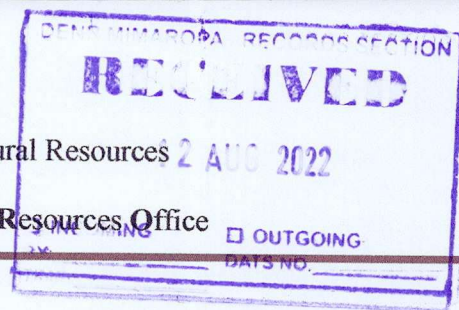




Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA REGION**  
Provincial Environment and Natural Resources Office



August 5, 2022

**MEMORANDUM**

**FOR** : The Regional Executive Director  
DENR MIMAROPA Region

**FROM** : The In-Charge  
PENRO Oriental Mindoro

**SUBJECT** : **REQUEST OF MR. JOSE RODRIGUEZ, SR. REGARDING  
CUTTING OF PLANTED TREES WITHIN THEIR FLMA AREA  
LOCATED AT BARANGAY VILLA CERVEZA, ORIENTAL  
MINDORO**

Forwarded is the Memorandum dated July 25, 2022 from CENRO Socorro regarding the above-mentioned subject bearing Code No. PCC-CAM-07-11-2022-38.

Be informed that in a Memorandum dated October 19, 2021 from the Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects, Marial C. Amaro, Jr. CESO III, the request of *Kapyan Agpaysarigan Mangyan Tadyawan Inc. (KAMTI)* represented by Mr. Binata Padiwan for permit to cut/utilize trees of various species damaged/felled by Typhoon Tisoy and Ursula within the expired FLMA located in Villa Cerveza, Victoria, Oriental Mindoro, was not given due course by DENR-FMB, due to absence of tenure or legal instrument of the applicant and DAO No. 2000-28 is still suspended.

Further, CENRO Socorro conducted re-inventory of the felled trees within the FLMA area, and forwarded to the NCIP for issuance of FPIC.

For information and reference.

  
ALMA E. GIBE

Tracking No.: 2207000903

TSD/RPS/Dhal

Ilang-ilang St., Sitio II, Suqui, Calapan City, Oriental Mindoro  
DENR Contact Nos. (043) 288-3017, Tel. Fax No. 288-3006

## DOCUMENT TRACKING SLIP

DENR-Oriental Mindoro

2207000903

Description: REQUEST OF MR. JOSE RODRIGUEZ, SR. REGARDING CUTTING OF PLANTED TREES WITHIN THEIR FLMA AREA LOCATED AT BRGY. VILLA CERVEZA, VICTORIA, OR. MDO.

Date Created: 07-27-2022:16:33

Originating Office: Office of the PENRO (Camp Green)

Date Received:	Date Released:	Action Taken:
<p>NOEME P. ALCANCIA In-Charge, Records Unit AUG 02 2022</p> <p>Office of the PENRO Date: 8-2-22 Jy.</p> <p>RCD - 8/2/22 Jy 10:42 AM</p>	<p>AUG 02 2022</p> <p>8/3/22 Jy 9:00 AM</p> <p>8-3-22</p> <p>8/5/2022 - dhal 8:00 am</p>	<p>Forwarded to Office of the PENRO</p> <p>Forwarded to the Kudatag, OTMM</p> <p>Chief RPS, please review &amp; evaluate</p> <p>Thuly 8/02/22</p> <p>Dhal please inform to RO</p> <p>Memo to Region for signature of Chief RPS</p>





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

July 25, 2022

**MEMORANDUM**

**FOR** : The Regional Executive Director  
**THRU** : The PENR Officer  
**FROM** : The CENR Officer  
**SUBJECT** : **REQUEST OF MR. JOSE RODRIGUEZ, SR. REGARDING CUTTING OF PLANTED TREES WITHIN THEIR FLMA AREA LOCATED AT BARANGAY VILLA CERVEZA, VICTORIA, ORIENTAL MINDORO**

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PENRO TRACKING NO.	
RECEIVED BY:	<i>[Signature]</i>
DATE:	AUG 02 2022
TIME:	

This pertains to the Memorandum dated July 21, 2022 regarding the complaint of Mr. Jose Rodriguez, Sr addressed to President Ferdinand Marcos, Jr. thru Director Jaime Llaguno Mabilin, President Complaint Center (PCC) bearing Code No. PCC-CAM-07-11-2022-038 regarding their request of cutting permit of the planted trees within their Forest Land Management Agreement (FLMA) area located at Barangay Villa Cerveza, Victoria, Oriental Mindoro.

Relative thereto, please be informed that a letter was sent to the permittee dated March 02, 2022 informing them that their request has been denied by the DENR Central Office Forest Management Bureau as per Memorandum dated October 19, 2021 from Marcial C. Amaro, Jr., CESO III, Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects, and Director, in concurrency Capacity, *please see attached file.*

Further, be informed that we conducted re-inventory of the felled trees of the said FLMA area and same was forwarded to NCIP dated June 03, 2022 for the issuance of FPIC which is the requested document stated in the same Memorandum from FMB.

For information and reference.

*[Signature]*  
**RODEL M. BOYLES**

**Copy furnished:**

The Presidential Complaint Center (PCC), Malacañang, Manila  
The Undersecretary USEC for Field Operations and Environment  
Mr. Jose P. Rodriguez, Sr. Poblacion I, New Public Market, Victoria, Oriental Mindoro





25 Hulyo 2022

**Ginoong Jose P. Rodriguez, Sr.**  
Poblacion I, New Public Market,  
Victoria, Oriental Mindoro

**RE:** Request for a Cutting Permit to Harvest Planted Trees within the FLMA Area located at Barangay Villa Cerveza, Victoria, Oriental Mindoro with Reference Code No. OCC-CAM-07-11-2022-038

**Ginoo,**

Pagbati!

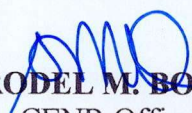
Ito ay patungkol sa email na ipinadala mo noong ika-11 ng Hulyo taong kasalukuyan sa Presidential Complaint Center (PCC) na inendorso sa DENR Action Center/Hotline hinggil sa kahilingan ninyong ma-isyuhan ng cutting permit o permiso sa pagputol ng punong kahoy sa loob ng Forest Land Management Agreement (FLMA) na nasa So. Lagpan, Barangay Villa Cerveza, Victoria, Oriental Mindoro.

Kaakibat nito, nais kong ipaalala na noong ika-02 ng Marso taong 2022 ang aming opisina ay may ipinadalang sulat sa Kapyon Agpaysaringan Mangyan Tadyawan Inc. (KAMTI) naka-address kay Ginoong Binata Padiwan. Ang sulat na ito ay naglalahad na ang inyong kahilingan na ma-isyuhan ng cutting permit ay hindi inaprubahan ng DENR Central, Forest Management Bureau sapagkat ang inyong Forest Land Management Agreement (FLMA) ay paso na o wala ng bisa kaya't wala na kayong tenure o legal na instrument gaya ng ipinaliwanag sa Memorandum na may petsa 19 Oktubre 2021 mula kay Marcial Amaro Jr., CESO III, Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects, and Director. Nakasaad din sa naturang Memorandum ang kawalan ninyo ng Free, Prior and Informed Consent (FPIC) galing sa NCIP.

Upang kayo ay amin pa rin matulungan na mapakinabangan man lamang ang mga nabuwal na puno, ayon na rin sa inyong kahilingan, matatandaan na noong ika-26 ng Enero taong 2022, ang aming opisina ay nagsagawa ng muling pag-imbentaryo ng mga natumbang puno sa loob ng FLMA at ito ay inendorso naming sa Provincial Officer ng National Commission on Indigenous Peoples (NCIP) na si Ginoong Reynante S. Luna para sa FPIC process.

Sana ay nabigyang linaw ko ang mga pangyayari at natulungan po naming kayo sa inyong hinaing.

Lubos na sumasaiyo,

  
**RODEL M. BOYLES**  
CENR Officer





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

Marso 02, 2022

**GINOONG BINATA PADIWAN**

Kapyan Agpaysaringan Mangyan Tadyawan Inc. (KAMTI)  
So. Lagpan, Brgy. Villa Cerveza, Victoria, Oriental Mindoro

Ginoo,

Isang Makakalikasang Araw!

Atin pong matatandaan na ang inyong aplikasyong para sa *cutting permit* noong naakaraang taon para mapakinabangan ang mga puno sa *Forest Land Management Agreement (FLMA)* ay hindi inaprubahan ng *DENR Central Office Forest Management Bureau (Memorandum dated October 19, 2021 ni Marcial C. Amaro, Jr., CESO III, Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects, and Director, in concurrency capacity)* sa kadahilanang ang inyong *Forest Land Management Agreement* na may bisang dalawampung-limang taong (25 years) ay nagtapos na noong ika-03 ng Disyembre taong 2018 (December 03, 1993-December 03, 2018). Sa katunayan kayo po ay nabigyan ng ng sipi nito noong ika-11 ng Pebrero taong kasalukuyan sa aming tanggapan.

Sa kadahilanang kayo ay nagsusumamo at gusto ninyo na mapakinabangan kahit man lang ang mga natumbang puno upang makatulong sa inyong pamumuhay, kayo po ay lumihang muli sa tanggapanang ito noong ika 10-ng Enero taong kasalukuyan (January 10, 2022) upang ipaabot ang inyong naisin. Patungkol dito, isinagawa po naming muli ang pag-imbentaryo at napatunayang nasa lugar pa rin ang mga natumbang punong-kahoy. Upang muling maisumite sa Regional Office ang inyong kahilingan, kinakailangan po ninyong maisumite sa tanggapanang ito ang mga sumusunod na dokumento para sa agarang aksyon;

1. Sulat kahilingan na galing kay Binata Padiwan na naka address kay CENRO Rodel M. Boyles
2. LGU Certification; Barangay at MENRO Certification na nagsasabi na hindi sila tumututol sa inyong kahilingan na mapakinabangan ang mga natumbang punong kahoy sa nasasakupan ng inyong CADT at FLMA Area
3. Kopya ng CADT mula sa Land Registration Authority (LRA) at FLMA Contract
5. *Endorsement* na galing sa NCIP na hindi tumututol sa inyong kahilingan na mapakinabangan ang mga natumbang punong kahoy

Amin din po kayong hinihikayat na lumihang sa Central Office upang maipa-abot ang inyong pagnanais na mapakinabangan ang mga natumbang puno sa datihan ninyong FLMA.

Maraming salamat po.

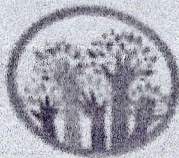
*Jon P. Rodriguez Jr.*

3 14 2022

Lubos na gumagalang,

**RODEL M. BOYLES**  
CENR Officer





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

Visayas Avenue, Diliman, 1100 Quezon City

Tel. No. (632) 8925 2141 / (632) 8925-4788

E-mail Address: [fmbs@denr.gov.ph](mailto:fmbs@denr.gov.ph)

Website: <https://www.forestry.denr.gov.ph>

**MEMORANDUM**

FOR

The Regional Executive Director  
DENR MIMAROPA Region  
DENR By the Bay Bldg., 1515 Roxas Boulevard  
Ermita, Manila

FROM

The Assistant Secretary for Policy, Planning and Foreign Assisted and  
Special Projects, and Director, in concurrent capacity

SUBJECT

REQUEST OF KAPYAN AGPAYASARIGAN MANGYAN  
TADYAWAN INC. (KAMTI) REPRESENTED BY MR. BINATA  
PADIWAN FOR PERMIT TO CUT/UTILIZE TREES OF VARIOUS  
SPECIES DAMAGED/FELLED BY TYPHOONS TISAY AND  
URSULA WITHIN A FORMER COMMUNITY BASED  
REFORESTATION PROJECT AREA COVERED BY CADC NO.  
RIV-CADC-085 LOCATED IN BARANGAY VILLA CERVEZA,  
VICTORIA, ORIENTAL MINDORO

DOCUMENTS  
ATTACHED

Memorandum dated August 31, 2021, of the Regional Executive Director,  
DENR MIMAROPA Region, with enclosures in one (1) thick folder

DATE

OCT 19 2021

This has reference to the Memorandum dated August 31, 2021 from the Regional Executive Director, DENR MIMAROPA Region addressed to the DENR Secretary, Roy A. Cimatu, thru the Office of the Undersecretary for Field Operations and Environment, attention this Office, seeking guidance on the request of Kapyan Agpayasarigan Mangyan Tadyawan, Inc. (KAMTI), represented by Mr. Binata Padiwan for a permit to cut/utilize trees of various species which were allegedly damaged/felled by typhoon *Tisay* and *Ursula* located in Barangay Villa Cerveza, Victoria, Oriental Mindoro.

Accordingly, the inventory conducted by the Community Environment and Natural Resources Office (CENRO) Socorro dated February 19, 2020, revealed a total of **61 trees of various species** with an equivalent estimated volume of **51.24 cu.m**. Due to sudden downpour and the sloping terrain of the area during the actual inventory, there were trees left unnumbered and uncaptured by a geo-tag capable camera, but the geographic coordinates of such were recorded. Based on the duly certified field reports and attached supporting documents pertaining to this case, the following observation and findings were noted:

1. The DENR, through PENRO Oriental Mindoro, awarded KAMTI with a Community-Based Reforestation Project (CBRP) on May 30, 1990, aimed at assisting the DENR in its reforestation program through the establishment, protection, and maintenance of a 50-hectare forest plantation situated in Sitio Centro, Barangay Villa Cerveza, Victoria, Oriental Mindoro for three (3) years.
2. Following the termination of CBRP contract awarded to KAMTI, the said tribal organization applied for a Forest Land Management Agreement (FLMA) for a period of 25 years, renewable for not more than 25 years which was approved on December 3, 1993. The FLMA allows the use of the area to grow and harvest minor forest products or interplant cash crops, fruit trees and other agricultural crops using sound agroforestry practices. The awardee may also harvest, process, and sell timber when the trees mature, following the principles of sustained yield forest management.



3. A Certificate of Ancestral Domain Claim (CADC) No. RIV-CADC-085, with an area of 12,000 hectares, was issued to Iadyawan Mangyan by the Department of Environment and Natural Resources on June 23, 1997. To date, the tribal organization has already filed an application to convert their CADC to Certificate of Ancestral Domain Title (CADT) pursuant to Republic Act No. 8371, or the Indigenous Peoples' Rights Act (IPRA).
4. The location of subject trees falls within the critical watershed of Mag-asawang Tubig Watershed having a moderate to high susceptibility to landslide and flood as certified by DENRO Oriental Mindoro in its Completed Staff Work dated December 12, 2019; and
5. The applicant has a pending application of Environmental Compliance Certificate (ECC) with the Environmental Management Bureau MIMAROPA Region and Certificate of Precondition (CP) with the National Commission on Indigenous Peoples.

With all the foregoing details, the following had been diligently researched to aid in providing proper guidance and direction to the concerned DENR field office:

1. Introduced in 1979, the CBRP is a project under the Family Approach to Reforestation program of the DENR, thru the Forest Management Bureau (FMB), which was designed as a cost-effective means of accelerating reforestation on denuded areas by participation of local families. The FMB shall enter into 2 to 3-year contracts with families to establish trees on public lands, with a maximum area of 50 hectares while adequately providing financial support and training throughout the fulfillment of the contract. The awardees are expected to move to new sites after completing the establishment. As clearly stated in the contract, **any improvements, and developments such as the establishment, maintenance, care, and protection of the forest plantation shall be turned over to the DENR at the termination of the contract.**
2. Considering that the FI MA was valid and effective not later than 2018 and can still be applied for renewal for another 25 years, as indicated but not automatic, however, Section 59 of Republic Act (R.A.) No. 8371, or the Indigenous Peoples' Rights Act of 1997 is stringent to enforce that:

*"all departments and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing, or granting any concession, license or lease, or entering into any production sharing agreement, without prior certification from the NCIP that the area affected does not overlap with any ancestral domain. Such certification shall only be issued after a field based investigation is conducted by the Ancestral Domains Office of the area concerned. Provided, That no certification shall be issued by the NCIP without the free and prior informed and written consent of ICCs/IPs concerned. Provided, further, That no department, government agency or government owned or controlled corporation may issue new concession, license, lease, or production sharing agreement while there is a pending application for a CADT. Provided, finally, That the ICCs/IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied the requirement of this consultation process."*

Further, Rule VIII, Part II, Section 6 of Administrative Order No. 1, Series of 1998, otherwise known as the Implementing Rules and Regulations (IRR) of R.A. No. 8371, states that:

*"existing contracts, licenses, concessions, leases and permits for the exploitation of natural resources within the ancestral domain may continue to be in force and effect until they expire. Thereafter, such*



*contracts, licenses, concessions, leases, and permits shall not be renewed without the free and prior informed consent of the IP community members and upon renegotiation of all terms and conditions thereof. All such existing contracts, licenses, concessions, leases, and permits may be terminated for cause upon violation of the terms and conditions thereof.*

The renewal of tenure such as the FLMA is not inherent, and therefore must still be subjected to the provisions of IPRA law.

3. The CADC as defined under NCIP Administrative Order No. 4, Series of 2012, or the "Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Ancestral Lands of 2012", refers to that Certificate issued by the Department of Environment and Natural Resources (DENR) **recognizing the claims of Indigenous Cultural Community (ICC)/ Indigenous People (IP) to their Ancestral Lands (ALs)/ Ancestral Domains (ADs)**. Consistent with the provisions under Section 5(b) of the NCIP Administrative Order No. 1, Series of 1998 or the "Rules and Regulations Implementing the Indigenous Peoples' Rights Act of 1997", all records pertinent to approved applications for CADCs issued by the DENR or other concerned government agency shall be turned over immediately to the NCIP, without prejudice to the prerogative of the NCIP to enter into a Memorandum of Agreement with the said agencies, to ensure a continuous and satisfactory delineation of ancestral lands/domains. To put into context, CADC is a recognition of right that is neither a tenurial instrument nor a proof of ownership. With the passage of the IPRA law in 1997, CADCs were decreed to be converted into CADTs to finally establish ownership over the ancestral land.

In other words, a CADC is the State's formal recognition of an IP/ICC's claim to a particular traditional territory which the IP/ICC has possessed and occupied, communally or individually, in accordance with its customs and traditions since time immemorial. The fact that a certificate of title or CADT has yet to be issued to the Tadyawan-Mangyan IPs does not diminish, much less, negate their communal ownership of the land in question. After all, a paper title is just proof of communal ownership, not a source of ownership. *Lamitis v. Dong-E* 106 relevantly states:

*The application for issuance of a Certificate of Ancestral Land Title pending before the NCIP is akin to a registration proceeding. It also seeks an official recognition of one's claim to a particular land and is also in rem. The titling of ancestral lands is for the purpose of "officially establishing" one's land as an ancestral land. Just like a registration proceeding, the titling of ancestral lands does not vest ownership upon the applicant but only recognizes ownership that has already vested in the applicant by virtue of his and his predecessor-in-interest's possession of the property since time immemorial.*

Even without yet a paper title, the State has already formally recognized the rights of the Tadyawan-Mangyan IPs approaching title to use and enjoy their ancestral domains through their CADC.<sup>1</sup> Nonetheless, despite the possession of a CADC, it is still incumbent upon the holder thereof to seek proper permits from the mandated agencies such as the DENR. —

4. The DENR Administrative Order (DAO) No. 2000-78 dated November 7, 2000, or the Regulations in the Recovery and Disposition of Abandoned Logs, Drifted Logs, Sunk Logs, Uprooted and Fire/Typhoon Damaged Trees, Tree Stumps, Tops and Branches is **currently suspended** by virtue of a Memorandum signed by the DENR Secretary Elisa G. Gozon dated May 7, 2003.

<sup>1</sup> G.R. 224469, January 5, 2021. Diosdado Sana Y Hinguan and Randy Masanglay Y Aceveda vs. People of the Philippines.



In view of the foregoing, this Office recommends that the Region conducts further due diligence on the matter, such as:

1. Inquire on the status of CADIC conversion to CADT as only Authenticated Copy of Land Title issued by the Land Registration Authority or Register of Deeds is honored as one of the documentary requirements for the processing of applicable cutting permit, and
2. Remind the applicant that the recognition of communal rights of a CADIC holder is not tantamount to the full obligation, possession and ownership vested on CADT holder and without the conversion, the IP group will remain bereft of juridical personality to utilize the natural resources found therein.

Considering the premises cited above, may we inform the Region that the request for cutting permit should not be given due course due to the absence of tenure or legal instruments of the applicant and that DAO No. 2000-78 is still suspended.

FOR GUIDANCE AND STRICT COMPLIANCE, PLEASE.

  
MARCIAL C. AMADOR JR., CESO III

Copy furnished:

The Undersecretary for Field Operations and Enforcement





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

June 13, 2022

**MR. REYNANTE S. LUNA**

Provincial Officer

National Commission on Indigenous Peoples

2<sup>nd</sup> Floor, OMPSTA Building, Ignacio St. Camilmil, Calapan City

Dear Sir,

This pertains to the application of Mr. Binata Padiwan represented by Mr. Jose Rodriguez for a cutting permit of standing trees within their FLMA. However, this was denied by the DENR Central Office because of lacking supporting documents and tenurial instrument is expired.

On January 24, 2019, Mr. Binata Padiwan submitted a request for tree inventory for the standing trees within their FLMA. An inventory team from this Office conducted tree inventory in the area and accounted a total of three hundred eighty-five (385) Mahogany, one hundred ninety-nine (199) Gmelina and three hundred sixty-seven (367) Narra trees with an estimated gross volume of 884.44 cubic meters.

Relative thereto, we are endorsing to your office the application as well as the other supporting documents to facilitate the conduct of the FPIC process.

Thank you very much.

Respectfully yours,

**RODEL M. BOYLES**

cc: PENR Office  
Suqui, Calapan City

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PEADR TRACKING NO.	
RECEIVED BY:	<i>[Signature]</i>
DATE:	JUN 17 2022
TIME:	

