE BESAGA, APPELLEE")

1. In the interest of service and pursuant to the Decision of the Office of the President under O.P. Case No. 06-K-398 (DENR Case No. 5904) dated August 13, 2007 entitled "Digna Matalang, Sps. Felipe & Luzviminda Acosta versus Emelie Besaga", a Composite Team is hereby created to be composed of the following:

Bayani V. Mantubig (Chief, Licenses, Patents and Deeds Division)	-Team Leader
Carmen Ramina S. Tubal (Chief, Wildlife Resource and Permitting Section)	-Member
Jesus S. Cruz (Land Management Officer I)	-do-
Kareen S. Tuazon (Development Management Officer II)	-do-
Geodetic Engineer from PENRO Palawan	-do-
CENRO Roxas, Palawan Representative	-do-

2. The Composite Team shall facilitate the implementation of the said Decision and/or assist the parties come up with possible settlement consistent with the requirements on Alternative Dispute Resolution or ADR;
3. The team is hereby authorized to subpoena the parties to the case and to require the presence and cooperation of concerned PENR and CENR Officers and/or their staff on this matter;
4. The Team shall submit a report after the completion of the proceedings;
5. Travel and other related expenses of the members of the Team shall be charged against their respective office's funds subject to the usual accounting and auditing rules and regulations.

This Order takes effect immediately.


NATIVIDAD Y. BERNARDINO, CESE
Regional Director

FN: lpdd/kst



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

REGIONAL SPECIAL ORDER

No. 1525
Series of 2017

SUBJECT: **ADDENDUM TO RSO NO. 337 DATED JULY 13, 2017**

In the interest of service and in addition to those personnel named in Regional Special Order No. 337, series of 2017, the following are likewise hereby authorized to be members of the Composite Team, namely:

1. Atty. Alper John G. Alcaraz - Legal Division
2. Ms. Maria Gloria G. Galima - Licenses, Patents and Deeds Division

All the other provisions of the aforesaid Special Order shall remain in force.


NATIVIDAD Y. BERNARDINO, CESE
  

FN: lpd/kst

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 7553300/7553330 loc. 2700/2701
Direct Line: (632) 4050157; Facsimile : (632) 4050046



**SUBJECT: O.P. CASE NO. 06-K-398 [DENR CASE NO. 5904]
DATED AUGUST 13, 2007 ENTITLED "DIGNA MATALANG
COCHING, SPS. FELIPE AND LUZVIMINDA ACOSTA,
APPELLANTS -VERSUS- EMELIE BESAGA, APPELLEE**

NOTICE

TO: 1. Sps. Felipe and Luzviminda Acosta
12 Km. 3, Wescom Road, Puerto Princesa City

2. Ms. Emelie L. Besaga
Port Barton, San Vicente, Palawan

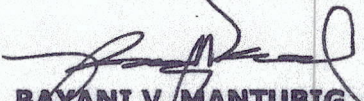
GREETINGS!

NOTICE is hereby given that the members of the Regional Composite Team as created per Region Special Order No. 337 will meet and confer re the above-captioned subject with the concerned parties at **10:00 A.M. of October 25, 2017** at the DENR-CENR Office in Roxas, Palawan. Thereafter, the Team will proceed to the FLAgT site in Port Barton, San Vicente for the conduct of the regulatory ocular inspection and validation of the disputed FLAgT site.

Please consider this NOTICE as our formal invitation for you to attend and participate in the said meeting/conference and during the inspection and validation.
FAIL NOT UNDER PENALTY OF THE LAW.

Issued this 29th day of September 2017 in the City of Manila, Philippines







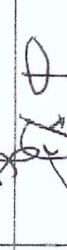



For and by Authority of the Regional Director;


BAYANI V. MANTUBIG, CESE
Chief, Licenses, Patents and Deeds Division
Team Leader - Regional Composite Team

TECHNICAL CONFERENCE RE IMPLEMENTATION OF O.P. DECISION (O.P. CASE NO. 06-K-398 [DENR CASE NO. 5904] DATED AUGUST 13, 2007 ENTITLED "DIGNA MATALANG COCHING, SPS. FELIPE AND LUZVIMINDA ACOSTA, APPELLANTS VERSUS EMELIE BESAGA, APPELLEE")

DENR – CENR Office, Roxas, Palawan
October 25, 2017 (10:00 AM)

ATTENDANCE SHEET

NAME	GENDER		OFFICE / COMPANY	POSITION/DESIGNATION	CONTACT NUMBER	EMAIL ADDRESS	SIGNATURE
	M	F					
EMELIE L. BESAGA		✓	BESAGA PRECARIOUS COLLAGUS FLAGST HOLDER	DWR	09185704665		
Atty. Alper John Alcaraz	✓		Legal Division DENR-MIMAROPA	Atty. III			
Atty. Orlando A. Baralga	✓		CENR-DENR Roxas, Pal.	Atty. VI			
John Velasco	✓		CENR, Roxas, Pal	SEMS	09953217000	ordeplex@gmail.com	
ALDRIN C. CABASANES	✓		DENR-PENRO, PPC	G. E.	099998248198		
George R. dela Peña	✓		DENR CENRO PAGES	LMO2	09217106137		
AUGST, LUZVIMINDA S.					09167631474		
Germa Ramina S. Tubal	✓		DENR-MIMAROPA Regional MB	Sr. ECOMS	0905-734-6023		
Bayani V. Mantelbig			- do -	cliff, CPD			
Maria Gloria G. Galima	✓		DENR-MIMAROPA REGIONAL OFFICE	ECOMS I	09354994802	mg_42yany@yahoo.com	

TECHNICAL CONFERENCE RE IMPLEMENTATION OF O.P. DECISION (O.P. CASE NO. 06-K-398 [DENR CASE NO. 5904] DATED AUGUST 13, 2007 ENTITLED "DIGNA MATALANG COCHING, SPS. FELIPE AND LUZVIMINDA ACOSTA, APELLANTS VERSUS EMELIE BESAGA, APPELLEE")

CENR Office, Roxas, Palawan
October 25, 2017, 11:20 AM

SUMMARY REPORT

AGENDA/ISSUES	DISCUSSION	AGREEMENTS/COMMITMENTS/INSTRUCTION	RESPONSIBLE OFFICE/PERSONS
Implementation of O.P. Decision (O.P. Case No. 06-K-398) [DENR Case No. 5904] dated August 13, 2007)	Duties and responsibilities of Composite team in charge with the implementation of O.P. Case No. 06-K-398, as per Regional Special Order No. 433		
	Matter of implementation of the subject decision was referred by the chief, Legal Division to the Licenses, Patents and Deeds Division		
Implementation of the Decision	1. Technical Conference 2. Reconnaissance	After the technical conference, composite team will proceed to the ground to conduct reconnaissance. They will be assisted by a survey team, headed by Engr. Aldrin Cabasares, from the PENRO Office to conduct the relocation, segregation of parts which will pertain to Ms. Acosta (Lot 4512 and 4514) and which will remain to Ms. Besaga (Lot 4513).	
Existing developments/structures introduced within the FLAGT area	Lot 4512 and 4514 which will be removed from the area coverage of FLAGt of Ms. Besaga are assumed to have existing structures already What to do with these improvements? To whom/where will they pertain to? – it never happened that DENR granted a FLAGt to anybody with introduced structures (unless there is a settled penalty on violation regarding illegal occupation prior to issuance of a tenurial instrument)	However, parties may come up to an amicable settlement/agreement regarding these structures – whatever may be the decision, if the parties will come to an agreement, that agreement will be upheld by this office (DENR)	
	Technically, these properties should now be under the administration of the DENR as it is the sole administrator of forest land; and those structures are built not illegally since it was introduced under a valid FLAGt which by then is not yet amended.		

	Ms. Acosta raised her bargain that she might be willing to pay so long as the appraisal will start 2015 and below – that is covering the time when the decision from the Supreme Court is not yet released.	No recorded counterproposal from the other party. Ms. Besaga asked for a resurvey of the area first. No definite agreement/settlement was reached regarding improvements on the FLAGT area. To have another discussion after area survey in order to check on the condition of the FLAGT area and on the output of the survey team	
--	---	--	--

Present:

1. Emelie L. Besaga
2. Luzviminda S. Acosta
3. **DENR MIMAROPA Regional Office**
4. Bayani V. Mantubig – division chief, LPDD
5. Atty. Alper John Alcaraz – Attorney III, Legal Division
6. Carmen Ramina S. Tubal – section chief, WRPS, LPDD
7. Maria Gloria G. Galima – staff, WRPS, LPDD

- DENR CENRO, Roxas, Palawan**
7. Atty. Orlando A. Ba-alan – Attorney III
 8. Pedro Velasco – Senior EcoMS
 9. George R. dela Peña – LMO II
 10. **DENR PENRO, Puerto Princesa City**
 - Aldrin C. Cabasares – Geodetic Engineer

Prepared by:

MARIA GLORIA G. GALIMA
Zoology Technician
Regional FLAG/FLAGT Committee
Member, Technical Secretariat

Reviewed by:

CARMEN RAMINA S. TUBAL
Senior ECOMs
Regional FLAG/FLAGT Committee
Head, Technical Secretariat

Noted by:

BAYANI V. MANTUBIG
Chief, LPDD
Regional FLAG/FLAGT Committee
Team Leader, Composite Team



MEMORANDUM

NOV 20 2017

FOR : The Regional Director

THRU : The Assistant Regional Director for Technical Services

**FROM : The Undersigned Members of the Regional Composite Team
Created per RSO No. 337 series of 2017**

**SUBJECT : IMPLEMENTATION OF THE DECISION DATED AUGUST 13, 2007
OF THE OFFICE OF THE PRESIDENT DOCKETED AS O.P. CASE
NO. 06-K-398 RELATIVE TO DENR CASE NO. 5904 ENTITLED
"DIGNA MATALANG COCHING, SPS. FELIPE AND LUZVIMINDA
ACOSTA, APPELLANTS, -VERSUS- EMELIE BESAGA, APPELLEE**

This report is respectfully submitted in compliance with the Memoranda-instructions of the ARD for Technical Services and the Chief, Legal Division dated June 05, 2017 and October 11, 2017, respectively. This also pertains to Regional Special Order No. 337 dated July 13, 2017 relative to the above-noted subject.

Brief background

1. On 05 May 2017, a letter request dated May 02, 2017 was filed by Ms. Luzviminda S. Acosta requesting for the full implementation of the Supreme Court Decision with ENTRY OF JUDGEMENT dated April 20, 2015 and of which was declared final and executor, thus: "WHEREFORE, premises considered, we DENY the petition and AFFIRM the October 30, 2009 decision and October 1, 2010 resolution of the Court of Appeals in CA-G.R. SP No. 100616, affirming the August 13, 2007 decision of the Office of the President in O.P. Case No. 06-K-398. SO ORDERED."
2. On May 26, 2017, a memorandum from the Regional Director was issued to the ARD for Technical Services, attention the Chief of LPDD with the subject of "CLARIFICATION RE: MEMORANDUM DATED MARCH 21, 2016 ISSUED BY THEN ASSISTANT SECRETARY FOR LEGAL SERVICE ATTY. ANSELMO C. ABUNGAN ORDERING THE IMPLEMENTATION OF O.P. DECISION DATED AUGUST 13, 2007 (O.P. CASE NO. 06-K-398 /DENR CASE NO. 5904)
3. On June 14, 2017, a memorandum from the FMB Director was received by this Office referring the implementation of the decision on DENR Case No. 5904 amending the FLAgT No. DENR RIV-MIMAROPA-11302030-0002 for bathing establishment issued to Ms. Emelie L. Besaga.
4. On July 13, 2017, Regional Special Order No. 337, Series of 2017 was issued by the Regional Director under the subject of "CREATION OF A COMPOSITE TEAM TO FACILITATE IMPLEMENTATION OF O.P. DECISION (O.P. Case No. 5904) DATED AUGUST 13, 2007 ENTITLED "DIGNA MATALANG COCHING SPS. FELIPE AND LUZVIMINDA ACOSTA, APPELLANTS VERSUS EMELIE BESAGA, APPELLEE")

5. On September 18, 2017, a memorandum from PENRO-Palawan dated August 07, 2017 was received by this office inquiring for the schedule of field inspection of the Composite Team that will implement the aforesaid decision under O.P. Case No. 06-K-398. The said PENRO also submitted that Engr. Jonathan F. Gellez will be the representative of PENRO in the composite team.

I. Objective

To conduct a meeting/ technical conference/ ocular inspection and survey of the FLAgT area of the subject decision under O.P. CASE NO. 06-K-398 (DENR CASE NO. 5904) DATED AUGUST 13, 2007 ENTITLED "DIGNA MATALANG COCHING, SPS. FELIPE ACOSTA AND LUZVIMINDA ACOSTA, APPELLANTS, -VERSUS- EMELIE BESAGA, APPELLEE.

II. Methodology

1. The team made courtesy call, coordination and meetings with the concerned officials at the PENRO and CENRO and informed them of the purpose of the Composite Team;
2. Technical Conference/Meeting and ocular inspection and resurvey focused on the amendments of the FLAgT area and the extent of development introduced by Ms. Emelie Besaga.

III. Highlights of the Fieldworks (Meeting and Ocular Observations)

Meeting/Technical Conference

On October 25, 2017, around 11:20am, a technical conference was held at the CENRO-Roxas Office which was presided over by Mr. Bayani V. Mantubig, the chairman/ team leader of the composite team. The meeting focused on the discussion on the implementation and possible settlement on the decision as per O.P. Case no. 06-K-398. Both concerned parties (Mrs. Besaga and Mrs. Acosta) were present.

The decision dated August 13, 2007 of the Office of the President under O.P. Case No. 06-K-398, entitled "*Digna Matalang Coching, Sps, Felipe and Luzviminda Acosta, Appellants versus Emelie Besaga, Appellee reads: 'Wherefore the instant appeal is GIVEN DUE COURSE and the Resolution dated October 17, 2006 of the Secretary of Environment and Natural Resources hereby SET ASIDE.*

The Supreme Court, Second Division, rendered a decision on April 20, 2015 in the case entitled "*Emelie L. Besaga, Petitioner versus Spouses Felipe Acosta and Luzviminda Acosta and Digna Matalang Coching, Respondents*" with Entry of Judgement, the dispositive part of which reads as follows: WHEREFORE, premises considered, we DENY the petition and AFFIRM the October 30, 2009 decision and October 1, 2010 resolution of the Court of Appeals in CA-G.R. SP No. 100616, affirming the August 13, 2007 decision of the Office of the President in O.P. Case No. 06-K-398. SO ORDERED".

Then the chair asked both parties to come up with possible settlement consistent with the requirements on Alternative Dispute Resolution or ADR. He

also pointed out that one of the main aspects of settlement is the development structures introduced by the Besagas within the specified lots/area.

Mrs. Acosta signified her willingness to compensate Ms. Besaga for structures found in area she is applying for FLAgT but only those structures introduced before the 2015 decision of the Supreme Court.

On the other hand, Mrs. Besaga insisted that she has an approved FLAgT; she should thus be protected by the DENR considering that she has complied with the terms and conditions of the said tenurial instrument.

Since both parties are still unable to come up with possible settlement, it was agreed that the composite team together with the concerned parties will conduct site ocular visit on the next day.

On the day of the ocular inspection and the supposed segregation survey of the area/s pertaining to the Acostas and the Besagas, the members of the team were caught flat-footed when Ms. Emilie Besaga and her staff prevented them (members of the team) from entering her resort or the FLAgT area. **Notwithstanding the number of decisions by the administrative quasi-judicial bodies and the Courts aforementioned, Ms. Besaga insisted loudly that there is no ORDER on record whatsoever that states clearly and unequivocally that her FLAgT has been cancelled and/or amended already.**

Under the circumstances, the members of the team thought it wise to avoid any untoward incident and decided to just leave and report the incident.

IV. Recommendation

IN VIEW OF THE ALL FOREGOING, it is hereby strongly recommended that an ORDER be issued by the Regional Director amending FLAgT No. DENR IV-MIMAROPA-11302030-0002 issued to Emilie Besaga pursuant to the aforesaid decisions of the DENR Secretary, the Office of the President, the Court of Appeals and the Supreme Court of the Philippines.

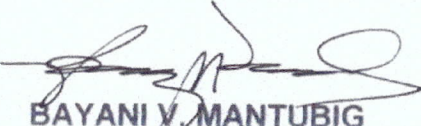
Engr. **ALDRIN C. CABASARES**
Member/PENRO Representative


CARMEN RAMINA S. TUBAL
Member


MARIA GLORIA G. GALIMA
Member

GEORGE R. DELA PEÑA
Member/CENRO Representative


ATTY. ALPER JOHN ALCARAZ
Member/ Legal Representative


BAYANI V. MANTUBIG
Team Leader



SUBJECT:

Implementation of the Decision dated August 13, 2007 of the Office of the President Docketed as O.P. Case No. 06-K-398 (DENR Case No. 5904) entitled "Digna Matalang Coching, Sps. Felipe and Luzviminda Acosta, Appellants versus Emelie L. Besaga, Appellee"

X -----X

ORDER

Pursuant to the subject Decision of the Office of the President as affirmed by the Court of Appeals and the Supreme Court in their Decisions docketed as CA-G.R. SP No. 100616 and G.R. No. 194061 dated October 30, 2009 and August 5, 2015, respectively, and in compliance with the instruction dated January 26, 2016 of the then DENR Acting Assistant Secretary for Legal Affairs to implement the August 6, 2006 Decision rendered in DENR Case No. 5904, the Forest Land Use Agreement for Tourism purposes issued to Emelie Besaga (FLAgT No. DENR IV-MIMAROPA-11302030-0002) is **ordered**, as hereby it is, **AMENDED** to cover only Lot No. 4513 of Cad 860-D, San Vicente Cadastre and to exclude there-from Lots Nos. 4512 and 4514 of the said cadastre which pertain to and are covered by the FLAgT application of Luzviminda Acosta.

WHEREFORE, the CENRO in Roxas, Palawan is hereby directed to serve a copy of this ORDER to Emelie Besaga and Luzviminda Acosta and to ensure its full implementation. He shall submit a report of compliance hereto within fifteen (15)^{days} upon receipt of this ORDER.

SO ORDERED, City of Manila, Philippines this 27th day of December 2017.


NATIVIDAD Y. BERNARDINO, CESE
OIC, Regional Director

COPY FURNISHED:

1. **Ms. Emelie Besaga** - Port Barton, San Vicente, Palawan
2. **Ms. Luzviminda Acosta** - 12 Km. 3 Wescom Road, Puerto Princesa City
3. **The CENRO** - Roxas, Palawan
4. **The PENRO**-Palawan, Sta. Monica, Puerto Princesa City
5. **The Director**, Forest Management Bureau, Diliman, Quezon City
6. **The Undersecretary for Field Operations**
DENR Central Office, Visayas Ave., Diliman, Quezon City
7. **The Assistant Secretary for Legal Services**
DENR Central Office, Visayas Ave., Diliman, Quezon City



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

FEB 28 2018

MEMORANDUM

TO : The PENRO
Sta. Monica, Puerto Princesa City

ATTENTION : The CENRO
Roxas, Palawan

FROM : The OIC, Regional Director

SUBJECT : ORDER AMENDING THE FOREST LAND USE AGREEMENT FOR
TOURISM PURPOSES (FLAGT) ISSUED TO EMELIE L. BESAGA

Pursuant to the decision dated August 13, 2007 of the Office of the President docketed as O.P. Case No. 06-K-398 (DENR Case No. 5904) entitled "Digna Matalang Coching, Sps. Felipe and Luzviminda Acosta, Appellants versus Emelie L. Besaga, Appellee", we are furnishing you herewith a copy of the subject ORDER amending the Forest Land Use Agreement for Tourism Purposes issued to Emelie Besaga to cover only Lot No. 4513 of Cad 860-D, San Vicente Cadastre and to exclude therefrom Lots No. 4512 and 4514 of the said cadastre.

Please serve a copy of the said ORDER to the parties and ensure its full implementation. Submit report of compliance within fifteen (15) days upon receipt of this memorandum.

For strict compliance.


NATIVIDAD Y. BERNARDINO, CESE

Copy furnished:

The Assistant Secretary for Legal Affairs
DENR, Quezon City

The Undersecretary for Field Operations
DENR, Quezon City



Department of Environment
and Natural Resources
REGION 4B



FN: lodd/wrps/mggg

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 7553300/7553330 loc. 2700/2701
Direct Line: (632) 4050157; Facsimile: (632) 4050046



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

05 February 2018

MEMORANDUM

FOR : The Regional Director
THRU : The Provincial Environment and
Natural Resources Officer
FROM : The Community Environment and
Natural Resources Officer
SUBJECT : Order of 27 December 2017 amending FLAgT No.
DENR IV-MIMAROPA-11302030-0002 in
Port Barton, San Vicente, Palawan

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: *vn*
DATE: *02-01-18* CN *18-2019*
4:32 pm

Please be informed that while Ms. Emelie Besaga took her copy of the order subject hereof upon personal service by a representative of this Office, she refused to affix her signature acknowledging receipt thereof. Attached is a corresponding affidavit issued to that effect.

For her information and further instruction.

[Signature]
ARNOLDO A. BLAZA, JR.
OIC-CENRO

copy: file

RELEASED
BY: *OUT 2018-19*
DATE: *02-19-18*
SIGNATURE: *[Signature]*



AFFIDAVIT


Know All Men By These Presents:

That I, Ronnie P. Lilang; married resident of Retac, Roxas, Palawan; after having duly sworn, hereby depose and state:

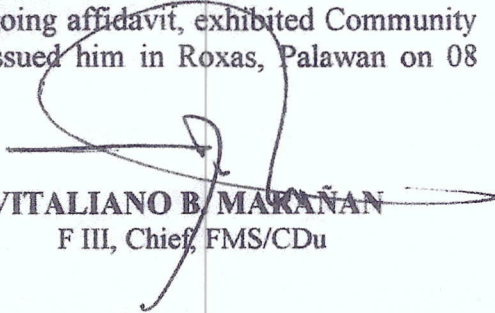
That I was the one instructed to serve to Ms. Emelie Besaga, her copy of the order of 27 December 2017 rendered by the DENR-MIMAROPA Regional Director, amending coverage of the former's FLAgT No. DENR IV-MIMAROPA-11302030-0002 which in effect excludes from the coverage thereof, Lots 4512 and 4514, both of Cad. 860-D in Port Barton, San Vicente, Palawan.

That while Ms. Besaga took her text of the order, she refused to affix her signature acknowledging receipt of the same.

This is being executed this 02nd day of February 2018 to form part of the contents of the casefolder involving the foregoing forestland tracts.

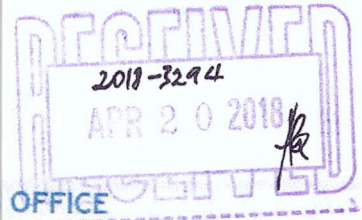

RONNIE P. LILANG
Affiant

Subscribed and sworn to, before me this 02nd day of February 2018. Affiant who is to me known to be the same person who signed the foregoing affidavit, exhibited Community Tax Certificate Numbered 27419488 which appears issued him in Roxas, Palawan on 08 January 2018.


VITALIANO B. MARAÑAN
F III, Chief, FMS/CDu



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE



P-2018-3294

March 19, 2018

MEMORANDUM

FOR : The Regional Director
DENR R.IVB-MIMAROPA
1515 Roxas Blvd., Ermita Manila

FROM : The OIC-Provincial Environment and
Natural Resources Officer
Sta. Monica, Puerto Princesa City

SUBJECT : ORDER DATED DECEMBER 27, 2017 AMENDING FLAGT NO.
DENR IV-MIMAROPA-11302030-0002 IN PORT BARTON, SAN
VICENTE, PALAWAN

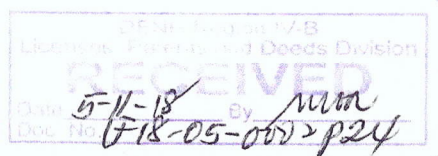
DENR - R - IV - B OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR	
DOC. NO. P-2018-3294	
RECEIVED	RELEASED
BY: <i>[Signature]</i>	BY:
DATE: MAY 07 2018	DATE:
TIME:	TIME:

Forwarded is the memorandum dated February 5, 2018 of CENRO Roxas, Palawan regarding the above subject.

Accordingly, Ms. Emelie Besaga already received the copy of the Order dated December 27, 2017 however, she refused to affix her signature on the acknowledgement receipt. Attached is a copy of an affidavit of the server.

For her information, record and further instruction.

For the OIC-PENRO:



[Signature]
JOHNNY P. LILANG
Chief, Technical Services Division
Office-In-Charge

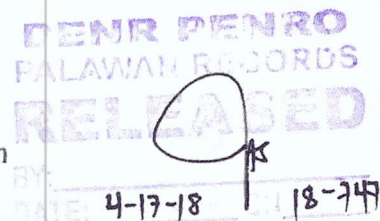
Copy furnished:

- CENRO Roxas, Palawan
- ARD Vicente B. Tuddao Jr., PhD., CESO IV, MIMAROPA Region
- PENRO/ile

Brgy. Sta. Monica, Puerto Princesa City, Palawan

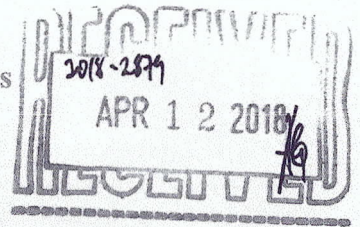
Email Add: denrpalawan@yahoo.com

Telfax No. (048) 433-5638





Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, 1100 Quezon City
Tel. Nos. 929-6626 to 29; 929-6633 to 35
929-7041 to 43; 929-6252; 929-1669
Website: <http://www.denr.gov.ph> E-mail: web@denr.gov.ph



MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA
1515 L & S Building, Roxas Boulevard,
Ermita, Manila

FROM : Undersecretary for Field Operations-Luzon

SUBJECT : **ORDER AMENDING THE FOREST LAND USE
AGREEMENT FOR TOURISM PURPOSES (FLAGT)
ISSUED TO EMILIE L. BESAGA.**

DATE : 02 APR 2018



This refers to your Order issued on 27th December 2017 relative the decision of the Office of the President docketed as O.P Case No. 06-k-398 (DENR Case No. 5904) entitled Digna Matalang Coching, Sps. Felipe and Luzviminda Acosta, Appellants vs. Emelie L. Besaga, Appellee amending the Forest Land Use Agreement for Tourism Purposes issued to Emelie Besaga to cover only Lot No. 4513 of Cad 860-D, San Vicente Cadastre and to exclude from Lots No. 4512 and 4514 of the said cadaster which pertain to and are covered by the FLAGT application of Luzviminda Acosta.

You are hereby directed to take appropriate action with dispatch and to submit updates on the action taken directly to the Forest Management Bureau for monitoring purposes.

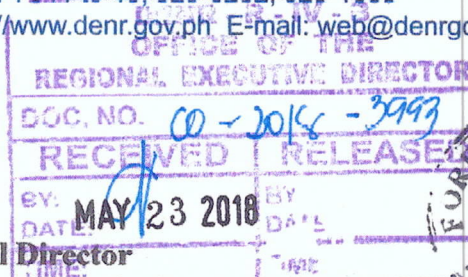
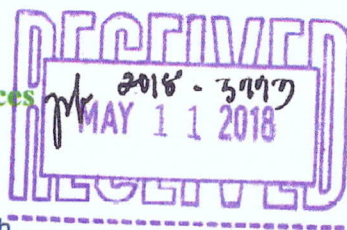
For compliance.

ATTY. JUAN MIGUEL T. CUNA

DENR - R - IV - B OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR	
DOC. NO.	
RECEIVED	RELEASED
BY:	BY:
DATE: APR 26 2018	DATE:
TIME: 10:15 AM	TIME:

DENR - R - IV - B Licenses, Permits and Other DENR Division	
RECEIVED	
Date: 4-27-18	Time: 11:00 AM
Doc No: 6718-04-000	PP 70
CO	

Let's Go Green



MEMORANDUM

TO : **The Regional Director**
DENR-MIMAROPA Region
1515 L & S Building, Roxas Blvd., Ermita, Manila

FROM : **The Undersecretary for Field Operations**

SUBJECT : **LETTER OF MS. EMELIE L. BESAGA DATED 26 FEBRUARY 2018, HOLDER OF FLAGT NO. DENR IV-MIMAROPA-11302030-0002 LOCATED AT PORT BARTON, SAN VICENTE, PALAWAN, COVERING 1.4 HECTARES OF FOREST LAND**

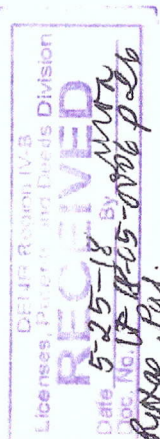
DATE : **30 APR 2018**

This refers to the letter of Ms. Emelie L. Besaga dated 26 February 2018 addressed to the Director of Forest Management Bureau (FMB) regarding the approved Forest Landuse Agreement for Tourism (FLAgT) No. DENR IV-MIMAROPA-11302030-0002 issued in her favor covering 1.4 hectares of forest land in Barangay Port Barton, San Vicente, Palawan. Said FLAgT was issued by the DENR Regional Executive Director Vicente S. Paragas on November 30, 2005 to expire on November 30, 2030.

Allegedly, Ms. Besaga is being harassed by a certain Barangay Captain of Port Barton, Felipe Acosta and his wife Luzviminda Acosta regarding the subject FLAgT area. A letter of Luzviminda Acosta addressed to former DENR Secretary Regina Paz Lopez dated 20 April 2017 was referred to FMB for appropriate action. The letter of Mrs. Acosta contains her request for the implementation of DENR Case No. 5904 which intends to amend the FLAgT issued to Ms. Besaga. The same letter was referred to the DENR Region 4B for appropriate action as the matter is within your area of concern.

Per scrutiny of documents available at FMB, it appears that the holder has not submitted the following FLAgT requirements listed as follows:

1. Application form duly accomplished and payment of application fee with official receipt (OR).
2. Map of the area and pertinent documents showing proof that the proponent is a legitimate entity qualified to be a holder of FLAgT.
3. Comprehensive Development and Management Plan (CDMP) and Tourism Development Plan of San Vicente, Palawan as required under Section 14.2, Chapter V of DAO 2004-28 and Memorandum Order No. 2011-02 dated 15 March 2011.
4. Environmental Compliance Certificate (ECC).
5. National Commission on Indigenous Peoples (NCIP) clearance.
6. Clearance from Palawan Council for Sustainable Development (PCSD).



7. OR's documenting the payment of annual rental made by the agreement holder and the performance bond posted for the purpose.
8. LGU's endorsement.

COMMENTS/DISCUSSION:

- A. Ms. Besaga was issued with SLUP for Bathing Establishment bearing the code No. DENR-IV-PENRO-12102005-0004 on December 10, 2004, and subsequently issued with FLAgT bearing the code No. DENR IV-MIMAROPA-11302030-0002 on November 18, 2005 and will expire on November 30, 2030. However, the validity of the FLAgT (2005-2030) is not appropriate because ~~the~~ SLUP was issued in 2004 prior to the approval of the FLAgT in 2005. The validity of the FLAgT should only cover 24 years as the one (1) year validity of the SLUP will be included in the 25 years duration that a land of the public domain can only be leased for a period not exceeding twenty five (25) years, renewable upon expiration thereof for a similar period or held under permit in accordance with the provisions of Article XII, Section 2 of 1987 Philippine Constitution and Section 57 of PD 705, as amended. Hence, the validity of the FLAgT should be rectified and should expire on December 4, 2029.
- B. Section XII of the FLAgT bearing the code No. DENR IV-MIMAROPA-11302030-0002, states that "The FLAgT holder shall pay the government share in the amount of P1,575.00 which is five (5%) percent of the most recent zonal value of the commercial zone within the barangay and shall be paid within thirty (30) days upon the issuance of the FLAgT and annually thereafter. Such computation made for the government share does not conform with the approved guidelines on the matter particularly Section 16 of DAO 2004-28. Using the approved BIR Zonal Valuation, the commercial zone within the subject barangay (Port Barton) is P1,000.00 per square meter.

Hence, the Annual Rental should be computed as:

Annual Rental = Area in square meters x zonal value (CR) x 5%

= 1.4 hectares x 10,000 x P1,000.00 x .05

= 14,000 x P1,000 x .05 = P700,000.00

Back Rental = from Dec. 10, 2004 to Dec. 10, 2017 or equivalent to 13 years

= (P700,000-P1,575) x 13 = P9,079,525.00

Performance Bond = P700,000.00 x 2 = P1,400,000.00

The amount paid by Ms. Besaga for the period December 10, 2004 to December 10, 2017 is unknown. Hence, Ms. Besaga should provide the OR's as basis in determining the arrears or back rentals to be collected from her in accordance to the provisions of Section 16 of DAO 2004-28.

- C. The FLAgT holder shall pay the government, back rentals beginning from December 10, 2004 up to December 10, 2017 and post the required performance bond in the amount of P1,400,000.00. Should there be payment made by Ms. Besaga as her annual rental, such payment will be deducted from the P9,079,525.00 back rental from 2004-2017.

In view hereof, you are hereby instructed to:

- a. Coordinate with Ms. Emelie L. Besaga and appropriately inform her about the issues / concerns regarding the FLAgT issued in her favor. Remind her to submit the requirements listed as items nos. 1 to 8 above.
- b. Facilitate the submission of the OR's documenting the payment made by the FLAgT holder and remind the same to post the required performance bond.
- c. Facilitate the collection of the amount of P9,079,525 from Ms. Besaga as back rental and cause the same to post an amount of P1,400,000.00 as performance bond. Any annual rental paid by Ms. Besaga from 2004 onwards will be deducted from the P9,079,525.00.
- d. The Regional Office should ensure the compliance of Ms. Besaga with the requirements and the payment of actual annual rental and posting of the actual performance bond in order that her occupation over the area will be considered, otherwise, the FLAgT should be cancelled.
- e. Conduct a comprehensive performance evaluation to determine compliance of the FLAgT holder to the terms and conditions of the FLAgT. It appears that Ms. Besaga has failed to introduce improvements or develop the FLAgT area and utilize the same for the purpose it was granted.

The Regional/Field Offices shall explain why it failed to adhere with the pertinent provisions of DAO 2004-28, while said DAO was already issued or existing prior to the issuance of the SLUP on December 10, 2004 and FLAgT on November 30, 2005 by then Vicente S. Paragas, RED of DENR 4B. It is worthy to note that DAO 2004-28 dated 25 August 2004 provides the rules and regulations governing the use of forest lands for tourism purposes.

Submit a report in a CSW format to the undersigned within 15 days upon completion of your undertakings on the matter.

FOR STRICT COMPLIANCE.


ATTY. JUAN MIGUEL T. CUNA

FOREST MANAGEMENT BUREAU
RECEIVED
MAR 06 2018
FRMD
920
OFFICE OF THE DIRECTOR

FOREST MANAGEMENT BUREAU
RECEIVED
MAR 05 2018
D-350-2
RECORDS UNIT

February 26, 2018

Dear Sir/Madam:

This has reference to an area, located in Port Barton, San Vicente, Palawan, covering area 1.4 hectares.

Subject area is covered by FLAgT No. DENR IV-MIMAROPA-11302030-0002, in my name EMELIE L. BESAGA, issued on November 18, 2005, for a period of twenty-five years.

I would like to lodge my complain against the Barangay Captain of Port Barton, Mr. Felipe Acosta, and his wife, Mrs. Luzviminda Acosta, for harassing me over the subject area. The Acosta's are claiming that they already own a portion of the area, and that there is already a Supreme Court decision.

Sir, the area is a Timberland, and nobody can occupy or utilize such without a permit from the DENR. Attached is the CSW regarding the area covered by FLAgT in my name. Praying that I can still continue my occupation over the said area.

Your usual assistance is earnestly sought. God bless!

Very truly yours,

Emelie L. Besaga
Emelie L. Besaga
FLAgT Holder

FRMD,
Pls. review this complaint
+ recommend possible solutions.
Thank-
you
3/6

217-218-192-2
Date Received: MAR 07 2018 151.168.2
Forest Land Uses Section

FOREST MANAGEMENT BUREAU
RECEIVED
MAR 06 2018
3.2
FOREST RESOURCES MGT. DIVISION

Copy Furnished:

1. Secretary, DENR, Diliman, Quezon City
2. RED, DENR, R-IV, Roxas Blvd., Manila
3. Director of FMB, Diliman, Quezon City
4. Office of the President, Philippines
5. PENRO, Puerto Princesa City, Palawan

2147511864

*Mr. Felipe
For a/c pls
in 3/9*
*Pls.
Please check our
records on the
matter and
prepare draft memo
to RIV-a cities and
obvious/fundings
and referral for
conduct of investigation
Thanks
3/7*

Date received:	JUL 25 2018
Time Received:	10:30 AM
Excel Tracking No.:	4982
DATS No.:	2018-3993



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

JUL 24 2018

MEMORANDUM

TO : The PENRO-Palawan
Sta. Monica, Puerto Princesa City

ATTENTION : The CENRO
Roxas, Palawan

FROM : The Regional Director

SUBJECT : **LETTER OF MS. EMELIE L. BESAGA DATED 26 FEBRUARY 2018, HOLDER OF FLAGT NO. DENR IV-MIMAROPA-11302030-0002 LOCATED AT PORT BARTON, SAN VICENTE, PALAWAN, COVERING 1.4 HECTARES OF FOREST LAND**

DATE :

This has reference with the Memorandum of Undersecretary for Field Operations dated April 30, 2018, (copy attached) pertaining to the letter of Ms. Emelie Besaga dated February 26, 2018, holder of FLAGT No. DENR IV-MIMAROPA-11302030-0002 located at Port Barton, San Vicente, Palawan covering 1.4 hectares of forest land.

On the third paragraph, the following documents/ requirements are being requested for re-submission, such as;

1. Duly accomplished application form and payment of application fee with official receipt (OR).
2. Map of the area and pertinent documents showing proof that the proponent is a legitimate entity qualified to be a holder of FLAGT.
3. Comprehensive Development and Management Plan (CDMP) and with certification from LGU of San Vicente as to its conformity with the Integrated Tourism Master Plan of the municipality.
4. Environmental Compliance Certificate (ECC).
5. National Commission on Indigenous Peoples (NCIP) clearance.
6. Clearance from Palawan Council for Sustainable Development (PCSD).
7. OR's documenting the payment of annual rental made by the agreement holder and the performance bond posted for the purpose
8. LGU's endorsement.

FN: lpdd/wrps/crst

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 7553300/7553330 loc. 2700/2701
Direct Line: (632) 4050157; Facsimile: (632) 4050046



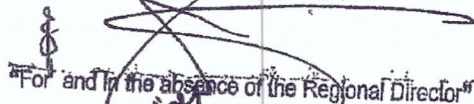
Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

Further, a conduct of a technical conference with the proponent is timely necessary for the discussion and clarification on the pressing issues confronting the said approved FLAgT. There are comments in the computation of the annual government share, payment of performance bond, and compliance to the terms and conditions of the FLAgT. Also, the possible back rental of the proponent and the refusal/ non-compliance to the ORDER dated December 27, 2017, for the amendment of the FLAgT.

Submit a Completed Staff Work upon completion of your undertakings on the matter.

For strict compliance.

HENRY A. ADORNADO, Ph.D.


"For and in the absence of the Regional Director"

VICENTE B. TUDDAO JR., Ph.D. CESO IV
ARD for Technical Services



Department of Environment
and Natural Resources
REGION 4B



September 3, 2018

MEMORANDUM

TO : The OIC, PENR Officer
Palawan

ATTENTION : The OIC, CENR Officer
Roxas, Palawan


FROM : The Regional Director

SUBJECT : IN THE MATTER OF THE IMPLEMENTATION OF THE
DECISION IN O.P. CASE NO. 06-K-398 (DENR CASE NO.
5904) ENTITLED "DIGNA MATALANG COCHING,
SPOUSES FELIPE AND LUZVIMINDA ACOSTA,
APPELLANT, VERSUS EMELIE BESAGA, APPELLEE"

This refers to your Memorandum dated April 16, 2018 forwarding the copy of the Memorandum dated March 27, 2018 from the OIC, CENRO Roxas, Palawan requesting for detailed guidelines in the implementation of the subject case.

Pursuant to the Order dated December 27, 2017 issued by this Office directing the amendment of FLAgT No. DENR IV-MIMAROPA-11302030-0002 in the name of Emelie Besaga, which Order is pursuant to a final decision rendered by the Supreme Court, you are hereby directed to coordinate with the barangay officials of Brgy. Port Barton, San Vicente; the appropriate municipal officials of the municipality of San Vicente; and law enforcement officers from the local Philippine National Police (PNP) of San Vicente, Palawan to assist in its implementation, viz: preliminarily, the conduct of relocation survey.

Submit a Completed Staff Work (CSW) with categorical recommendations, immediately after compliance with this instruction.


HENRY A. ADORNADO, Ph. D.
Regional Director

Copy furnished:

The Undersecretary for Field Operations

The Undersecretary for Administration, Finance, Human
Resources, Information Systems, Legal, Legislative Affairs and
Anti-Corruption

The Assistant Secretary for Field Operations – Luzon – (ASRMD-2018-0017674)

The OIC, Director, Legal Affairs Service

PENRO/CENRO

Luzviminda Acosta

ARD-MS/LD



Department of Environment
and Natural Resources
REGION 4B



RECORDS: 16 924 13



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Province of Palawan

2018-3516

2018-3516

flb

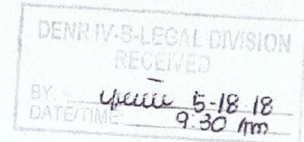
April 16, 2018

MEMORANDUM

FOR : The Regional Director
DENR MIMAROPA
1515 L&S Bldg.
Roxas Blvd., Manila

FROM : The OIC-Provincial Environment and
Natural Resources Officer
Puerto Princesa City, Palawan

SUBJECT : IN THE MATTER OF IMPLEMENTATION OF THE
DECISION, IN O.P CASE NO. 06-K-398 (DENR CASE NO.
5904), ENTITLED "DINA MATALANG CONCHING, SPS.
FELIPE AND LUZVIMINDA ACOSTA, APPELLANT,
"EMELIE BESAGA, APPELLEE."



Forwarded is a copy of the Memorandum dated March 27, 2018 received by this office dated April 06, 2018 regarding the above subject along with its pertinent documents.

In this regard, the CENRO concern is requesting for a detailed guidelines and mechanics be issued for the purpose.

For information and further instruction.

For the PENRO

Sonia M. Pascual
SONIA M. PASCUAL
Planning Officer III,
Officer-In-Charge

CENRO-Roxas, Palawan

**DENR PENRO
PALAWAN RECORDS
RELEASED**
B/C: [Signature]
DATE: 4-19-18 CN 18-770

2018-3572

Bgy. Sta. Monica, Puerto Princesa City, Palawan
EMAIL ADD: denrpalawan@yahoo.com
Telfax No. (048) 433-5638



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
PROVINCE OF PALAWAN

RECEIVED

BY: *VLM*
DATE: *04-06-08* CN *18-3572*

4:33 pm

March 27, 2018

MEMORANDUM

FOR : **DIR. NATIVIDAD Y. BERNARDINO**
Regional Director
Region IV-B (MIMAROPA)
Department of Environment & Natural Resources
1515 L & S Bldg. Roxas Boulevard
Ermita, Manila

FROM : **ARNOLDO A. BLAZA JR.**
OIC-CENRO
Community Environment & Natural
Resources Office
Brgy. 3, Roxas, Palawan

SUBJECT : **IN THE MATTER OF IMPLEMENTATION OF THE
DECISION, IN O.P CASE NO. 06-K-398 (DENR
CASE NO. 5904), ENTITLED "DINA MATALANG
CONCHING, SPS. FELIPE AND LUZVIMINDA
ACOSTA, APPELLANT, -VERSUS- EMILE BESAGA,
APPELLEE."**

In response to the ORDER, dated 27 December 2017, from DENR MIMAROPA REGION 4B, the representative of this office served a copy thereof to appellee but despite received of which, the latter refused to acknowledge receipt therefor. Copy of the affidavit of service¹ is hereto attached for immediate reference.

As such ORDER was duly served to appellee, this office is now ready to implement the DECISION, in OP Case No. 06-K-398² (DENR CASE NO. 5904), entitled "*Dina Matalang Conching, Sps. Felipe and Luzviminda Acosta, appellant, -versus- Emile Besaga, appellee.*"³

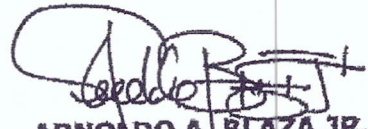
¹ Affidavit, dated 2 February 2018 executed by Ronnie P. Lilang

² Which was affirmed by the Court of Appeals, in CA-GR SP No. 100616, which subsequently affirmed by the Supreme Court

³ Amending the appellee's FLAGT No. DENR IV-MIMAROPA-11302030-0002

Bgy III, Roxas, Palawan
Email Add: denroasp@denr.gov.ph

Further, in order to fully implement said DECISION, the undersigned respectfully requests that a ***detailed guideline and mechanics*** be now issued for this purpose.


ARNOLDO A. BLAZA JR.
OIC-CENRO

Copy furnished.

Felizardo B. Cayatoc
Provincial Environment & Natural Resources Officer
Sta. Monica, Puerto Princesa City

Sps. Felipe & Luzviminda Acosta
Port Barton, San Vicente, Palawan

Emile Besaga
Port Barton, San Vicente, Palawan

The Assistant Secretary for Legal Services
DENR Central Office, Visayas Ave., Diliman, QC

Bgy. III, Roxas, Palawan
Email Add denroxaspal@gmail.com

Republic of the Philippines
 Department of Environment and Natural Resources
 MIMAROPA Region

1515 L. & S. Building, Roxas Boulevard, Ermita, Manila 1000
 VOIP (632) 82483367/82483468/82493367 local 2717 (ORED); 2709 (Legal Division)
 Direct Line: (632) 84050157 Facsimile: (632) 84050046
 ✉ mimaroparegion@denr.gov.ph, denr4blegal@gmail.com 🌐 <https://mimaropa.denr.gov.ph/>

MRS. EMELIE L. BESAGA
 Port Barton, San Vicente,
 Palawan

NOTICE TO VACATE

Notice is hereby served upon you to immediately vacate **Lot Nos. 4512 and 4514**, Cad. 860-D, San Vicente Cadastre, which were previously part of your FLAgT No. DENR IV-MIMAROPA-11302030-0002.

A Decision was issued by the Supreme Court in G.R. No. 194061 entitled "*Emelie L. Besaga versus Spouses Felipe Acosta and Luzviminda Acosta and Digna Matalang Coching*". The same was declared final and executory per Entry of Judgment dated September 21, 2015 issued by Supreme Court – Deputy Clerk of Court and Chief, Judicial Records Officer Basilia T. Ringol.

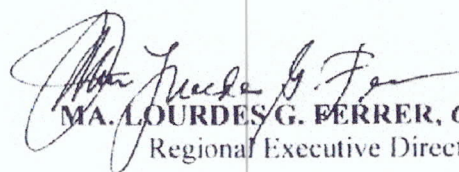
To implement the said Decision, an Order dated December 27, 2017 was issued by then OIC, Regional Director Natividad Y. Bernardino wherein the said FLAgT was **amended** to cover only **Lot No. 4513**, Cad. 860-D.

Records further show that you filed thru counsel a Motion for Reconsideration and/or Protest/Opposition to the Order dated December 27, 2017. This was denied per Resolution dated September 13, 2018 issued by then Regional Executive Director Henry A. Adornado.

Please comply with this Notice within fifteen (15) days from receipt hereof, otherwise we will be constrained to turn over the matter to the local government of Roxas, Palawan inasmuch as we recognize their express authority under the provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, specifically Book Three, Chapter 3, Article I, Section 444 (b)(3)(vi) thereof and similar provisions.

SO ORDERED.

Manila, Philippines. AUG 20 2020


MA. LOURDES G. FERRER, CESO IV
 Regional Executive Director

Copies furnished

Spouses Felipe and Luzviminda Acosta

The Undersecretary for Field Operations

The OIC, Assistant Secretary for Field Operations – Southern Luzon

The Director, Legal Affairs Services

No. 12, Km. 3, WESCOM Road, Puerto Princesa City



Region IV - MIMAROPA
 MIMAROPA Region



Doc ID: 21078

MEMORANDUM

TO : The PENRO
Palawan

ATTENTION : The CENRO-ROXAS

FROM : The REGIONAL EXECUTIVE DIRECTOR

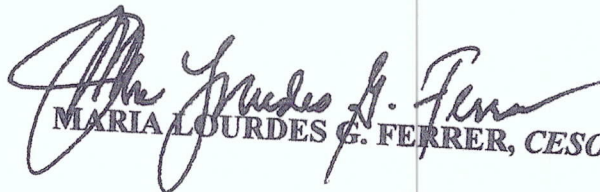
SUBJECT : FOLLOW UP ON THE COMPLIANCE RE: ORDER AMENDING
THE FOREST LAND USE AGREEMENT FOR TOURISM
PURPOSES (FLAgT) ISSUED TO EMELIE L. BESAGA

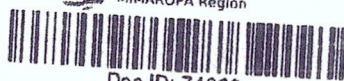
DATE : NOV 24 2021

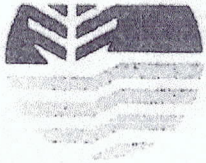
This pertains to the memorandum dated February 28, 2018 signed by then OIC, Regional Director Natividad Y. Bernardino regarding the above mentioned subject with the instruction to serve the copy of the ORDER issued by RD Bernardino on 27th of December 2017 and ensure its full implementation.

As of to date, this office has not received a compliance thereto, hence you are hereby instructed to submit report of compliance within 3 days upon receipt of this memorandum.

For strict compliance.


MARIA LOURDES G. FERRER, CESO III





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

FEB 28 2018

MEMORANDUM

TO : The PENRO
Sta. Monica, Puerto Princesa City

ATTENTION : The CENRO
Roxas, Palawan

FROM : The OIC, Regional Director

SUBJECT : ORDER AMENDING THE FOREST LAND USE AGREEMENT FOR
TOURISM PURPOSES (FLAGT) ISSUED TO EMELIE L. BESAGA

Pursuant to the decision dated August 13, 2007 of the Office of the President docketed as O.P. Case No. 06-K-398 (DENR Case No. 5904) entitled "Digna Matalang Coching, Sps. Felipe and Luzviminda Acosta, Appellants versus Emelie L. Besaga, Appellee", we are furnishing you herewith a copy of the subject ORDER amending the Forest Land Use Agreement for Tourism Purposes issued to Emelie Besaga to cover only Lot No. 4513 of Cad 860-D, San Vicente Cadastre and to exclude therefrom Lots No. 4512 and 4514 of the said cadastre.

Please serve a copy of the said ORDER to the parties and ensure its full implementation. Submit report of compliance within fifteen (15) days upon receipt of this memorandum.

For strict compliance.


NATIVIDAD Y. BERNARDINO, CESE

Copy furnished:

The Assistant Secretary for Legal Affairs
DENR, Quezon City

The Undersecretary for Field Operations
DENR, Quezon City



Department of Environment
and Natural Resources
REGION 4B



FN: lodd/wrps/mggg

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 7553300/7553330 loc. 2700/2701
Direct Line: (632) 4050157; Facsimile: (632) 4050046



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

CERTIFIED TRUE / PHOTO COPY
9.7/12/22
ATTY. GANDHI G. FLORES
Chief Legal Division
DENR MIMAROPA Region

MEMORANDUM

TO : The OIC, PENR Officer
Palawan

ATTENTION : The CENR Officer
Roxas, Palawan

FROM : The OIC, Regional Executive Director

SUBJECT : DENR CASE NO. 5904 ENTITLED "DIGNA MATALANG
COCHING, SPS. FELIPE ACOSTA AND LUZVIMINDA
ACOSTA, APPELLANTS, VERSUS EMELIE L. BESAGA,
APPELLEE"

DATE : JAN 29 2022

This refers to the Memorandum dated January 6, 2022 from the Director of the Legal Affairs Service regarding the Motion to Quash filed by Emelie Besaga (*Besaga, for brevity*) relative to the above-captioned case.

In the Motion, Besaga seeks to quash the Order dated December 27, 2017 and the Notice to Vacate dated August 20, 2020.

In said Memorandum, the Director of the Legal Affairs Service recommends the denial of the Motion to Quash and that the Order dated December 27, 2017 and the Notice to Vacate dated August 20, 2020 are proper and should, thus, be maintained.

In relation thereto, an earlier letter dated August 25, 2021 addressed to Atty. Romeo Q. Artazo, Jr., collaborating counsel for Besaga, was already sent stating that our Office cannot favorably act on the Motion to Quash dated February 10, 2021 considering the finality of the case, which reached the Supreme Court.

In view of the legal advice contained in the subject Memorandum regarding the reimbursement of necessary expenses to Besaga as the FLAGT holder, as well as the option of the Spouses Acosta to refund Besaga of the same, we will be furnishing a copy of said Memorandum to the parties for their information and reference.

Based on the foregoing, the CENRO Roxas, Palawan is instructed to implement the Order dated December 27, 2017 in compliance with the Memorandum dated January 26, 2016 of the Office of the Assistant Secretary for Legal Affairs as well as the subject Memorandum, secure the assistance of the local government unit concerned and personnel of the Philippine National Police, and immediately submit a report of compliance hereof.

ARD-MS/LD

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 82483367/82483468/82493367 local 2717 (Regional Executive Director); 2709 (Legal Division)
Direct Line: (632) 84050157
Email: mimaroparegion@denr.gov.ph; denr4legal@gmail.com



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

CERTIFIED TRUE / PHOTO COPY

9.7/1/22
ATTY. GANDHI G. FLORES
Chief Legal Division
DENR MIMAROPA Region

MEMORANDUM

TO : The OIC, PENR Officer
Palawan

ATTENTION : *The CENR Officer*
Roxas, Palawan

FROM : The OIC, Regional Executive Director

SUBJECT : DENR CASE NO. 5904 ENTITLED "DIGNA MATALANG
COCHING, SPS. FELIPE ACOSTA AND LUZVIMINDA
ACOSTA, APPELLANTS, VERSUS EMELIE L. BESAGA,
APPELLEE"

DATE : JAN 29 2022

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Based on the foregoing, the CENRO Roxas, Palawan is instructed to implement the Order dated December 27, 2017 in compliance with the Memorandum dated January 26, 2016 of the Office of the Assistant Secretary for Legal Affairs as well as the subject Memorandum, secure the assistance of the local government unit concerned and personnel of the Philippine National Police, and immediately submit a report of compliance hereof.

ARD-MS/LD

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 82483367/82483468/82493367 local 2717 (Regional Executive Director); 2709 (Legal Division)
Direct Line: (632) 84050157
Email: memoranda@denr.gov.ph; denr4blegal@gmail.com

Page 1 of 2

9-27-12/2/22
ATTY. GANDHI G. FLORES
 Chief, Legal Division
 DENR MIMAROPA Region

Attached hereto are the following:

1. Copy of the Order dated December 27, 2017 signed by then OIC, Regional Director Natividad Y. Bernardino;
2. Letter dated August 25, 2021 signed by then Regional Executive Director Maria Lourdes G. Ferrer, CESO III, addressed to Atty. Romeo Q. Artazo, Jr.; and,
3. Memorandum dated January 6, 2022 from the Director, Legal Affairs Service.

For immediate compliance.


LORMELYN E. CLAUDIO, CESO IV

Copy furnished:

The Undersecretary for Field Operations and Environment

The Director, Legal Affairs Service

The Assistant Regional Director for Technical Services

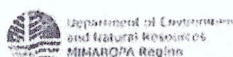
*The Municipal Mayor
 San Vicente, Palawan*

*The Chief of Police
 PNP Roxas, Palawan*

*Sps. Felipe and Luzviminda Acosta
 No. 12, Km. 3, WESCOM Road
 Puerto Princesa City*

*Atty. Romeo Q. Artazo, Jr.
 166 Sampaguita St., Villa Leticia Subdivision
 Tanzang Luma VI, Imus, Cavite*

*Ms. Emelie L. Besaga
 Purok Pag-asa, Brgy. Port Barton
 San Vicente, Palawan*



Doc ID: 77685

ARD-MS/LD

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
 DENR VOIP (632) 82483367/82483468/82493367 local 2717 (Regional Executive Director), 2709 (Legal Division)
 Direct Line: (632) 84050157
 Email: general@denr.gov.ph, denr4blegal@gmail.com

Page 2 of 2



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenroroxaspalawan@denr.gov.ph

08 February 2022

Sps. FELIPE and LUZVIMIMDA ACOSTA
No. 12, Km. 3, WesCom Road
Puerto Princesa City
and/or Bgy. Port Barton, San Vicente, Palawan

Ms. EMELIE L. BESAGA
Purok Pag-asa, Bgy. Port Barton
San Vicente, Palawan

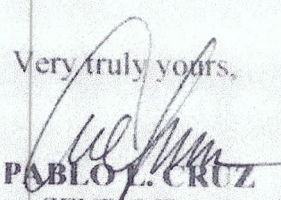
Sir/Madam,

Environmental greetings!

In compliance with Regional Memorandum of 20 January 2022 (copy attached) received by this Office re: the implementation of the Order amending FLAgT No. DENR IV-MIMAROPA-11302030-0002 and the referral memo of the DENR-PENRO which was received on 07 February 2022, parties are hereby respectfully required to see our Office for conference at 2:00 o'clock in the afternoon on the 22nd day of February 2022 for scheduling of activities not limited to survey of the areas involved, a composite PENRO-CENRO Roxas Team shall be dispatched to conduct.

Enjoining your usual cooperation.

Very truly yours,


PABLO L. CRUZ
CENRO Officer

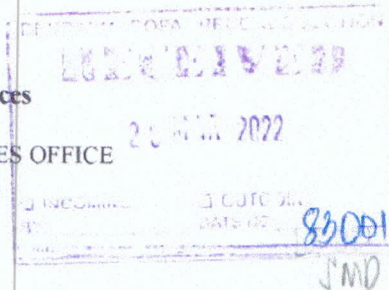
Copy:

The Regional Executive Director
The PENR Officer
The Mun. Government, San Vicente, Palawan
The Bgy. Council, Port Barton, San Vicente, Palawan

DENR-CENRO ROXAS
RELEASED
DATE: 02/09/2022
BY: mg
DOC. NO. 2022-02-0130



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 434-8791
Email Add: penropalawan@denr.gov.ph



March 21, 2022

MEMORANDUM

TO : The Regional Executive Director
1515 L & S Bldg.
Roxas Blvd., Ermita, Manila

ATTENTION : The Assistant Regional Director for Technical Services
The Chief, Surveys and Mapping Division

FROM : The OIC-Provincial of Environment and
Natural Resources Officer-Palawan

SUBJECT : **RELOCATION SURVEY OF LOTS 4512, 4513 AND 4514,
CAD.860-D SUBJECT OF THE ORDER AMENDING THE
FOREST LAND USE AGREEMENT FOR TOURISM
(FLAGT) PURPOSES ISSUED TO EMILIE L. BESAGA**

3-31-22
G12022-03 068 p32

Forwarded is the report of the Survey Team dated March 18, 2022 submitted in compliance to the Memorandum of That Office dated January 20, 2022 relative DENR Case No. 5904 informing among others the results of the relocation survey of Lots 4512, 4513 and 4514, Cad.860-D aided with a plan depicting the actual claim of the parties concerned and delineation of boundary corners.

For his evaluation and advise of action on the matter.

FELIZARDO B. CAYATOC

Copy Furnished:

1. Ms. Emilie Besaga
c/o Brgy. Captain
Purok Pag-asa, Brgy. Port Barton
San Vicente, Palawan
2. Sps. Felipe and Luzviminda Acosta
No. 12, Km. 3, Wescom Road
Puerto Princesa City
3. CENRO Roxas, Palawan

DENR MIMAROPA
PALAWAN RECORDS
RECEIVED

BY: [Signature]
DATE: MAR 23 2022 02-715(1)

360/p. 100
MAR 23 2022

Sta. Monica, Puerto Princesa City
Telefax (048) 433-5638/email add:denrpalawan@yahoo.com

2022-2330