

August 8, 2022

**MEMORANDUM**

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

**THRU :** The Assistant Regional Director for Technical Services

**FROM :** The OIC, PENR Officer



**SUBJECT :** **SUBMISSION OF COMPLETED STAFF WORK ON MONITORING IN COMPLIANCE TO OTHER TENURIAL INSTRUMENT ISSUED – MISCELLANEOUS LEASE OF ORLANDO MACALAM FOR A PORTION OF LAND LOCATED AT BRGY. LONOS, ROMBLON, ROMBLON**

Respectfully submitting the CSW Report for the monitoring in compliance to other tenurial instrument issued, Miscellaneous Lease of Orlando Macalam, for a portion of land located at Brgy. Lonos, Romblon, Romblon.

A cancellation of the lease is recommended after the death of the lessee and failure to pay of the necessary occupancy fee.

For your information and record.

For and in the absence of OIC, PENRO

  
**ARLYN D. BALIBAG**  
Chief, CDS – In charge of Office  




August 8, 2022

**MEMORANDUM**

**FOR** : The OIC, PENR Officer  
Odiongan, Romblon

**THRU** : Chief- TSD

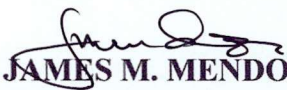

**FROM** : Chief, Monitoring and Enforcement Section

**SUBJECT** : **SUBMISSION OF COMPLETED STAFF WORK ON  
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INTRUMENT ISSUED – MISCELLANEOUS LEASE OF  
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For your information and records.

  
**JAMES M. MENDOZA**  
Forester II/ MES  




August 8, 2022

**MEMORANDUM**

**FOR :** The OIC, PENRO

**FROM :** Compliance Monitoring and Investigation Unit

**SUBJECT :** **SUBMISSION OF COMPLETED STAFF WORK ON MONITORING IN COMPLIANCE TO OTHER TENURIAL INSTRUMENT ISSUED – MISCELLANEOUS LEASE OF ORLANDO MACALAM FOR A PORTION OF LAND LOCATED AT BRGY. LONOS, ROMBLON, ROMBLON**

**I. JUSTIFICATION**

There is a need to abide by governmental laws and policies. Application for permits, leases and deeds is a must for every occupant of government properties. The office, on the other hand, act on such matter for it is the prime goal of the government to be of service to its community and make sure that utmost service is given.

**II. LEGAL BASIS**

**DAO 2004-04, Section 2 (c) and Section 2 (f)**

“Foreshore Lease Agreement (FLA) is an agreement executed by and between the DENR and the applicant to occupy, develop, utilize and arrange the foreshore land.”

“It also provide for the easement of salvage zone which is defined under this Order as land measuring twenty (20) meters measured land ward from the interior limit of the shoreline for easement purposes”.

**Section 51 of PD 1067 (Water Code of the Philippines)**

“The river banks and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas, and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing, and salvage. No person shall be allowed to stay in this zone longer than what is necessary for salvage or to build structures of any kind”.



“Salvage zone is res nullius and cannot be the subject of the commerce of man part of the public domain and intended for public use; and so long as this is so, it cannot be appropriated by any person except through expresses authorization granted in due form by competent authority”.

### **III. FACTUAL BACKGROUND**

<b>February 16, 1991 –</b>	Cadastral Survey for Brgy. Lonos, Romblon, Romblon was approved.
<b>March 3, 1997 -</b>	Land Management Officer III, Marlene Hernandez, Special Investigator Fidel Medina and OIC, CENRO Daniel Estarija signed the Committee Appraisal Report for the applied track of land of Orlando Macalam. The appraised annual rental amounts to P9,390.00
<b>June 6, 1997 -</b>	Alexander M. Nicolas, Brgy. Chairperson of Lonos, Romblon, Romblon issued a Brgy. Clearance in favor of Orlando Macalam for his Foreshore Lease Application
<b>June 10, 1997 -</b>	Mr. Macalam obtained a Municipal Clearance from then Mayor, Francisco Solis for the use of the foreshore area at Lonos, Romblon, Romblon.
<b>August 19, 1997 -</b>	Atty. Edmond Moreno, Port Manager endorsed the application of Mr. Macalam and started no objection to it.
<b>October 28, 1997 -</b>	The Provincial Engineer, Rogelio Solis approved the proposition of Orlando Macalam and interposes no objection to the application to develop the foreshore area.
<b>September 27, 1999 -</b>	Vicente Mindo signed a waiver and quitclaim in favor of Orlando Macalam, over the portion applied for FLA.
<b>January 20, 2000 -</b>	Certificate of Registration from Department of Trade and Industry was signed in favor of Orlando Macalam
<b>June 8, 2000 -</b>	Mr. Orlando Macalam processed his application for Foreshore Lease.
<b>September 20, 2000 –</b>	Mr. Macalam requested for Survey Authority in favor of Engr. S. Manipol, to survey the portion applied for lease.
<b>March 15, 2001 -</b>	Reynoso Jovero, Revenue District Officer issued Zonal Valuation of Lonos amounting to P200.00 per square meter.
<b>November 6, 2001 -</b>	Samuel Penafiel, CESO III, Regional Executive Director of DENR Region IV approved the Environmental Compliance Certificate of Mr. Macalam.

<b>March 11, 2002 -</b>	Fidel Medina Jr. submitted a report as per inspection on Foreshore Lot adjoining Lot 2911-Cad 311-D and recommended that the application for Foreshore Lease be approved.
<b>May 7, 2002 -</b>	Sangguniang Bayan of Romblon, Romblon, issued Resolution No. 61-2002, allowing Orlando Macalam to forego with the Foreshore Lease Application. This is to supersede SB Resolution Number 91-93, "A Resolution Requiring Nearby Foreshore Areas be removed for Future Use by this Municipality".
<b>May 21, 2002 -</b>	LMO III Romulo Fetalver endorsed to the Regional Executive Director, FLA No. 045910-76, of Orlando Macalam.
<b>July 4, 2002 -</b>	Survey for the foreshore area was approved by Engr. Andres Valencia.
<b>November 21, 2002 -</b>	The project Proposal of Mr. Macalam on his foreshore area was submitted to this Office.
<b>January 30, 2004 -</b>	An Order was issued by CENRO Charlito Valdez amending Orlando Macalam's application from FLA to Miscellaneous Lease, in accordance to the provisions of Public Land Act, under Section 58 of Chapter IX.
<b>July 27, 2004 -</b>	Amendment of Approved Survey Plan was issued by Chita Curameng – from FLA to MLA – 045910-14-D.
<b>September 16, 2004 -</b>	Lydia Lopez, OIC Regional Technical Director for Lands, ordered that the MLA of Orlando Macalam be posted to conspicuous places for a period of six (6) consecutive weeks, for bidders to be notified.
<b>February 28, 2005 -</b>	Orlando Macalam submitted Bid and Acceptance of Conditions with P10, 520.00 rental for one year. This is 4% of the appraised value of land and 2% value of improvements therein.
<b>April 4, 2005 -</b>	SI Fidel medina submitted a report of bidding; OIC, CENRO Alberto Cardinio forwarded the bid to OIC PENRO
<b>April 12, 2005 -</b>	the same was forwarded to the Regional Executive Director.
<b>July 4, 2005 –</b>	OIC, RTD Lydia Lopez, returned the documents for revision.
<b>July 25, 2005 -</b>	Fidel Medina, Special Investigator, submitted answers to comments dated July 4, 2005 from RTD Lopez.
<b>July 27, 2005 -</b>	CENRO Charlito Valdez forwarded Special Investigator Fidel Medina's report to the Regional Technical Director.
<b>November 5, 2005 -</b>	RTD, forwarded a draft copy of report of bidding that will serve as guideline.



<b>February 3, 2006 -</b>	Narciso Reyes, a resident of Lonos, called for the cancellation of application of Orlando Macalam due to allegations of deceitful acts and without consent of lawful owners.
<b>February 27, 2006 -</b>	OIC, PENRO Arturo Fadriquela directed the folder containing allegations of Narciso Reyes against Orlando Macalam, to the CENRO
<b>May 16, 2006 -</b>	SI Fidel Medina submitted an investigation report regarding the allegations of Narciso Reyes Jr. The report stipulated that the allegations against Orlando Macalam lack merit and documentary support thus further recommending the approval of application of Orlando Macalam. The report was forwarded to the PENRO on the same date.
<b>January 9, 2007 -</b>	OIC, PENRO mentioned that the application be forwarded to the Regional Office provided that all obligations be settled by Mr. Macalam. On the same date, Orlando Macalam settled his obligations such as rental fee.
<b>January 29, 2007 -</b>	the application was submitted to the Regional Executive Director
<b>March 5, 2007 -</b>	The RED forwarded the application of Mr. Macalam to the Office of the Secretary
<b>March 16, 2007 -</b>	Manuel Gerochi, CESO I, Undersecretary for Staff Bureaus, required a Complete Staff Work for the MLA of Mr. Macalam.
<b>January 20, 2009 -</b>	the Miscellaneous Lease was approved.
<b>June 13, 2017 -</b>	Osbert Macalam requested transfer of representation of Lease of Contract of his late father, Orlando Macalam.
<b>June 27, 2017 -</b>	Alan L. Valle, asked Osbert Macalam to rectify his Special Power of Atty. From the other heirs of Orlando Macalam.
<b>January 4, 2018 -</b>	Osbert Macalam issued a Promissory Note to pay the annual rental for the lease.
<b>January 15, 2018 -</b>	the Promissory note was forwarded to the Regional Director.
<b>September 12, 2018 -</b>	Compliance Monitoring and Investigation Unit personnel, Special Investigator Ann Adriguez and Forest Ranger Marivic Oriendo visited the site to monitor the site.
<b>April 10, 2019-</b>	Compliance Monitoring and Investigation Unit personnel, Special Investigator Ann Adriguez visited the site to inspect if the said entity still complies with the conditions of the lease issued to Mr. Orlando Macalam.

**March 12, 2020**

Enforcement Section personnel visited the site to inspect to see if there said entity complies with the conditions of the lease issued to Mr. Orlando Macalam. The personnel also aimed to check for improvement on the area for possible re -assessment.

**June 9, 2021**

Due to travel restrictions, a virtual inspection and interview on the caretakers on the area, was conducted; and requested Geo-tagged photo, the site was seen. The said entity complies with the conditions of the lease issued to Mr. Orlando Macalam.

#### **IV. ACTIONS TAKEN**

On July 5, 2022, Forester II Sheilla Jane Forlales, Chief, Monitoring and Enforcement Section together with Special Investigator Ann Adriguez, conducted monitoring at Mr. Orlando Macalam's property at Brgy. Lonos, Romblon, Romblon.

#### **V. FINDINGS**

Mr. Macalam's property has a concrete riprap/fence structure built within the foreshore area. Still, no developments were made for the year 2022 on Mr. Macalam's property. The heirs have also failed to pay the occupancy for the said lease.

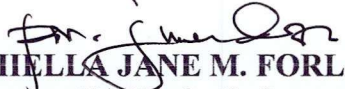
#### **VI. COMMENTS/ RECOMMENDATIONS**

The Miscellaneous Lease Agreement will expire on 2024. Due to the death of Mr. Orlando Macalam and failure to pay the necessary dues, it is therefore recommended that the said MLA be cancelled.

Prepared by:

  
**ANN J. ADRIGUEZ**  
Special Investigator

Noted:

  
**SHELLA JANE M. FORLALES**  
Forester II/ Chief – Enforcement Section



GEO-TAGGED PHOTOS OF THE SITE OF ORLANDO MACALAM'S  
MISCELLANEOUS LEASE AGREEMENT







Sheilla Jane M. Forlales, Chief, Monitoring and Enforcement Section leads the inspection team at the Lonos, Romblon, Romblon for the Miscellaneous Lease Agreement of Mr. Orlando Macalam

