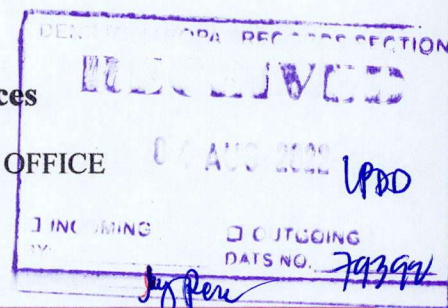




Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 434 - 8791
Email Add: penropalawan@denr.gov.ph



July 27, 2022

MEMORANDUM

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

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **APPLICATION FOR AREA CLEARANCE FOR THE
PROPOSED RECLAMATION PROJECT OF MR. WILLIAM C.
TAN LOCATED AT SITIO TAWIRAN, BARANGAY
LUZVIMINDA, PUERTO PRINCESA CITY**

This refers to your Memorandum dated May 30, 2022 instructing this Office to submit all lacking requirements to support the issuance of Area Clearance for the proposed reclamation project of Mr. William C. Tan located at Sitio Tawiran, Barangay Luzviminda, Puerto Princesa City.

Considering the multi-issues prompting the **illegal reclamation**, the same had been referred to Atty. Jazmin D. Altea of this Office Legal Unit for comment.

Attached is her Memorandum dated June 30, 2022 for information. This Office have read the same and hereby confirm and adopt the observations and comments for that Office review and consideration.

For the PENR Officer:

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By: *[Signature]*
Date: 27 JUL 2022 CN 34-1863

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

Cc:

CENRO – Puerto Princesa City

TSD/RES-DTN _____ lmo

Ref No. 2022-5766



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

July 27, 2022

MEMORANDUM

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

FROM : The Provincial Environment and
Natural Resources Officer

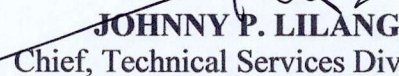
SUBJECT : **APPLICATION FOR AREA CLEARANCE FOR THE
PROPOSED RECLAMATION PROJECT OF MR. WILLIAM C.
TAN LOCATED AT SITIO TAWIRAN, BARANGAY
LUZVIMINDA, PUERTO PRINCESA CITY**

This refers to your Memorandum dated May 30, 2022 instructing this Office to submit all lacking requirements to support the issuance of Area Clearance for the proposed reclamation project of Mr. William C. Tan located at Sitio Tawiran, Barangay Luzviminda, Puerto Princesa City.

Considering the multi-issues prompting the **illegal reclamation**, the same had been referred to Atty. Jazmin D. Altea of this Office Legal Unit for comment.

Attached is her Memorandum dated June 30, 2022 for information. This Office have read the same and hereby confirm and adopt the observations and comments for that Office review and consideration.

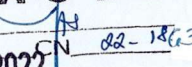
For the PENR Officer:


JOHNNY P. LILANG
Chief, Technical Services Division
In-Charge, Office of the PENRO

Cc:

CENRO – Puerto Princesa City

TSD/RES-DTN _____ lmo

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By _____
Date: **27 JUL 2022** 



June 30, 2022

MEMORANDUM

FOR : The Provincial Environment and Natural Resources Officer

FROM : Atty. Jazmin D. Altea
Attorney III/Chief, Legal Unit

SUBJECT : COMMENT ON THE APPLICATION FOR AREA CLEARANCE ON THE PROPOSED RECLAMATION PROJECT OF MR. WILLIAM C. TAN LOCATED AT SITIO TAWIRAN, BARANGAY LUZVIMINDA, PUERTO PRINCESA CITY

DENR PENRO
PALAWAN REGION
RECEIVED

BY: *[Signature]*
DATE: 07-06-2022 22-5768

This has reference to the request of the Provincial Environment and Natural Resources Office (PENRO), Technical Services Division (TSD), Chief Johnny P. Lilang, for comment and/or recommendation regarding the memorandum of the Regional Executive Director dated May 30, 2022 requiring the PENRO to submit all the lacking requirements for the issuance of area clearance of Mr. William C. Tan located at Sitio Tawiran, Barangay Luzviminda, Puerto Princesa City.

Perusal of records disclose that the issue on the illegal reclamation and cutting of mangroves in Sitio Tawiran, Bgy. Luzviminda, Puerto Princesa City surfaced as early as January 2017 when a report/complaint was posted by Ms. Diana Limjoco on DENR FB page. Thereafter, a letter complaint dated February 6, 2017¹ was lodge by Atty. Grizelda Mayo-Anda, Executive Director of the Environmental Legal Assistance Center (ELAC) to concerned governmental agencies copy furnished the Office of the Ombudsman and the DENR Secretary. This issue was exposed by the media during the year 2017². Investigations were then conducted by the DENR-CENRO,³ however, no criminal complaint had been filed due to insufficiency of evidence at that time.

Records likewise reveal that there was an issue as to the land classification of the land adjacent to the illegal reclamation because the subject area is within the area covered by Presidential Proclamation No. 2347 dated March 29, 1984 known as "Reserving as a "BARANGAY NG MGA MANGINGISDA" a portion of Iwahig Penal Colony covered by Executive Order No. 67 dated 15 October 1912 situated in the City of Puerto Princesa, Province of Palawan, Island of Palawan." On March 28, 2017, the CENRO Puerto Princesa City received a letter dated March 20, 2017 from Mr. William Tan⁴ requesting for clarification as to the land classification status of the subject land. The then CENRO requested for a clarification to the RED, however, there is no record showing that such request for clarification was acted upon.

Nonetheless, there was a legal opinion dated August 9, 2014 issued by Atty. Anselmo Abungan, then OIC, Assistant Secretary for Legal Affairs, regarding the land classification status under Presidential Proclamation (PP) No. 2347⁵. Under the said legal opinion, the areas within PP No. 2347 are reserved for public purpose, hence, inalienable.

¹ Hereto attached as Annex "A";

² Hereto attached as Annex "B";

³ Hereto attached as Annex "C";

⁴ Hereto attached as Annex "D"

⁵ Hereto attached sa Annex "E";



Records likewise disclose that PENRO received on May 21, 2021, another letter complaint dated April 19, 2021 from the ELAC⁶ pertaining to the same on-going destruction of mangroves as part of the illegal reclamation of William Tan Enterprises, Inc. in Sitio Tawiran, Bgy. Mangingisda, Puerto Princesa City. In compliance with the instruction of the then PENRO, OIC-PEMU Edna Velasco submitted a memorandum dated May 26, 2021⁷ recommending for the filing of Temporary Environmental Protection Order or other appropriate charges for ignoring the CEASE-and-DESIST ORDER⁸ issued by the EMB MIMAROPA and among others.

On June 8, 2021, the then PENRO issued a memorandum dated June 1, 2021⁹, forwarding the memorandum dated May 26, 2021 of OIC, PEMU Palawan to the Regional Executive Director of DENR MIMAROPA Region (RED) for information and further instruction. However, up to date, the PENRO had not received any instruction from the RED regarding the matter.

Due to the pressure and close monitoring of the ELAC on the matter, the proponent, Mr. William C. Tan, entered into a Memorandum of Understanding (MOU) from the Philippine Reclamation Authority (PRA) on December 13, 2021. The PRA required him to submit an Area Clearance and ECC from the DENR, thus, on January 31, 2022, he submitted a letter for application, together with all the requirements, of Area Clearance to the CENRO Puerto Princesa City, who then forwarded the same to the Regional Executive Director of the DENR MIMAROPA Region (RED).

On May 30, 2022, the RED issued a memorandum dated May 30, 2022 returning the folder containing documentary requirements for issuance of area clearance for the proposed reclamation project of Mr. William C. Tan and attaching the checklist of requirements per DENR Administrative Order No. 2018-14. In view thereof, the RED directed the PENRO to submit all the lacking requirements in the attached checklist. Hence, this request for comment.

Particularly, the comment of the undersigned is sought on the following:

1. *Whether the Presidential Proclamation No. 2347 converts the classification of the subject area from timberland to alienable and disposable classification.*
2. *Whether the PENRO should comply with the Memorandum Order of the Regional Executive Director to submit all the lacking requirements for the issuance of area clearance of William Tan for reclamation project per DAO 2018-14.*
3. *Whether the Regional Executive Director should issue an area clearance despite the proponent having flagrantly violated the environmental laws, rules and regulations for destructing the mangroves and for operating and reclaiming a portion of land in the subject area applied for without any permits or clearances from concerned government agencies.*

On the first issue, the undersigned opines that Presidential Proclamation No. 2347 did not convert the classification of the subject area from timberland to alienable and disposable classification as amply explained in the legal opinion rendered by Atty. Anselmo Abungan then OIC Assistant Secretary for Legal Service of DENR Central Office. The undersigned agrees with Atty. Abungan that the parcels of land covered by Presidential Proclamation No. 2347 are reserved for specific public purpose, hence, cannot be subject to occupation, entry, sale, lease or other

⁶ Hereto attached as Annex "F";

⁷ Hereto attached as Annex "G";

⁸ Hereto attached as Annex "H";

⁹ Hereto attached as Annex "I";



disposition, or any acts contrary to the provision of Presidential Proclamation No. 2347, until they are released from such character of reservation, pursuant to Section 88 of Public Land Act.

On the second issue, the undersigned opines that the PENRO is not the proper party to submit all the lacking requirements in the attached checklist, but rather the PROPONENT William C. Tan should be the one to comply with all the lacking requirements in the checklist.

On the third issue, the undersigned opines that the Regional Executive Director of the MIMAROPA Region should outrightly deny the application for area clearance of Mr. William C. Tan considering the following:

1. Flagrant environmental violations such as destruction of mangroves, which are not yet confronted up to date;
2. Ignoring the Cease-and-Desist Order issued by the DENR-Environmental Management Bureau (EMB) for initiating the reclamation project without any Environmental Compliance Certificate (ECC);
3. Illegally reclaiming the lands as early as 2016 without any permits, agreements, and clearance secured from appropriate governmental agencies such as Philippine Reclamation Authority (PRA) and DENR;
4. The land classification status of the adjacent land is classified as a RESERVATION under Presidential Proclamation No. 2347, hence, the disposition made to William C. Tan is void ab initio for being outside the commerce of man, pursuant to Section 88 of Commonwealth Act No. 141 in relation to Article 1409 of the New Civil Code;
5. Last, but more importantly, reclamation in protected areas is strictly prohibited pursuant to Section 2 of DENR Administrative Order 2018-14 in relation to Presidential Proclamation No. 2152 and Republic Act No. 7586, as amended.

Previous investigations revealed that the subject area and lands adjacent thereto are dense with mangroves. In fact, there were mangroves that were cleared in the reclaimed areas as shown in the comparison of google earth photos from years 2011 to 2021.¹⁰ If the DENR will still pursue on the issuance of area clearance to the proponent, it would defeat the policy and purpose of DAO 2018-14 which is to ensure that development activities shall not compromise the right of the people to an ecologically balanced environment and to ensure that environmental safeguards are in place whenever development projects are undertaken, particularly in activities pertaining to reclamation of foreshore, submerged, and the coastal areas in general.

Moreover, it must be emphasized that the Memorandum of Understanding (MOU) between the PRA and the proponent presupposes that the reclamation project has not yet started. However, the proponent, in this case, had already illegally reclaimed the land as early as 2016 without the required authority and permits from the concerned governmental agencies. Worst, the proponent compromised the interest of environmental protection and biodiversity conservation when the mangroves therein were cleared during the reclamation process and when the proponent utterly disregarded the cease-and-desist order issued by the DENR-EMB.

In view of the foregoing, the undersigned advises the PENRO to inform the Regional Executive Director of the foregoing circumstance for the RED to properly act and decide on the matter.

ATTY. JAZMIN D. ALTEA

¹⁰ Hereto attached as Annex "J";



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

June 07, 2022

MEMORANDUM

TO : Atty. Jazmin D. Altea
Chief, Legal Unit
This Office

FROM : The Provincial Environment and
Natural Resources Officer


SUBJECT : **APPLICATION FOR AREA CLEARANCE FOR THE
PROPOSED RECLAMATION PROJECT OF MR.
WILLIAM C. TAN LOCATED AT SITIO TAWIRAN,
BARANGAY LUZVIMINDA, PUERTO PRINCESA CITY**

This refers to Regional Executive Director memorandum dated May 31, 2022 re-above subject instructing to submit the lacking requirements in the issuance of Area Clearance for reclamation project per checklist under DAO 2018-14.

Please be informed that the reclamation project had been subject of the letter complaint dated April 19, 2021 of Atty. Grizelda Mayo-Anda, Executive Director of Environmental Legal Assistance Center, Inc. (ELAC). The report of the OIC-FEMU dated May 26, 2021 regarding the complaint has been forwarded to the Regional Office per attached memorandum dated June 21, 2021 recommending to file of Temporary Environmental Protection Order or other appropriate charges for ignoring the Cease and Desist Order issued by EMB-MIMAROPA, however no instruction nor notice of action on the matter was received to date.

For your information, comment and recommended action.


For the PENRO:


JOHNNY P. LILANG
Chief, Technical Services Division
Officer In-Charge

Copy furnished:

The Regional Executive Director
DENR-MIMAROPA Region
1515 L and S Bldg. Roxas, Blvd.
Ermita, Manila

***Imojim

DENR-PALAWAN
PENRO RECORDS
RELEASED
By: 
Date: JUN 07 2022
CN 22-4705

Brgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 433-5638
Email add: denrpalawan@yahoo.com

2022-4705



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

MEMORANDUM

TO : THE PENR OFFICER
Palawan

FROM : THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT : APPLICATION FOR AREA CLEARANCE FOR THE
PROPOSED RECLAMATION PROJECT OF MR. WILLIAM C.
TAN LOCATED AT SITIO TAWIRAN, BARANGAY
LUZVIMINDA, PUERTO PRINCESA CITY [P-2022-79392]

DATE : MAY 30 2022

Returned herewith is the folder containing the documentary requirements for the issuance of area clearance for the proposed reclamation project of Mr. William C. Tan located at Sitio Tawiran, Brgy. Luzviminda, Puerto Princesa City.

Attached is the checklist of requirements for the issuance of area clearance for reclamation projects per DAO 2018-14.

In view hereof, you are hereby directed to submit all the lacking requirements in the attached checklist. Also please be reminded to exercise due diligence in evaluating and reviewing all documents before forwarding the same to this office to avoid piece-meal submission of requirements and documents.


LORMELYN E. CLAUDIO, CESO IV



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 79392

FN: LPDD/PDS/KST 4-25-2022

DENR by the Bay Bldg., 1515 Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (02) 8248-3367/ 8249-3367 loc. 2701
Website: <http://mimaropa.denr.gov.ph>
Email: mimaroparegion@denr.gov.ph

February 6, 2017

Ms. Emer Gattaez
DENR-CENRO

Atty. Carlo Gomez
City ENRO, Puerto Princesa

Mr. Nelson Devanadera
PCSD Executive Director

Dear Honorable Officials:

Greetings!

We write to request your good offices to cause the immediate stoppage of the ongoing reclamation and construction activities in an area bordering Barangays Luzviminda and Mangingisda, and purportedly undertaken by the group of Mr. William Tan. (Attached, for your ready reference, are some photos.)

In December 2016, a concerned citizen sent us a photo of the ongoing construction and inquired on whether such activity was covered by the appropriate permits and clearances from the DENR and PCSD.

Our initial inquiries reveal the following:

- (i) such reclamation and construction activities are not covered by a Strategic Environmental Plan (SEP) Clearance and has no Environmental Compliance Certificate (ECC);
- (ii) such "development" activities are adjacent to mangrove areas and the coastal area;
- (iii) the area initially reclaimed was once covered with mangroves;
- (iv) hundreds of trucks have been seen with loads of soil and quarry materials and depositing such materials on the bay area.

We are disturbed by the fact that your concerned offices were not aware of such reclamation activities and, as of this writing, has yet to undertake the appropriate actions to safeguard the mangroves and the coastal zone. Needless to say, such reclamation and construction activities have serious environmental impacts (eg. pollution of the bay,

ENVIRONMENTAL LEGAL ASSISTANCE CENTER, INC.

Carlos P. Sayang Compound, Mitra Road, Bgy. Sta. Monica,
Puerto Princesa City 5300 Palawan

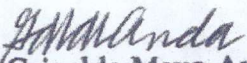
Telefax (48) 433-5183; Email: elacpalawan@gmail.com

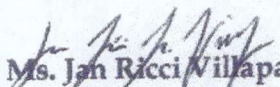
mangrove destruction). An immediate assessment needs to be undertaken in order to determine whether such activities can be allowed in the bay area.

We therefore strongly recommend that your good offices undertake an immediate investigation on this matter, advise the group of Mr. William Tan (including the construction workers) to halt their reclamation activities at this time and impose appropriate sanctions. The DENR, City Government and PCSD have enough legal basis to pursue all possible remedies to protect our environment under these circumstances.

We look forward to your prompt and serious attention on this matter.

Very truly yours,


Atty/Grizelda Mayo-Anda
Executive Director

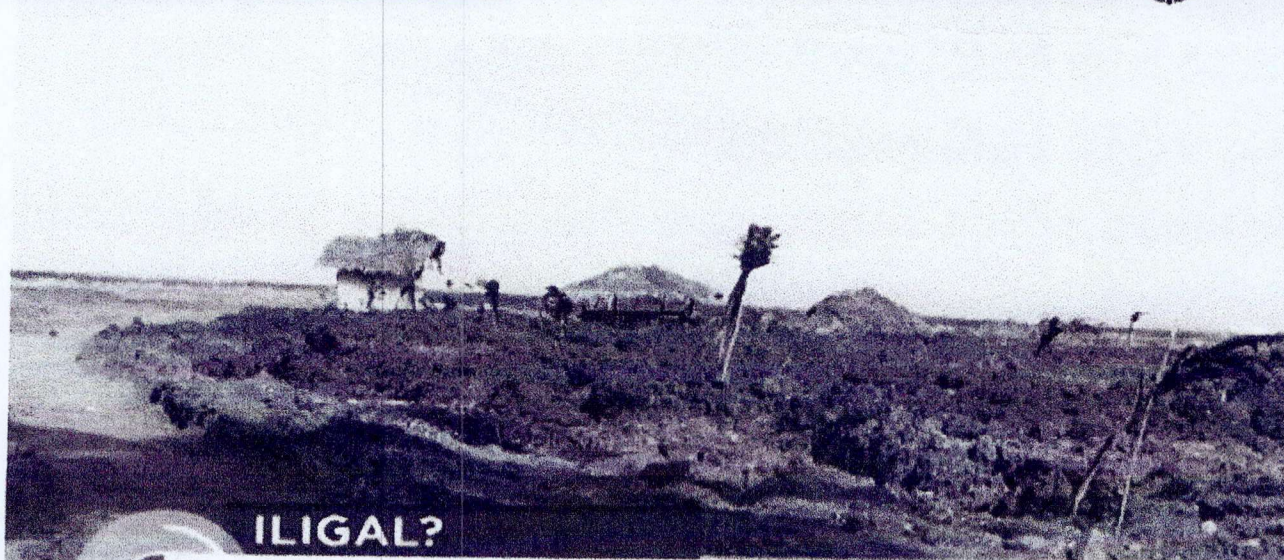

Ms. Jan Ricci Villapa
Paralegal

Copy furnished:

1. DENR Secretary Regina Paz Lopez
2. Deputy Ombudsman Gerard Mosquera
Office of the Environmental Ombudsman



JANUARY 27, 2017



ILIGAL?

**CITY ENRO AT EMB: HINDI PA DUMADAAN SA
AMIN ANG PROYEKTO SA BRGY. LUZVIMINDA**



| 2017 / WEDNESDAY |



| SA ULO NG MGA NAGBABAGANG BALITA |



JANUARY 27, 2017



ILIGAL?



**CITY ENRO AT EMB: HINDI PA DUMADAAN SA
AMIN ANG PROYEKTO SA BRGY. LUZVIMINDA**

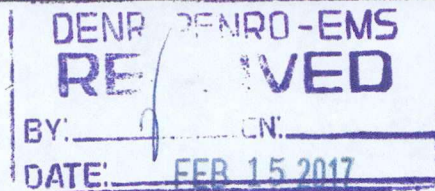
AYALOGO SA MGA APEKTADO NG MINAHAN SA BRGY. BERONG, QUEZON, P



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Annex "I"
ANNEX "C"

CENRO Special Order
No. 2017 - 003
Series of 2017



4 February 2017

CITY ENVIRONMENT AND
NATURAL RESOURCES OFFICE

RECEIVED

BY: [Signature]
DATE: Feb. 15, 2017
TIME: 2:32 pm

SUBJECT : **CREATION OF A MULTI-SECTORAL TEAM TO CONDUCT
INVESTIGATION ON THE ON-GOING RECLAMATION AT
BRGY. MANGINGISDA/LUZVIMINDA, PUERTO PRINCESA
CITY.**

In the interest of the service and in order to address the issue on the reported illegal reclamation of mangrove area at Sitio Tawiran, Brgy. Mangingisda/Luzviminda, Puerto Princesa City, a Multi-Sectoral Team is hereby created to compose of the following:

- | | | |
|---|---|-------------------|
| 1. For. II Zenaida T. Calalin (DENR-CENRO) | - | Team Leader |
| 2. ECOMS-II Elany P. Sanico (DENR-CENRO) | - | Asst. Team Leader |
| 3. For. I Jessie M. Escandalio (DENR-CENRO) | | |
| 4. For. I Joselito A. Eyala (DENR-CENRO) | | |
| 5. FR Noel V. Sumido (DENR-CENRO) | | |
| 6. ELAC-Representative | | |
| 7. EMB-PEMU Representative | | |
| 8. City-ENRO Representative | | |
| 9. PCSD Representative | | |
| 10. Barangay Luzviminda LGU Representative | | |
| 11. Barangay Mangingisda LGU Representative | | |



- A. The team shall conduct in-depth investigation on the alleged reclamation of mangrove area in Sitio Tawiran, Brgy. Mangingisda/Luzviminda, this City and gather all relevant information regarding the said reclamation;
- B. They shall determine the extent of area occupied, number of trees cut/damaged and the present land classification status of the area;
- C. They shall secure copy of land title, permit or license and other related documents pertaining to the said environment activity/s in the area;
- D. The team shall submit comprehensive report with recommendations within ten (10) days after completion of the fieldwork;
- E. The traveling expenses in compliance to this Order shall be charged against their respective unit fund subject to usual accounting and auditing rules and regulations;
- F. This order takes effect immediately and shall be terminated upon completion of the assigned tasks.

EMER D. GARRAEZ
CENRO

24 February 2017

MEMORANDUM

FOR : The CENR Officer
DEN-CENRO Puerto Princesa City

FROM : The Investigation Team

SUBJECT : INVESTIGATION REPORT ON THE ALLEGED ILLEGAL RECLAMATION OF MANGROVE AREA MADE BY WILLIAM TAN ENTERPRISES INC. (WTEI) LOCATED AT PUROK TAWIRAN, BRGY. LUZVIMINDA, PUERTO PRINCESA CITY.

I. BACKGROUND OF THE SITUATION:

On September 29, 2016 the DENR-CENR Office of Puerto Princesa received a letter of intent to apply for Special Forest Land Use Permit Agreement (FLAG) from Mr. William C. Tan, CEO & President of William Tan Enterprises Inc. (WTEI) dated September 22, 2016. Enclosed to this letter are the following documents:

- A. Resolution No. 2 dated January 8, 2016 of the Sangguniang Barangay of Luzviminda requesting the Department of Agrarian Reform (DAR) and Other concerned agencies to consider the request of WTEI to convert some portion of land located at Purok Tawiran, Brgy. Luzviminda from agricultural land to industrial. The titled land requested for conversion covered an area of 4.57 hectares (*Annex "A"*);
- B. Resolution No. 3 of the Sangguniang Barangay of Luzviminda dated January 8, 2016 endorsing the Proposed Cement Terminal (with packing facilities and silo) Project of WTEI located at Purok Tawiran, Brgy. Luzviminda, this City (*Annex "B"*);
- C. Resolution No. 63 dated December 11, 2015 of the Sanggunian Barangay of Luzviminda earnestly requesting the Hon. Lucilo R. Bayron, City Mayor of Puerto Princesa thru the City Engineering Office to initiate the preparation of detailed Plan of Works (POW) of proposed motorized boat landing facility to be constructed at Purok Tawiran, Luzviminda (*Annex "C"*);
- D. Certification issued to WTEI by Punong Barangay Hon. Angelita B. Dalma dated 10 March 2016 certifying that the Sangguniang Barangay of Luzviminda has passed a Resolution for the Construction of Boat Facilities at Purok Tawiran, Luzviminda and said resolution was course thru the City Mayor and the City Engineering Office (*Annex "D"*);
- E. Joint Waiver of Rights of lot owners to WTEI (*Annex "E"*);
- F. Seventeen (17) pages with pictures of Transcript of minutes of the public consultation on the proposed Cement Terminal (with packing facilities) of WTEI conducted on January 27, 2016 at Brgy. Luzviminda. Said consultation was attended by different Purok Leaders, Barangay Officials and some residents of Luzviminda, PCSDS, representative of WTEI, Investors and DENR-CENRO PPCity represented by Mathematician Aide Reynaldo Macola (*Annex "F"*).

South National Highway, Sta. Monica, Puerto Princesa City, Palawan
Tel. No.: (048) 433-0660
Email Address: cenroppchuc@yahoo.com

II. ACTIONS TAKEN:

On February 3, 2017, Forester I Joselito Eyala together with PEMU personnel conducted inspection and investigation in the subject area. Report submitted by Forester Eyala recommending for the conduct of further investigation.

On February 6, 2017 the CENR Office received a letter from Atty. Gerthie Mayo-Anda of Environmental Legal Assistance Center (ELAC) requesting for the immediate stoppage of the on-going reclamation and construction activities in the area bordering Brgy. Luzviminda and Mangingisda purportedly undertaken by the group of Mr. William Tan.

On the same day a letter from Mr. Patrick Tan of WTEI was received by CENRO-PPCity providing an advance copy of the Environmental Impact Assessment (EIA) documents of William Tan Enterprises Inc. (WTEI) for Palawan Cement Terminal and Warehouse Complex Project located at Brgy. Luzviminda, Puerto Princesa City. Attached to documents are machine copies of two (2) Certificates of Non-Coverage to wit:

1. CNC-OL-R4B-2016-10-12821 issued to William Tan Enterprises Inc. on October 26, 2016 for its proposed Cement Warehouse/Storage Facility (with packing activity) located at Tawiran, Luzviminda, Puerto Princesa City, Palawan, R4B classified as (All office and residential building such as motels, condominiums, schools, etc. including storage facilities with no hazardous or toxic materials: 0.8809 hectare Total/gross floor area including parking, open space and other areas) marked as *Annex "G"*; and
2. CNC-OL-R4B-2016-10-12822 issued to Patrick Tan on October 27, 2016 for its proposed Jetty Port Project located at Tawiran, Luzviminda, Puerto Princesa City, Palawan, R4B classified as (Sea Port, Causeways, and Harbors/Including Ro-Ro Facilities) - Without Reclamation: 0.5750 hectares based on project area marked as *Annex "H"*.

On 14 February 2017, a Multi-Sectoral Team was created under CENRO Special Order No. 2017-003 composed of DENR-CENRO PPCity, ELAC, EMB-PEMU, City-ENRO, PCSDS and LGU representatives from Barangays Luzviminda and Mangingisda to conduct in-depth investigation on the alleged illegal activities in Purok Tawiran allegedly made by the group of Mr. William Tan (S.O. attached as *Annex "I"*). On the same date, a letter signed by CENRO Emer D. Garraez was sent to Mr. William Tan inviting him for a conference to be held on February 20, 2017 at CENR Office regarding his on-going project at Purok Tawiran (letter attached as *Annex "J"*), however Mr. Tan or any of his representative did not appear.

On the morning of February 21, 2017, around 9:00 o'clock in the morning the Multi-Sectoral Team assembled at the Barangay hall of Luzviminda and went to the subject area (please see attached attendance sheet as *Annex "K"*).

Around 10:15 AM the team arrived at the gate of Mr. Tan's property. The area were fenced with concrete post and barbed wire. Punong Barangay Angelita Dalma of Barangay Luzviminda made a call to the caretaker so that we can enter the area. According to Punong Barangay Dalma, Mr. William Tan has acquired more or less sixteen (16) hectares of land in the area.

III. LEGAL BASIS:

1. Presidential Proclamation 2152 dated December 29, 1981 Declaring the entire Province of Palawan and other parts of the country as Mangrove Swamp and Forest Reserve and hereby withdrawing it from any entry, sale, settlement or any form of disposition;

Upin

Manu-Manu

[Handwritten signatures]

[Handwritten mark]

2. Section 77 of Presidential Decree 705 – Cutting Gathering and/or collecting Timber, or Other Forest Products Without License. – Any person who shall cut, gather, collect, removed timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code: Provided, That in the case of partnerships, associations, or corporations, the officers who ordered the cutting, gathering, collection or possession shall be liable
3. Section 78 of Presidential Decree 705 - Unlawful Occupation or Destruction of Forest Lands and Grazing Lands. – Any person who enters and occupies or possesses, or makes kaingin for his own private use or for others, any forest land or grazing land without authority under a license agreement, lease, license or permit, or in any manner destroys such forest land or grazing land or part thereof, or causes any damage to the timber stand and other products and forest growth found therein..;
4. DENR Administrative Order No. 2003-30 - Implementing Rules and Regulations (IRR) for the Philippine Environmental Impact Statement (EIS) System.

IV. FINDINGS:

1. Based on available records of EMB 4B Regional Office, there is no Environmental Compliance Certificate (ECC) issued to William Tan Enterprises Inc. (WTEI) for Palawan Cement Terminal and Warehouse Complex Project located at Brgy. Luzviminda, Puerto Princesa City;
2. As of date of inspection, there is no warehouse/silo/storage facility constructed in the titled properties with a total area of 5.3822 hectares covered with DAR OCT Nos. 556, 278 and 2500 and TCT (LRA) No. 074-2015000073 bought by Ms. Jene Geromiano, Mr. John Kenneth Tan and Mr. Roger Sean Chavez, respectively (copy of Titles attached as *Annex "L, L-1 & L-2"*).;
3. As of date of inspection, there is no jetty port constructed in the area;
4. There was a reclamation along the shoreline and fronting the titled property. It is approximately 1.18 hectares. The area is now filled with boulders and planted with trees such as Mahogany, Coconut, and Cashew;
5. Another reclaimed area from shoreline towards the sea with a width of six (6) meters by 698 meters in length is forming a square pattern (please see photo) with an area of 4,188.0 square meters (0.4188 hectare). And the deepest portion which was filled with boulders and sand and gravel is more or less ten meters;
6. The Forest Land Use Agreement (FLAG) is not applicable in the area which was earlier applied by Mr. William Tan. Although the adjacent lots were titled said tenurial instrument is not suitable considering that area is beyond sea shore;
7. A portion of the reclaimed is a dense mangrove area, which is a violation to Presidential Proclamation 2152 series of 1981 declaring the entire Province of Palawan as Mangrove Swamp Forest Reserve and was withdrawn from any activities;
8. Cutting stumps in the Mangrove area was observed by the investigation team (please see attached photos). A total of forty three (43) pcs. of Bakauan lalaki and Tabigi trees were cut with an equivalent total volume of 1.8 cubic meter. Other mangroves were also damaged.

South National Highway, Sta. Monica, Puerto Princesa City, Palawan

Tel. No.: (048) 433-0660

Email Address: cenroppchuc@yahoo.com

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Opia

Francis-danand

9. The reclaimed area based on the Marine Assessment Certification from Western Philippine University, the development/ foreshore areas were mainly covered with seagrasses (Letter attached as *Annex "M"*).

10. The seagrasses that were damaged provide food, nursery and serve as habitat of marine life.


After the inspection/ evaluation of the area, the team had a brief discussion wherein observations/ findings and violations committed by the proponent were specified by each offices.

V. RECOMMENDATIONS:

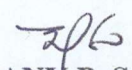
1. Filing of criminal charges in court against the proponent William Tan Enterprises Inc. (WTEI) for violation of Sec. 77 of PD 705 and Presidential Proclamation 2152 for cutting and damaging of mangrove trees; and Section 78 of PD 705 for illegal occupancy and reclaiming the foreshore area without permit;
2. Issuance of Notice of Violation for violating Section 4 of PD 1586, for starting the project without an approved Environmental Compliance Certificate (ECC) and Imposition of penalty in the amount of Fifty Thousand (Php 50,000.00) Pesos (Specific for reclamation project);
3. Issuance of Notice of Violation for modification of the proposed jetty port project as specified in their Certificate of Non-Coverage (Without reclamation) in violation of P.D. 1586 (EIA System) and imposition of penalty in the amount of Fifty Thousand (Php 50,000.00) Pesos;

For information, record and further instruction.

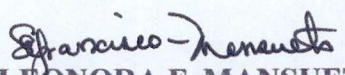

NOEL V. SUMIDO
Forest Ranger
DENR-CENRO


VICTORIANO B. COLILI
Advocacy Officer
ELAC-Palawan


JESSIE M. ESCANDALIO
Forester-I
DENR-CENRO


ELANY P. SANICO
ECOMS-II
DENR-CENRO


ZENAIDA T. CALALIN
Forester-II
DENR-CENRO


LEONORA F. MANSUETO
EMS II
PEMU Palawan

Copy furnished:

1. The Executive Director
ELAC, Mitra Road, Sta. Monica, PPCity
2. The EMB-PEM Officer
DENR-EMB PEMU, Sta. Monica, PPCity



Annex "A"

EXCERPTS FROM THE MINUTES OF THE MEETING CONDUCTED LAST MARCH 16, 2017 AT DENR-CENRO PPC REGARDING THE ISSUES IN THE RECLAMATION PROJECT OF WILLIAM TAN ENTERPRISES INC. (WTEI) IN SITIO TAWIRAN, BGY. LUZVIMINDA, PUERTO PRINCESA CITY.

Present:

Atty. Patrick P. Tan	- WTEI
Atty. Elisa N. Pua	- WTEI
CENRO Emer D. Garraez	- DENR-CENRO PPC
DMOIV Conrado M. Corpuz	- DENR-CENRO PPC
For. Norma D. Cayatoc	- DENR-CENRO PPC
For. Zenaida T. Calalin	- DENR-CENRO PPC
FT I Bernard Christopher Francisco	- DENR-CENRO PPC

A meeting was held last March 16, 2017 to discuss the result of the investigation conducted by the multi-sectoral team in the reclamation done by William Tan Enterprises Inc. (WTEI) at Purok Tawiran, Bgy. Luzviminda, Puerto Princesa City. A letter was sent to Mr. William Tan, proprietor of the said project, dated March 2, 2017 to request the company to present documents to attest the legality of their project and other activities conducted thereat.

Atty. Patrick Tan, representative of WTEI, explained that their project was separated into two segments. One is inland which is still being deliberated at the city council. Their inland project has already gone through all the necessary process and they are hoping to acquire endorsement for ECC.

The second part is the water side which has reclamation issues and allegation of mangrove cuttings. According to Atty. Tan because of the presence of mangrove on both the left and right side of their reclamation area their property is often mistaken as a mangrove area that has been cleared. Atty. Tan clarified that when the project was being planned wayback in 2015 their company thoroughly searched for an area in Puerto Princesa wherein there are no mangroves and the water is deep enough. Then they found Sitio Tawiran which is traditionally being used as a boat landing area of the local residents. He also mentioned that there was information that it was even used before as docking area for equipments and supplies of Iwahig Prison and Penal Farm. Even the residents of the barangay can attest that the area was already cleared and only piles of rocks were there before.

According to Atty. Tan their property in Bgy. Luzviminda already has a title issued by DAR. He also mentioned that even in the tax map of the city the whole area of Bgy. Mangingisda and Bgy. Luzviminda are all titled with each lot containing an area of around 1.6 to 2 hectares.

Atty. Tan said that as early as March last year their company has already applied for tenurial instrument for the water portion. Their company applied for both Miscellaneous Lease Agreement (MLA) and Foreshore Lease Agreement (FLA) whichever will be more suitable for the area. Then they applied for survey authority but it was not signed because of a prevailing suspension. A survey was facilitated by Engr. Rex Velasco and he was assisted by Engr. Tamayao. Their request was on August 2, 2016 and an inspection report was prepared by Engr. Velasco dated August 8, 2016. However, their application was denied because based on the record of DENR the classification of the land is timberland. Also one of the reason is because a foreshore lease can only be applied adjoining a titled property.



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

According to Atty. Tan there is a legal opinion that says that foreshore areas are not covered by the suspension in issuance of survey authority because it is not for private ownership.

Regarding the classification of the land, in Atty. Tan's opinion there is a probability that in 1984 there was a miscommunication between the Office of the President and DENR Office when Presidential Proclamation 2347 (*RESERVING AS A "BARANGAY NG MGA MANGINGISDA" A PORTION OF IWAHIG PENAL COLONY COVERED BY EXECUTIVE ORDER NO. 67 DATED 15 OCTOBER 1912 SITUATED IN THE CITY OF PUERTO PRINCESA, PROVINCE OF PALAWAN, ISLAND OF PALAWAN*) was being enacted because during that time then President Ferdinand Marcos declared Martial Law. Atty. Tan explained that because of that declaration the President has both the executive and legislative power so there is no need for a legislative enactment to declare the area as Alienable & Disposable. Also during that time President Marcos is ailing and is about to go out of the country so because of the miscommunication between agencies it's possible that DENR was not able to update their records and adapt the said Presidential Proclamation. Atty. Tan also pointed out that the area was classified as timberland on 1924 but in 1984 the Presidential Proclamation 2347 was enacted.

Atty. Tan said on the part of the reclamation they admit that their company have failed to secure all necessary documents before they started so they are requesting to be penalized so that there will be closure on the part of the violation in the reclamation.

According to For. Cayatoc CENRO PPC has no power to impose a fine as penalty. What CENRO can do is either disapprove their application and order them to rehabilitate the area or to file a criminal charge against them.

CENRO Garraez explained that CENRO PPC cannot move until the alleged cutting of mangroves is cleared and the problems in the reclamation are resolved.

In Atty. Tan's viewpoint if their company will not be issued a MLA the status will just remain in a chicken and egg situation because they have already made developments in the area and how can they justify that if they don't have MLA. MLA is pending because there is an existing development so the problem will just go around in circles.

According to For. Cayatoc she understands the side of WTEI that they can't wait for the documentary requirements for the permit but that is the major mistake of the company, they started the project before securing the necessary permits. The company only has Certificate of Non-Coverage (CNC) but the activities conducted by the company are not in accordance to the conditions stipulated in the said certification.

CENRO Garraez said that she has already asked the issue regarding Presidential Proclamation 2347 to the Central Office. According to the legal opinion from the Central Office, the area was only segregated from Iwahig for the purpose of resettlement. It is silent if the classification of the land was changed.

Atty. Tan believes that the classification of the land was amended because Presidential Proclamation 2347 has a catch-all provision "All previous proclamations and orders contrary to or inconsistent with this proclamation are hereby revoked or amended accordingly."

Atty. Tan also mentioned that their company received a notice for violation and a cease and desist order from City ENRO. But they have not received any letter or notice from EMB yet. PCSD on the other hand ordered their company to explain point by point the issues that was raised in the complaint letter of ELAC.



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

CENRO Garraez asked if a study was conducted to investigate the physical and biological conditions of the area and the possible impacts of the project.

According to Atty. Tan last March 2 they submitted a letter of request to PCSD to conduct a coastal resources assessment and the said agency was able to perform the assessment a few days after. They will ask for a copy of the result of the assessment from PCSD. Then after that a public consultation was also conducted. WPU also inspected the area and according to them there are some seagrass but there are no corals within the vicinity. They also encouraged the company to tie up with CENRO and City ENRO to plant more mangroves and help the agencies in monitoring the surroundings of the area.

According to Forester Zenaida Calalin, team leader of the multi-sectoral team, when they conducted inspection in the area last February 21, 2017 they observed some mangrove cuttings located outside the property of WTEI.

CENRO Garraez asked if they have photos to show the appearance of the area before the reclamation to prove that indeed there were no mangroves in the said area prior to the operation of their project. Atty. Tan said that they do.

CENRO Garraez commented that there is a possibility that someone purposely cut the mangroves. And it is also possible that it was done only recently because it was freshly cut.

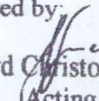
According to Atty. Tan their company have already stopped any operation in the area since December 2016. Those kinds of acts will just aggravate the problem so he is wondering if there is someone who wants to sabotage their company. He said that the mangroves are outside their property and there's just no practical reason to cut them. Nevertheless they will definitely look into this matter because they don't want their company's name to be associated with such issues.

Atty. Tan also mentioned that their company together with some residents of the Barangay are planning to conduct mangrove planting on Saturday March 18, 2017 in the surrounding area of their property in Sitio Tawiran. They requested for mangrove propagules from the City ENRO.


CENRO Garraez said that if a title was issued within timberland the mindset of DENR is to cancel it. Atty. Tan commented that it will be impractical to cancel all the title for Bgy. Luzviminda and it will result to turmoil.

CENRO Garraez said that CENRO PPC will seek another legal opinion from the DENR Central Office to clarify Presidential Proclamation 2347.

Atty. Tan asked if they could send a letter to CENRO PPC to also request for legal opinion regarding Presidential Proclamation 2347. They would like to have the chance to point by point raise the issues that they have observed. CENRO Garraez agreed that their letter will be attached together with the letter of CENRO PPC to the Central Office. It was also decided that CENRO PPC will send a cease and desist order to WTEI.

Prepared by:

Bernard Christopher Francisco
Acting Recorder

NOTED BY:


NORMA D. CAYATOC
Forester III



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

August 27, 2017

MEMORANDUM

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

THRU : The PENR Officer
DENR-PENRO, PPCity

FROM : The CENR Officer
DEN-CENRO Puerto Princesa City

**DENR PENRO
PALAWAN RECC
RECEIVED**

BY: *Pmb*
DATE: 09-05-17 CN

SUBJECT : **RE: REPORT ON THE AERIAL SURVEILLANCE
CONDUCTED BY AIR FORCE AND DENR-CENRO PUERTO
PRINCESA CITY, PALAWAN.**

This is in compliance with the Memorandum of RD Natividad Y. Bernardino, CESE dated June 8, 2017 which was referred to this Office thru PENRO Memorandum dated August 22, 2017 relative to the report on the air surveillance conducted by Philippine Air Force and DENR-CENRO Puerto Princesa City re: Quarrying activities in the municipality of Aborlan and reclamation of the Jetty Port Project in Brgy. Luzviminda, Puerto Princesa City.

Please be informed that upon receiving an instruction of then RD Carlito M. Tuballa dated January 13, 2017 with an information that the municipality of Aborlan is now under the administrative jurisdiction of CENRO Puerto Princesa City, on February 14, 2017 the undersigned together with the Staff of this Office made courtesy call and meeting with the officials of the municipality of Aborlan, Palawan. One of the issues discussed in the said meeting was the illegal quarry operation in Aborlan, Palawan particularly in Barangay Aporawan.

On February 10, 2017 the undersigned wrote a letter to the Provincial Mining Regulatory Board requesting for the list of all quarry permittees in the municipality of Aborlan, Palawan. In the letter of Mr. Fernando D. Morante, Jr, Board Secretary-PMRB dated February 10, 2017 stated that Nur-An Hamid Riva is the sole permittee of Sand and Gravel in Aporawan, Aborlan, Palawan. During the LAWIN Patrolling conducted by personnel of this Office on April 2017, the illegal quarry operation in Barangay Aporawan has already stopped.

On the issue of Reclamation of the Jetty Port Project in Brgy. Luzviminda, Puerto Princesa City, please be informed that the Project Developer (William Tan Enterprises Inc.-WTEI) was already advised to stop their activity in the area after this Office issued an Order dated March 6, 2017 to temporarily stop their reclamation until after a resolution of the issue is agreed by all concerned Offices. We have also a standing request for Legal Opinion to the Chief-Legal Division of DENR-MIMAROPA dated March 30, 2017 and same was forwarded by the PENR Office to that Office per PENRO Memorandum dated May 09, 2017. Attached is a Completed Staff Work (CSW) regarding the matter for your ready reference.

For information and record.



[Signature]
EMER D. GARRAEZ

South National Highway, Sta. Monica, Puerto Princesa City, Palawan
Tel. No.: (048) 433-0660
Email Address: cenroppchuc@yahoo.com



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

COMPLETED STAFF WORK (CSW)

RE: RECLAMATION OF THE JETTY PORT PROJECT IN
BRGY. LUZVIMINDA, PUERTO PRINCESA CITY.

DATE	SUBJECT/ACTIONS TAKEN
December 11, 2015	Resolution No. 63 of the Sanggunian Barangay of Luzviminda, this City earnestly requesting the Hon. Lucilo R. Bayron, City Mayor of Puerto Princesa thru the City Engineering Office to initiate the preparation of detailed Plan of Works (POW) of proposed motorized boat landing facility to be constructed at Purok Tawiran, Luzviminda.
January 8, 2016	Resolution No. 02 of the Sangguniang Barangay of Luzviminda requesting the Department of Agrarian Reform (DAR) and other concerned agencies to consider the request of WTEI to convert some portion of land located at Purok Tawiran, Brgy. Luzviminda from agricultural land to industrial. The titled land requested for conversion covered an area of 4.57 hectares.
January 8, 2016	Resolution No. 3 of the Sangguniang Barangay of Luzviminda endorsing the Proposed Cement Terminal (with packing facilities and silo) Project of WTEI located at Purok Tawiran, Brgy. Luzviminda, Puerto Princesa City.
March 10, 2016	Certification issued to WTEI by Punong Barangay Hon. Angelita B. Dalma dated certifying that the Sangguniang Barangay of Luzviminda has passed a Resolution for the Construction of Boat Facilities at Purok Tawiran, Luzviminda and said resolution was course thru the City Mayor and the City Engineering Office.
Sept. 16, 2016	Letter of Mr. William C. Tan, CEO and President of William Tan Enterprises Inc. (WTEI) addressed to CENRO Emer D. Garraez re: Intent to apply for Special forest Land Use Agreement (FLAG) of WTEI for the property located in Sitio Tawiran, Brgy. Luzviminda, Puerto Princesa City having an area of 11.64 hectares for proposed Cement Terminal with Packing Facilities, Silo Jetty Project.
January 25, 2017	Memorandum to CENRO-PPCity from PENRO instructing to conduct immediate investigation about the report at DENR Facebook Page by Diana Limjoco that there is an on-going illegal reclamation in Brgy. Mangingisda, Puerto Princesa City.
February 6, 2017	Forester I Joselito Eyala et. al. together with PEMU personnel conducted inspection and investigation in the area allegedly illegally reclaimed by by the WTEI. Report submitted by Forester Eyala recommending for the conduct of further investigation.
February 6, 2017	The CENR Office-PPCity received a letter from Atty. Gerthie Mayo-Anda of Environmental Legal Assistance Center (ELAC) requesting for the

South National Highway, Brgy. Sta. Monica, Puerto Princesa City
 Tel. No.: (048) 433-0660
 Email address: cenroppchuc@yahoo.com

	immediate stoppage of the on-going reclamation and construction activities in the area bordering Brgy. Luzviminda and Mangingisda purportedly undertaken by the group of Mr. William Tan.
February 6, 2017	<p>A letter from Mr. Patrick Tan of WTEI was received by CENRO-PPCity providing an advance copy of the Environmental Impact Assessment (EIA) documents of William Tan Enterprises Inc. (WTEI) for Palawan Cement Terminal and Warehouse Complex Project located at Brgy. Luzviminda, Puerto Princesa City. Attached to documents are machine copies of two (2) Certificates of Non-Coverage:</p> <ol style="list-style-type: none"> 1. CNC-OL-R4B-2016-10-12821 issued to William Tan Enterprises Inc. on October 26, 2016 for its proposed Cement Warehouse/Storage Facility (with packing activity) located at Tawiran, Luzviminda, Puerto Princesa City, Palawan, R4B classified as (All office and residential building such as motels, condominiums, schools, etc. including storage facilities with no hazardous or toxic materials: 0.8809 hecatre Total/gross floor area including parking, open space and other areas); 2. CNC-OL-R4B-2016-10-12822 issued to Patrick Tan on October 27, 2016 for its proposed Jetty Port Project located at Tawiran, Luzviminda, Puerto Princesa City, Palawan, R4B classified as (Sea Port, Causeways, and Harbors/Including Ro-Ro Facilities) - Without Reclamation: 0.5750 hectares based on project area .
February 14, 2017	A Multi-Sectoral Team was created under CENRO Special Order No. 2017-003 composed of DENR-CENRO PPCity, ELAC, EMB-PEMU, City-ENRO, PCSDS and LGU representatives from Barangays Luzviminda and Mangingisda to conduct in-depth investigation on the alleged illegal activities in Purok Tawiran allegedly made by the group of Mr. William Tan.
February 14, 2017	A letter signed by CENRO Emer D. Garraez was sent to Mr. William Tan inviting him for a conference to be held on February 20, 2017 at CENR Office regarding his on-going project at Purok Tawiran however Mr. Tan or any of his representative did not appear.
February 21, 2017	A Multi-Sectoral Team created under CENRO Special Order No. 2017-003 conducted in-depth investigation on the alleged illegal activities of the WTEI in Sitio Tawiran, Brgy. Luzviminda, PPCity.
February 24, 2017	<p>Investigation report of the Multi Sectoral Team on the alleged illegal reclamation of mangrove area made by WTEI located at Sitio Tawiran, Brgy. Luzviminda, PPCity.</p> <p><u>-Findings of the MST are the following:</u></p> <ol style="list-style-type: none"> 1. There is no ECC issued to WTEI for Palawan Cement Terminal and Warehouse Complex Project located at Brgy. Luzviminda, PPC; 2. During the inspection there was no warehouse/silo/storage facility constructed in the subject area; 3. During the inspection, there is no jetty port constructed in the subject area; 4. There was a reclamation along the shoreline and fronting the titled property approximately 1.18 hectares. It was filled with boulders and planted with trees such as Mahogany, Coconut, and Cashew;

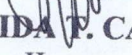
South National Highway, Brgy. Sta. Monica, Puerto Princesa City

Tel. No.: (048) 433-0660

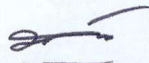
Email address: cenroppchuc@yahoo.com

	<ol style="list-style-type: none"> 5. Another reclaimed area from shoreline towards the sea with a width of six (6) meters by 698 meters in length is forming a square pattern with an area of 4,188.0 square meters (0.4188 hectare); 6. (FLAG) is not applicable in the area which was earlier applied by Mr. William Tan. Although the adjacent lots were titled said tenurial instrument is not suitable considering that area is beyond sea shore; 7. A portion of the reclaimed is a dense mangrove area; 8. Cutting stumps in the Mangrove area was observed by the investigation team.
March 2, 2017	Letter of CENRO Emer D. Garraez to Mr. William Tan, CEO and President of WTEI reiterating our previous letter dated February 14, 2017 inviting them for a dialogue/meeting regarding the on-going reclamation at Sitio Tawiran, Brgy. Luzviminda, Puerto Princesa City.
March 6, 2017	Letter to Mr. William Tan informing them of the findings of the Multi Sectoral Investigation Team that there were violation noted and they were advised to temporarily stop the on-going construction until after all the necessary permit were secured from respective Offices.
March 16, 2017	The meeting/dialogue was conducted attended by Atty. Patrick Tan ad Atty. Eliza Pua of WTEI and CENRO D. Garraez and Staff. Again they were advised to stop all construction activities pending compliance with all the permitting requirements. <i>(please see attached minutes of the meeting)</i>
March 17, 2017	Memorandum of CENRO Emer D. Garraez for the Regional Director informing that we have already submitted our report and CSW of actions taken in the case of illegal reclamation done by WTEI. Said memo is in compliance to the Memorandum of OIC-RD, MIMAROPA and PENRO Memo dated February 28, 2017 and March 9, 2017 respectively.
March 20, 2017	Letter of Mr. William C. Tan to CENRO Emer D. Garraez requesting for Legal Opinion. They are seeking clarification on the land classification status of parcels of land covered by Presidential Proclamation No. 2347.
March 30, 2017	Memorandum of CENRO Emer D. Garraez for the Regional Director-DENR, MIMAROPA, Attention the Chief Legal Division requesting for Legal Opinion whether the parcel of land covered by Presidential Proclamation 2347 was declared as Alienable and Disposable (A&D). Also attached in the said Memo was the request for Legal Opinion of Mr. William C. Tan, President and CEO of WTEI.

Prepared by:


ZENAÍDA P. CALALIN
 Forester-II
 August 31, 2017

Noted by:


NORMA D. CAYATOC
 Forester-III
 Chief, REU



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

May 17, 2018

MEMORANDUM

FOR : The **PENRO**
Barangay Sta. Monica, Puerto Princesa City

FROM : The **CENRO**
Barangay Sta. Monica, Puerto Princesa City

SUBJECT : **COMPLETED STAFF WORK FOR RECLAMATION OF THE JETTY PORT PROJECT IN BRGY. LUZVIMINDA, PUERTO PRINCESA CITY AND REPORT ON THE ENCROACHMENT OF SALVAGE AREAS AT NAGTABON BEACH, PUERTO PRINCESA CITY**

**DENR PENRO
PALAWAN RECORDS
RECEIVED**

BY: Yan
DATE: 05-16-18 CN 3:34 PM

Forwarding herewith is a copy of Completed Staff Work (CSW) covering the correspondence and actions taken by this office from December 11, 2015 to August 27, 2017 for the reclamation of the Jetty Port Project in Brgy. Luzviminda, Puerto Princesa City.

Also enclosed is a report on the encroachment of salvage zone areas at Nagatabon Beach Brgy. Bacungan, Puerto princesa City that was also lodged at 8888 Citizens Complaint Hotline.

For information and appropriate action.

*"For and in the absence
of the CENRO"*

[Signature]
AZUCENA E. GAMUTIA
Forester II/ Planning Officer
Officer In-Charge



South National Highway, Bgy. Sta. Monica
Puerto Princesa City
Email Address: cenroppchuc@yahoo.com
Tel Fax No.: (048) 433-0660



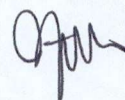
Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

COMPLETED STAFF WORK (CSW)

**RE: RECLAMATION OF THE JETTY PORT PROJECT IN
 BRGY. LUZVIMINDA, PUERTO PRINCESA CITY.**

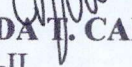
DATE	SUBJECT/ACTIONS TAKEN
December 11, 2015	Resolution No. 63 of the Sanggunian Barangay of Luzviminda, this City earnestly requesting the Hon. Lucilo R. Bayron, City Mayor of Puerto Princesa thru the City Engineering Office to initiate the preparation of detailed Plan of Works (POW) of proposed motorized boat landing facility to be constructed at Purok Tawiran, Luzviminda.
January 8, 2016	Resolution No. 02 of the Sangguniang Barangay of Luzviminda requesting the Department of Agrarian Reform (DAR) and other concerned agencies to consider the request of WTEI to convert some portion of land located at Purok Tawiran, Brgy. Luzviminda from agricultural land to industrial. The titled land requested for conversion covered an area of 4.57 hectares.
January 8, 2016	Resolution No. 3 of the Sangguniang Barangay of Luzviminda endorsing the Proposed Cement Terminal (with packing facilities and silo) Project of WTEI located at Purok Tawiran, Brgy. Luzviminda, Puerto Princesa City.
March 10, 2016	Certification issued to WTEI by Punong Barangay Hon. Angelita B. Dalma dated certifying that the Sangguniang Barangay of Luzviminda has passed a Resolution for the Construction of Boat Facilities at Purok Tawiran, Luzviminda and said resolution was course thru the City Mayor and the City Engineering Office.
Sept. 16, 2016	Letter of Mr. William C. Tan, CEO and President of William Tan Enterprises Inc. (WTEI) addressed to CENRO Emer D. Garraez re: Intent to apply for Special forest Land Use Agreement (FLAG) of WTEI for the property located in Sitio Tawiran, Brgy. Luzviminda, Puerto Princesa City having an area of 11.64 hectares for proposed Cement Terminal with Packing Facilities, Silo Jetty Project.
January 25, 2017	Memorandum to CENRO-PPCity from PENRO instructing to conduct immediate investigation about the report at DENR Facebook Page by Diana Limjoco that there is an on-going illegal reclamation in Brgy. Mangingisda, Puerto Princesa City.
February 6, 2017	Forester I Joselito Eyala et. al. together with PEMU personnel conducted inspection and investigation in the area allegedly illegally reclaimed by by the WTEI. Report submitted by Forester Eyala recommending for the conduct of further investigation.
February 6, 2017	The CENR Office-PPCity received a letter from Atty. Gerthie Mayo-Anda of Environmental Legal Assistance Center (ELAC) requesting for the

	immediate stoppage of the on-going reclamation and construction activities in the area bordering Brgy. Luzviminda and Mangingisda purportedly undertaken by the group of Mr. William Tan.
February 6, 2017	<p>A letter from Mr. Patrick Tan of WTEI was received by CENRO-PPCity providing an advance copy of the Environmental Impact Assessment (EIA) documents of William Tan Enterprises Inc. (WTEI) for Palawan Cement Terminal and Warehouse Complex Project located at Brgy. Luzviminda, Puerto Princesa City. Attached to documents are machine copies of two (2) Certificates of Non-Coverage:</p> <ol style="list-style-type: none"> 1. CNC-OL-R4B-2016-10-12821 issued to William Tan Enterprises Inc. on October 26, 2016 for its proposed Cement Warehouse/Storage Facility (with packing activity) located at Tawiran, Luzviminda, Puerto Princesa City, Palawan, R4B classified as (All office and residential building such as motels, condominiums, schools, etc. including storage facilities with no hazardous or toxic materials: 0.8809 hectare Total/gross floor area including parking, open space and other areas); 2. CNC-OL-R4B-2016-10-12822 issued to Patrick Tan on October 27, 2016 for its proposed Jetty Port Project located at Tawiran, Luzviminda, Puerto Princesa City, Palawan, R4B classified as (Sea Port, Causeways, and Harbors/Including Ro-Ro Facilities) - Without Reclamation: 0.5750 hectares based on project area .
February 14, 2017	A Multi-Sectoral Team was created under CENRO Special Order No. 2017-003 composed of DENR-CENRO PPCity, ELAC, EMB-PEMU, City-ENRO, PCSDS and LGU representatives from Barangays Luzviminda and Mangingisda to conduct in-depth investigation on the alleged illegal activities in Purok Tawiran allegedly made by the group of Mr. William Tan.
February 14, 2017	A letter signed by CENRO Emer D. Garraez was sent to Mr. William Tan inviting him for a conference to be held on February 20, 2017 at CENR Office regarding his on-going project at Purok Tawiran however Mr. Tan or any of his representative did not appear.
February 21, 2017	A Multi-Sectoral Team created under CENRO Special Order No. 2017-003 conducted in-depth investigation on the alleged illegal activities of the WTEI in Sitio Tawiran, Brgy. Luzviminda, PPCity.
February 24, 2017	<p>Investigation report of the Multi Sectoral Team on the alleged illegal reclamation of mangrove area made by WTEI located at Sitio Tawiran, Brgy. Luzviminda, PPCity.</p> <p><u>-Findings of the MST are the following:</u></p> <ol style="list-style-type: none"> 1. There is no ECC issued to WTEI for Palawan Cement Terminal and Warehouse Complex Project located at Brgy. Luzviminda, PPC; 2. During the inspection there was no warehouse/silo/storage facility constructed in the subject area; 3. During the inspection, there is no jetty port constructed in the subject area; 4. There was a reclamation along the shoreline and fronting the titled property approximately 1.18 hectares. It was filled with boulders and planted with trees such as Mahogany, Coconut, and Cashew;

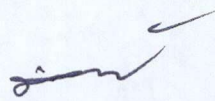


	<p>5. Another reclaimed area from shoreline towards the sea with a width of six (6) meters by 698 meters in length is forming a square pattern with an area of 4,188.0 square meters (0.4188 hectare);</p> <p>6. (FLAG) is not applicable in the area which was earlier applied by Mr. William Tan. Although the adjacent lots were titled said tenurial instrument is not suitable considering that area is beyond sea shore;</p> <p>7. A portion of the reclaimed is a dense mangrove area;</p> <p>8. Cutting stumps in the Mangrove area was observed by the investigation team.</p>
March 2, 2017	Letter of CENRO Emer D. Garraez to Mr. William Tan, CEO and President of WTEI reiterating our previous letter dated February 14, 2017 inviting them for a dialogue/meeting regarding the on-going reclamation at Sitio Tawiran, Brgy. Luzviminda, Puerto Princesa City.
March 6, 2017	Letter to Mr. William Tan informing them of the findings of the Multi Sectoral Investigation Team that there were violation noted and they were advised to temporarily stop the on-going construction until after all the necessary permit were secured from respective Offices.
March 16, 2017	The meeting/dialogue was conducted attended by Atty. Patrick Tan ad Atty. Eliza Pua of WTEI and CENRO D. Garraez and Staff. Again they were advised to stop all construction activities pending compliance with all the permitting requirements. <i>(please see attached minutes of the meeting marked as Annex "A")</i>
March 17, 2017	Memorandum of CENRO Emer D. Garraez for the Regional Director informing that we have already submitted our report and CSW of actions taken in the case of illegal reclamation done by WTEI. Said memo is in compliance to the Memorandum of OIC-RD, MIMAROPA and PENRO Memo dated February 28, 2017 and March 9, 2017 respectively.
March 20, 2017	Letter of Mr. William C. Tan to CENRO Emer D. Garraez requesting for Legal Opinion. They are seeking clarification on the land classification status of parcels of land covered by Presidential Proclamation No. 2347.
March 30, 2017	Memorandum of CENRO Emer D. Garraez for the Regional Director-DENR, MIMAROPA, Attention the Chief Legal Division requesting for Legal Opinion whether the parcel of land covered by Presidential Proclamation 2347 was declared as Alienable and Disposable (A&D). Also attached in the said Memo was the request for Legal Opinion of Mr. William C. Tan, President and CEO of WTEI.
August 27, 2017	Memorandum of CENRO Emer D. Garraez to the Regional Director, DENR-MIMAROPA Region in compliance to the latter's Memo dated June 8, 2017 and referred to this Office thru PENRO Memorandum dated August 22, 2017 relative to the report on the air surveillance conducted by Philippine Airforce. <i>Copy of said memo attached marked as Annex "B".</i>

Prepared by:


ZENAIDA T. CALALIN
 Forester-II
 August 31, 2017

Noted by:


NORMA D. CAYATOC
 For. III/Chief, REU



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

May 21, 2018

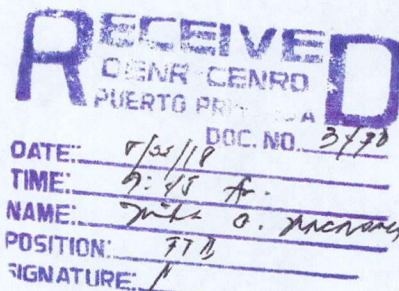
MEMORANDUM

FOR : The CENR Officer
DENR-CENRO Puerto Princesa City

THRU : NORMA D. CAYATOC

FROM : REU Personnel

SUBJECT : INSPECTION REPORT OF THE RECLAMATION OF MANGROVE AREA ALLEGEDLY BY WILLIAM TAN ENTERPRISES INC.(WTEI) LOCATED AT PUROK TAWIRAN, BGY. LUZVIMINDA, PUERTO PRINCESA CITY.

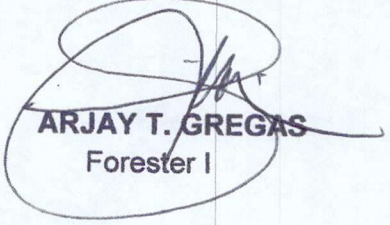


On May 18, 2017, upon direct order from the MIMAROPA Regional Director Natividad Y. Bernardino, CENRO-PPC personnel lead by CENRO Emer D. Garraez conducted site inspection regarding the above matter. Ocular inspection was conducted in due records from the first inspection conducted by multi- sectoral team disclosed the following;


1. Based on findings of the inspection team composed of representative from ELAC, EMB-PEMU, DENR CENRO PPC, PCSDS and LGU Baragay of Luzviminda on February 14, 2017:
 - a. There was no ECC issued to WTEI for Palawan Cement Terminal and Warehouse Complex Project Located at Brgy. Luzviminda, Puerto Princesa City;
 - b. That as of Feb. 14, 2018 there was no Jetty port, warehouse/silo/storage facility constructed;
 - c. There was a reclamation along the shoreline approximately 1.18 hectares that was filled with boulders and planted with trees and coconuts and also reclamation of the shoreline towards the sea of about 0.4188 hectares.
 - d. The team also found out that FLAG is not applicable to the area since the portion of reclaimed area was dense mangrove and
 - e. cutting of mangroves were observed;
 - f. The foreshore areas were mainly covered with sea grasses. Therefore the team recommended to file cases against WTEI in violation of sec. 77 and Sec. 78 of PD 705 (cutting of mangroves and illegal occupancy/reclaiming the foreshore area without permit respectively), issuance of notice of violation for violating Sec. 4 of PD 1586 for operating the project without ECC and for modification of the proposed project as specified in Certificate of Non-Coverage (without reclamation).
2. That per actual inspection/verification on May 18, 2018 the excavation and reclamation operation allegedly done by William Tan Enterprises Inc. on the seashore areas covered by sea grasses and fronting the claimed titled property of the enterprise was continuously operating.
3. During the inspection, though there were no heavy equipments observed operating at that time, an enormous pile of soil used as filling materials for the reclamation was observed; rocks and boulders were used as foundation and barrier against sea current/waves. Stock of soil in the area covering large portion of the shore including the portion of sea bed with sea grasses were enclosed in a block of rocks. (see attached geotagged pictures)
4. Massive excavation was also discovered in the alleged titled coconut plantation owned by WTEI, where the unearthed soil was being used in the reclamation of the sea shore fronting the property.

5. A resident nearby (Mr. Manuel Ovenza) was interviewed by the team. According to him there are different contractors was operating in every operations in the area.
6. If we consider the provision of Presidential Proclamation No. 2152 mangroves areas should be withdrawn from any entry, settlement or any forms of land disposition.

For information and consideration.



ARJAY T. GREGAS
Forester I



LIM BRYAN M. KUTAT
Forester I



Photo showing the massive pile of excavated soil stocked on the shoreline of the reclaimed area of William Tan Enterprises Inc.



Photo A pile of soil and boulders enclosing the sea grasses, an on-going reclamation in an area of William Tan Enterprises Inc. *RB*



Republic of the Philippines
Department of Environment and Natural Resources
Environmental Management Bureau - MIMAROPA Region
PROVINCIAL ENVIRONMENT MANAGEMENT UNIT
Province of Palawan

November 8, 2018

MEMORANDUM

f

FOR : **THE REGIONAL DIRECTOR**
Environmental Management Bureau
DENR-RIV-B, MIMAROPA
1515 L & S Bldg., Roxas Blvd., Ermita, Manila

FROM : **THE CHIEF, PEMU**
Puerto Princesa City, Palawan

SUBJECT : **SUBMISSION OF SITE INSPECTION (SURVEY) REPORT ON
THE ON-GOING RECLAMATION AT BRGY.
MANGINGISDA/LUZVIMINDA, PUERTO PRINCESA CITY**

Respectfully forwarded is the site inspection (survey) report dated November 9, 2018 of SEMS Leonora F. Mansueto on the on-going reclamation at Brgy. Mangingisda / Luzviminda, Puerto Princesa City.

For information and record.


ALEXANDER M. CODEN

DENR-PENRO Compound
Sta. Monica, Puerto Princesa City, Palawan
Tel. No. (048) 434-1824
E-mail: pemupalawan@gmail.com



Republic of the Philippines
Department of Environment and Natural Resources
Environmental Management Bureau - MIMAROPA Region
PROVINCIAL ENVIRONMENT MANAGEMENT UNIT
Province of Palawan

November 8, 2018

MEMORANDUM

FOR : **THE REGIONAL DIRECTOR**
Environmental Management Bureau
DENR-RIV-B, MIMAROPA
1515 L & S Bldg., Roxas Blvd., Ermita, Manila

FROM : **THE CHIEF, PEMU**
Puerto Princesa City, Palawan

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ALEXANDER M. CODEN

DENR-PENRO Compound
Sta. Monica, Puerto Princesa City, Palawan
Tel. No. (048) 434-1824
E-mail: pemupalawan@gmail.com

SITE INSPECTION (SURVEY) REPORT

(Without ECC)

I. BACKGROUND INFORMATION

1. On February 14, 2017, a Multi- sectoral Team was created to conduct investigation on the on-going reclamation at Brgy. Mangingisda/ Luzviminda, Puerto Princesa City through CENRO Special Order No. 2017-003 (**Annex "A"**);
2. A letter invitation for a conference was issued by CENRO Puerto Princesa to Mr. William Tan scheduled on February 21, 2017, however Mr. Tan or his representative failed to attend (**Annex "B"**);
3. Based on the in-depth investigation report dated March 6, 2017 by the Multi-sectoral Team, the reclamation along the shoreline fronting the titled property was approximately 1.18 hectares and another reclaimed area seaward with a width of six meters by 698 meters in length forming a square pattern with an area of 0.4188 hectares (**Annex "C"**);
4. A Notice of violation was issued by EMB MIMAROPA Region on March 16, 2017 to Mr. Patrick Tan (William Tan Enterprises, Inc.) for misrepresenting their submitted documents for their jetty port project without reclamation in violation of the provision of Section 4 of PD 1586 (**Annex "D"**);
5. A technical conference was conducted at the Office of the Regional Director, EMB MIMAROPA Region last April 10, 2017 wherein Mr. Patrick Tan and Engr. Rhea Santonino made a disposition/ commitment to stop any activity in the foreshore area and to apply for ECC upon completion of supporting documents from other agencies (DENR, PCSD) (**Annex "E"**);
6. On May 18, 2018 upon direct order from then Regional Director Natividad Bernardino, CENRO Puerto Princesa City personnel led by CENRO EMER Garraez conducted site inspection. It was observed that the excavation and reclamation activity were continuously done; and (**Annex "F"**)
7. A PENRO Special Order No. 2018-058 was created on November 8, 2018, to conduct investigation re-progressive reclamation and construction of warehouses at Purok Tawiran, Brgy. Luzviminda, Puerto Princesa City by William tan Enterprises, Incorporated (**Annex "G"**) .

II. BASIC INFORMATION

Name of Proponent	:	WILLIAM TAN ENTERPRISES , INC.
Project Name	:	JETTY PORT
Project Location	:	PUROK TAWIRAN, BRGY. LUZVIMINDA, PTO. PRIN. CITY, PALAWAN

Note: NO PICTURES attached, this Survey Report is considered invalid or null.

Note: please attach evidence of Survey Report (Photos).

Project Type:	:	JETTY PORT WITH RECLAMATION
Geographic Coordinates:	:	9°41'22" N 118°43'58" E
Project Cost:	:	
Manpower:	:	
Name and Position of Contact Person:	:	MANUEL OBENZA, CARETAKER
Contact No.	:	NONE
E-mail Address:	:	NONE

Date of Inspection	:	NOVEMBER 9, 2018
Time of Inspection	:	11:00 AM

III. FINDINGS AND OBSERVATIONS:

1. The Investigation Team headed by Forester Rodney Verian coordinated first with Brgy. Luzviminda before proceeding to the subject area together with Brgy. Chairman Laddy R. Gemang and his two Barangay Kagawad;
2. According to Chairman Gemang, William Tan Enterprises Incorporated had already purchased around 32 hectares of land in Brgy. Luzviminda;
3. On our way to the area, the team observed a massive excavation/ quarry in a lot also owned by Mr. William Tan;
4. Upon arrival in the subject area, there was no warehouse/silo/storage facility being constructed and no repacking/packing activities observed;
5. There are four dump trucks two back hoes and three bulldozers (1 for repair) found in the area;
6. According to Mr. Manuel Obenza, the caretaker of the area for about four months, the lots/areas were bought by Mr. William Tan from his family, Mr. Opiala, Mr. Aban and others;
7. He mentioned that machines/ equipment in the area were being used to collect and move the soil from the other lots of William Tan and used them to fill/ reclaim the foreshore area. The activities were being done when the weather is favorable due to the condition of the road;
8. The subject area is previously used as docking area of boats by local fishermen, however it is no longer being allowed by Mr. Tan;
9. There are also heaps of boulders in the area;
10. Approximately 4.3828 hectares was already reclaimed; and

Note: NO PICTURES attached, this Survey Report is considered invalid or null.

Note: please attach evidence of Survey Report (Photos).

11. Based on the disposition/ commitment of the representatives of Mr. William Tan during the technical conference last April 10, 2017, they failed to fulfill the said commitment.

1. Description of the Existing Environment

3.1 Physical	:	Land Use/ Zone: <input type="checkbox"/> agricultural <input type="checkbox"/> forestland <input type="checkbox"/> brush/scrubland <input type="checkbox"/> pastureland <input type="checkbox"/> industrial <input type="checkbox"/> commercial <input type="checkbox"/> residential <input type="checkbox"/> open spaces <input type="checkbox"/> tourism <input type="checkbox"/> institutional <input checked="" type="checkbox"/> others agro-industrial																
	:	Access Road <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, distance to the site _____ Meters																
	:	Existing structures or developments around the project site Please list them in the space provided: <u>an old house and reclaimed area</u>																
	:	Slope: <input type="checkbox"/> flat (0-3%) <input checked="" type="checkbox"/> gently sloping (3-8%) <input type="checkbox"/> rolling (8-18%) <input type="checkbox"/> steep (>18%)																
	:	Soil type of the area: <input type="checkbox"/> sandy soil <input checked="" type="checkbox"/> clayey soil <input type="checkbox"/> sandy loam soil																
	:	General Elevation: <input type="checkbox"/> coastal <input type="checkbox"/> lowland <input type="checkbox"/> upland																
	:	Climate: <input checked="" type="checkbox"/> Type 1 (pronounced dry & wet) <input type="checkbox"/> Type 2 (no dry, very pronounced wet) <input type="checkbox"/> Type 3 (no pronounced dry & wet) <input type="checkbox"/> Type 4 (evenly distributed rain throughout year)																
	:	Name/s and distance/s of nearby water bodies and other ecological systems from the project site: 1. Puerto Princesa Bay																
	:	<table border="1"> <thead> <tr> <th colspan="2">Record of Natural Disaster</th> </tr> <tr> <th>Disasters</th> <th>Frequency/Estimated Dates of Occurrence</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Flooding</td> <td>None</td> </tr> <tr> <td><input type="checkbox"/> Earthquake</td> <td>None</td> </tr> <tr> <td><input type="checkbox"/> Landslides or erosion : specify causes of erosion or landslide Heavy rains _____ Unstable slopes _____ Others, _____</td> <td>None</td> </tr> <tr> <td><input type="checkbox"/> Volcanic eruption</td> <td>None</td> </tr> <tr> <td><input type="checkbox"/> Erosion</td> <td>None</td> </tr> <tr> <td><input type="checkbox"/> Others:</td> <td>None</td> </tr> </tbody> </table>	Record of Natural Disaster		Disasters	Frequency/Estimated Dates of Occurrence	<input type="checkbox"/> Flooding	None	<input type="checkbox"/> Earthquake	None	<input type="checkbox"/> Landslides or erosion : specify causes of erosion or landslide Heavy rains _____ Unstable slopes _____ Others, _____	None	<input type="checkbox"/> Volcanic eruption	None	<input type="checkbox"/> Erosion	None	<input type="checkbox"/> Others:	None
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<input type="checkbox"/> Volcanic eruption	None																	
<input type="checkbox"/> Erosion	None																	
<input type="checkbox"/> Others:	None																	
3.2 Biological	:	Description of biological environment likely to be affected:																
	:	Forest cover: <input type="checkbox"/> primary forest (virgin) <input type="checkbox"/> secondary forest (previously logged & reforested) <input type="checkbox"/> denuded																
	:	Observed illegal forest land uses: <input type="checkbox"/> illegal logging <input type="checkbox"/> slash & burn <input type="checkbox"/> others																
	:	Dominant forest species (common names): <u>mangrove spp. (Bakauan Lalaki, Tabigi)</u>																
	:	Common freshwater species : _____																
	:	Common marine species : _____																
	:	Endangered Wildlife: _____																
:	Endangered aquatic species: _____																	

Note: NO PICTURES attached, this Survey Report is considered invalid or null.

Note: please attach evidence of Survey Report (Photos).

3.3 Social	:	<input type="checkbox"/> Presence of IP Community	<input checked="" type="checkbox"/> Non- IP Community	No. Project Affected
	:	Persons: _____ No. Project Affected Families: _____		
	:	Land ownership of project area : DAR OCT Nos. 556 and 278 Crops/vegetation within the project area: Coconut, mangrove spp.		
	:	No of households to be resettled : None Location and area of resettlement site : None		
	:	Source(s) of livelihood : <input checked="" type="checkbox"/> farming <input checked="" type="checkbox"/> fishing <input type="checkbox"/> sari-sari store <input type="checkbox"/> backyard poultry and piggery <input type="checkbox"/> vending / buy and sell <input type="checkbox"/> others, pls. specify _____		
:	Existing social infrastructures in the barangay: <input checked="" type="checkbox"/> schools <input type="checkbox"/> communication (e.g.radio, TV, mail, newspaper) <input checked="" type="checkbox"/> health centers/clinics <input checked="" type="checkbox"/> churches/chapel <input type="checkbox"/> hospitals <input checked="" type="checkbox"/> roads <input type="checkbox"/> transportation <input type="checkbox"/> others, _____			


IV. Remarks and Recommendation

Based on the above findings and observations, issuance of Cease and Desist Order to fully stop the reclamation activity in the area is hereby recommended.

Submitted by:


LEONORA F. MANSUETO
PEMU Technical Staff

Noted by:


ALEXANDER M. CODEN
Chief, PEMU

APPROVED BY:

ATTY. MICHAEL DRAKE P. MATIAS
Regional Director

Note: NO PICTURES attached, this Survey Report is considered invalid or null.



Duro Corp. 3/28/17
To further act.
[Signature]

ANNEX "D"

WTEI Corporate Center
Malvar St., Bgy. San Miguel
Puerto Princesa City 5300
Palawan, Philippines
(048) 434 9140 | (048) 433 0147

March 20, 2017

MRS. EMER D. GARRAEZ
CENRO
Puerto Princesa City

Dear CENRO Garraez,

Good day!



We write to you in response to the Conference held last March 16, 2017 where our company was invited to discuss our project in Purok Tawiran, Brgy. Luzviminda, Puerto Princesa City. It seems that there were some legal matters that were not settled or clarified in the said Conference thus the need for our company to seek the Legal Opinion of the Department of Environment and Natural Resources (DENR) on those matters.

During the Conference, our Company reiterated that the said property was bought by our company from one of the residents in Brgy. Luzviminda, Puerto Princesa City. The said property is a titled property that has already been reclassified as an industrial land. However, your office informed us during the Conference that the said property was classified as timberland in the 1920s and is still considered timberland as per records of the DENR.

But this same property is covered by Presidential Proclamation No. 2347 executed on March 29, 1984, which reserved a portion of the Iwahig Penal Colony as a "Barangay ng mga Mangingisda" for the purpose of establishing a human settlement to be **subdivided** into viable and economic sized housing lots to be **sold** to bona fide fishermen's families. The law specifically and expressly allowed for the subdivision and disposition of the area by means of sale, which is not possible nor allowed if the area is timberland.

The Proclamation further provides that, "All previous proclamations and orders contrary to or inconsistent with this proclamation are hereby revoked or amended accordingly." Since this Proclamation was executed in 1984, did it not supersede the classification made during the 1920s over the subject area?

It is also noteworthy that PP 2347 provides that it was the Minister of the Ministry of Natural Resources, now the DENR, that

made such recommendation to then President Ferdinand Marcos to issue such proclamation to reserve for the settlement and operation of the "BARANGAY NG MGA MANGINGISDA" a portion of the Iwahig Penal Colony.

It is by virtue of this record with the DENR that our Miscellaneous Lease Application and Foreshore Lease Application have been consistently denied by your office. One of your surveyors made a favorable report endorsing our application for Miscellaneous Lease based on PP 2347, our title, the actual situation on the area and a Legal Opinion from the Regional Office of the DENR Region IV MIMAROPA that the area is not covered by the suspension order and yet our application was still denied. We are under the premise that, since the property is not timberland, we are eligible to apply for such kinds of lease.

We were also surprised to know that your office has no choice but to not consider and honor the titles issued over the property because of the existence of such records saying that the area is timberland.

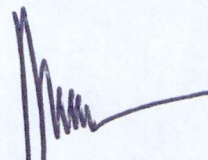
And so, our company now comes to your good office to request for a legal opinion on the following matters:

1. Did PP 2347 convert the subject area as alienable and disposable property by operation of law?
2. Did PP 2347 revoke or amend the Timberland Classification of the said area by virtue of the clause, *"All previous proclamations and orders contrary to or inconsistent with this proclamation are hereby revoked or amended accordingly."*?
3. Did the act of then Minister of Natural Resources, head of the department whose records still bear the timberland classification over the area, of recommending the issuance of such Proclamation converted the classification of the said area as timberland?
4. Given these records in the DENR classifying not just our company's property but almost the entire area in Brgy. Luzviminda and Brgy. Mangingisda as timberland, does this mean that the titles issued in favor of those landowners, a lot of whom are fishermen, over their properties have no bearing and will be invalidated?

It would be of great value if your office can answer these queries as our project depends on it. It is also worth saying that the answer to these queries will not just affect us but also the families who own properties in the said area who relied on their title over the property.

We hope to hear from you soon. Thank you very much and more power.

Very respectfully yours,

A handwritten signature in dark ink, appearing to read 'William C. Tan', with a stylized flourish extending to the right.

WILLIAM C. TAN
President and CEO



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

ANNEX "E"

OFFICE

March 30, 2017

MEMORANDUM

For : The Regional Director
DENR-MIMAROPA

ATTN. : The Chief, Legal Division

THRU : The PENRO

FROM : THE CENRO
Puerto Princesa City

SUBJECT : REQUEST FOR LEGAL OPINION.

**DENR PENRO
PALANAN RECORDS
RECEIVED**

BY: *[Signature]*
DATED: 14-03-17 CN

Forwarded is the letter of Mr. William C. Tan President and CEO of William Tan Enterprises Inc. They are seeking clarification on the land classification status of parcels of land covered by PP 2347. Subject parcels of land were issued title by DAR. The land classification of the land will determine the permit they will apply in the foreshore area that they will use in the cement repacking facility.

In view of this, we request for your legal opinion whether the parcel of land covered by PP2347 was reclassified as Alienable and Disposable by virtue of PP 2347.

[Signature]
EMER D. GARRAEZ



South National Highway, Bgy. Sta. Monica
Puerto Princesa City
Email Address: cenroppchuc@yahoo.com
Tel Fax No.: (048) 433-0660



BY: B
DATE: 9-16-14 CN 14-2991

August 19, 2014

LES for CENR PAC
9/16/14
9-20-14
MEMORANDUM

TO : The OIC-CENR Officer
Puerto Princesa City

FROM : The OIC, Regional Director

SUBJECT : MEMORANDUM DATED AUGUST 8, 2014 OF THE OIC-
ASSISTANT SECRETARY FOR LEGAL SERVICE RE: REQUEST
FOR LEGAL OPINION - IWAHIG PENAL COLONY

FILED XEROX COPY
9-4-14
ALAN L. AZU
RECORDS OFFICER II
ADMINISTRATIVE III
DENR - MIMAROPA

Attached is a copy of the above-cited Memorandum in response to the queries raised regarding Presidential Proclamation No. 50 and the request of DARMARO of Puerto Princesa City, Minerva R. Castillo for an A & D Certification of a portion of Lot 3713, Pls-1117-D located at Barangay Luzviminda, Puerto Princesa City, which, upon verification, falls within the area covered by Proclamation No. 2347 dated March 29, 1984. Said Proclamation reserved a portion of Iwahig Penal Colony covered by Executive Order No. 67 as a "Barangay ng Mangingisda".

Pertinent portions of the said Memorandum are hereunder quoted:

"This Office then is of the opinion that the parcels of land covered by Proclamation No. 2347 are reserved for a specific public purpose, which in this case is the settlement and operation of the "BARANGAY NG MGA MANGINGISDA", subject of course to private rights which might have already accrued under Proclamation No. 50 (in case both Proclamations overlap coverage), and hence, cannot be subject to occupation, entry, sale, lease or other disposition, or any acts contrary to the provisions of Proclamation No. 2347, until they are released from such character of reservation, pursuant to Section 88 of the Public Land Act.

It is worthy to note that out of the 24,942,709 square meters (approximately 2,494.3 hectares) previously part of the Iwahig Penal Colony under E.O. No. 67, Proclamation No. 2347 reserved a total of 689 hectares having an elevation of 40 meters and over as *permanent forest zones*, and the remaining portion of 1038 hectares for *residential purpose* and 767.3 hectares for *swampland aquaculture development*.

Besides, Proclamation No. 2347 itself has already provided for a framework and general mechanism as to how the "Barangay ng mga Mangingisda" was to be managed and administered, to wit:

The "Barangay ng mga Mangingisda" shall be planned and designed into a human settlement jointly by the Ministry of Human Settlements, the Ministry of Natural Resources and the City Government of Puerto Princesa. The Barangay shall be subdivided into viable and economic-sized housing lots to be sold to bonafide fishermen's families without home lots of their own, as first priorities, at a fair price payable over a reasonable period of time, taking into consideration the financial capabilities of the proposed beneficiaries. (Emphasis ours.)"

For information and guidance.


OSCAR C. DOMINGUEZ



Department of Environment
and Natural Resources
REGION 4B



cc:

PENRO Palawan

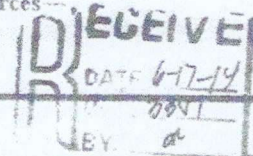
IF XEROX COPY

9-4-14

ALAN L. AZUL
FLORUS OFFICER II
ADMINISTRATIVE III
NR R. HUMARDO



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



May 23, 2014

Region IV-B MIMAROPA-CEN
COPIES

MEMORANDUM

FOR : The OIC-Assistant Secretary for Legal Service
FROM : The OIC, Regional Director
SUBJECT : REQUEST FOR LEGAL OPINION RE: WAHIG PENAL COLONY


Respectfully forwarded are the following:

1. Memorandum dated April 23, 2014 of the OIC-CENR Officer, Puerto Princesa City; and
2. Memorandum dated August 16, 2013 of the PENR Officer, Palawan.

Queries were raised by the OIC-CENR Officer on whether the phrase "open to disposition under the provisions of the Public Land Act" connotes that the area within Presidential Proclamation No. 50 is classified as alienable and disposable and whether that Office can favorably issue survey authority for patent issuance.

Moreover, in the attached Letter dated July 23, 2013 of DAR-MARO, Puerto Princesa City Minerva R. Castillo, the latter requested for an A & D Certification over a portion of Lot 3713, Pls. 1117-D located at Barangay Luzviminda, Puerto Princesa City. Verification show that the said Lot falls within the area covered by Proclamation No. 2347 dated March 29, 1984 (Reserving as a "Barangay ng mga Mangingisda" a portion of Wahig Penal Colony).

For consideration and preferential attention.


OSCAR C. DOMINGUEZ

cc:

PENRO Palawan

CENRO Puerto Princesa City

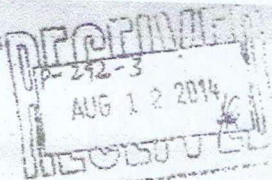
FIELD XEROX COPY

1515 Roxas Boulevard, Ermita, Manila 1000
Tel Nos. 405-0046, 405-0156

5-2014
ALAN L. AZUL
RECORDS OFFICER II
ADMINISTRATIVE II
END D



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-6626 to 29 (632) 929-6633 to 35
929-6641 to 49; 929-6652, 929-1669
Website: www.denr.gov.ph; web@denr.gov.ph



MEMORANDUM

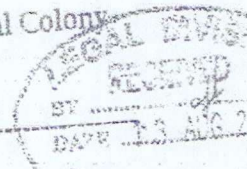
TO : The OIC, Regional Director
Region IV-B MIMAROPA

FROM : The OIC, Assistant Secretary for Legal Services

SUBJECT : Request for Legal Opinion Re: Iwahig Penal Colony

DATE : AUG 08 2014

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 12 2014	
FBI - MIMAROPA	



This pertains to your request for our legal opinion relative to Presidential Proclamation No. 50, dated 14 July 1954, promulgated by then President Ramon Magsaysay, entitled "EXCLUDING FROM THE OPERATION OF EXECUTIVE ORDER NO. 67, SERIES OF 1912, WHICH ESTABLISHED THE IWAHIG PENAL COLONY, SITUATED IN THE MUNICIPALITY OF PUERTO PRINCESA, PROVINCE AND ISLAND OF PALAWAN, A CERTAIN PARCEL OF LAND EMBRACED THEREIN AND DECLARING THE SAME OPEN TO DISPOSITION UNDER THE PROVISIONS OF THE PUBLIC LAND ACT".

In your Memorandum for the OIC-Assistant Secretary for Legal Service, dated 23 May 2014, you relayed to this Office queries raised by the OIC-CENR Officer of Puerto Princesa City on whether or not the phrase "open to disposition under the provisions of the Public Land Act" connotes that the area within Presidential Proclamation No. 50 is classified as alienable and disposable and hence, said Office can now favorably issue survey authority for patent issuance.

Moreover, you brought to the attention of this Office the request of DAR-MARO of Puerto Princesa City, Minerva R. Castillo, for an A & D Certification of a portion of Lot 3713, Pls. 1117-D located at Barangay Luzviminda, Puerto Princesa City, which, upon verification, falls within the area covered by Proclamation No. 2347, dated 29 March 1984. Said proclamation reserved a portion of Iwahig Penal Colony covered by Executive Order No. 67 as a "Barangay ng mga Mangingisda".

reservations for the use of the Commonwealth of the Philippines or of any of its branches, or of the inhabitants thereof, in accordance with regulations prescribed for this purpose, or for quasi-public uses or purposes when the public interest requires it, including reservations for highways, rights of way for railroads, hydraulic power sites, irrigation systems, communal pastures or leguas comunales, public parks, public quarries, public fishponds, workingmen's village and other improvements for the public benefit."

However, once a land of the public dominion has been reserved for public or quasi-public purposes, Section 88 of C.A. 141, in reference to Section 83 thereof, declares:

"Section 88. The tract or tracts of land reserved under the provisions of Section eighty-three shall be non-alienable and shall not be subject to occupation, entry, sale, lease, or other disposition until again declared alienable under the provisions of this Act or by proclamation of the President."

This Office then is of the opinion that the parcels of land covered by Proclamation No. 2347 are reserved for a specific public purpose, which in this case is the settlement and operation of the "BARANGAY NG MGA MANGINGISDA", subject of course to private rights which might have already accrued under Proclamation No. 50 (in case both Proclamations overlap coverage), and hence, cannot be subject to occupation, entry, sale, lease or other disposition, or any acts contrary to the provisions of Proclamation No. 2347, until they are released from such character of reservation, pursuant to Section 88 of the Public Land Act.

It is worthy to note that out of the 24,942,709 square meters (approximately 2,494.3 hectares) previously part of the Iwahig Penal Colony under E.O. No. 67, Proclamation No. 2347 reserved a total of 689 hectares having an elevation of 40 meters and over as permanent forest zones, and the remaining portion of 1038 hectares for residential purpose and 767.3 hectares for swampland aquaculture development.

Besides, Proclamation No. 2347 itself has already provided for a framework and general mechanism as to how the "Barangay ng Mga Mangingisda" was to be managed and administered, to wit:

also previously covered by Executive Order No. 67 and may have been covered by Proclamation No. 50) for the "settlement and operation of the BARANGAY NG MGA MANGINGISDA xxx".

Proclamation No. 2347, a much later presidential issuance, however, is silent about Proclamation No. 50; hence, it cannot be categorically presumed that the former effectively amended the latter. It is an elementary rule in statutory construction that absent an express repeal (or amendment), a subsequent law (or presidential issuance for that matter), cannot be construed as repealing a prior one unless an irreconcilable inconsistency or repugnancy exists in the terms of the new and the old laws. It could be that the areas declared as "open for disposition" under Proclamation No. 50 are entirely distinct to those brought under the coverage of Proclamation No. 2347. Only in the case of a portion of land being covered by the two stated Proclamations would bring the effect of the latter issuance amending the prior issuance.

At any rate, when inconsistency arises in both presidential issuances, Proclamation No. 2347 contains a repealing clause which states:

"All previous proclamations and orders contrary to or inconsistent with this proclamation are hereby revoked or amended accordingly."

What is clear, however, is Section 6 of the Public Land Act (CA 141) which states that:

Sec. 6. The President, upon the recommendation of the Secretary of Agriculture and Natural Resources, shall from time to time classify the lands of the public domain into:

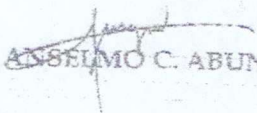
(a) Alienable or disposable, (b) Timber, and (c) Mineral lands, and may at any time and in a like manner transfer such lands from one class to another, for the purposes of their administration and disposition.

Further, Section 7 of the CA 141 provides:

Sec. 7. For the purposes of the administration and disposition of alienable or disposable lands, the President, upon recommendation by the Secretary of Agriculture and Natural Resources, shall from time to time declare what lands are open to disposition or concession under this Act.

This opinion is likewise subject to the provisions of Presidential Decree No. 705, as amended, and its implementing rules and regulations, as regards the gathering/cutting of trees therein, and such other laws, rules, and regulations relating to the preservation of the natural resources, flora and fauna, and etc. therein.

For your information and guidance.

ATTY.  ANSELMO C. ABUNGAN

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY:
DATE: 05-21-2021 CN 24-4823



ENVIRONMENTAL LEGAL ASSISTANCE CENTER, INC.

Carlos P. Sayang Compound, Mitra Road, Bgy. Sta. Monica,
Puerto Princesa City 5300 Palawan
Telefax (48) 433-5183; Email: elacpalawan@gmail.com

ANNEX " **F** "

April 19, 2021

ATTY. TEODORO JOSE S. MATTA

Executive Director

Palawan Council for Sustainable Development

FELIZARDO B. CAYATOC

OIC, CENRO

Community Environment and Natural Resources Office

ATTY. CARLO GOMEZ

City ENRO

Puerto Princesa City

MR. MARIO BASAYA

Provincial Fisheries Officer

DA-BFAR

Province of Palawan

Dear Honorable Officials:

We would like to draw your immediate attention to the ongoing destruction of mangroves as part of the illegal reclamation activities undertaken by the William Tan Enterprises, Inc. (WTEI) in Sitio Tawiran, Bgy. Luzviminda, Puerto Princesa City. Attached, for your reference, are recent Google Map images of the area of operation of WTEI in Bgy. Luzviminda showing its continued expansion and operation¹.

We had been monitoring these illegal reclamation activities since 2017 and as such, had written several communications to the DENR and PCSD requesting legal action on WTEI's gross violations². So far, the company has yet to cease its activities in the area.

¹ Attached are recent Google Map images of the area of operation of WTEI in Bgy. Luzviminda in relation to their illegal reclamation in Bgy. Luzviminda, Puerto Princesa City

² Attached are our previous communications related to the illegal reclamation of WTEI in Bgy. Luzviminda, Puerto Princesa City

Destruction of mangroves are clearly prohibited under the Amended Fisheries Code and other environmental laws. The mangroves, coral reefs and seagrass beds are classified as core zones under the Environmentally Critical Areas Network (ECAN) guidelines of the Palawan Council for Sustainable Development.

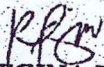
It is more apparent than ever that legal actions must be taken by your offices against WTEI in order to hold them liable for violations of environmental laws. The company has denied liability in previous investigations and have blamed other people for the mangrove destruction. However, we would like to believe that your goodselves and good offices would have the initiative and resourcefulness to secure the needed evidence and undertake the appropriate legal remedies.

We look forward to your prompt and serious attention to this matter.

Very truly yours,



ATTY. GRIZELDA MAYO-ANDA
Executive Director



ATTY. REGINA BELLA DIOSO
Legal Officer

Copy furnished:

MA. LOURDES G. FERRER, CESO III
Regional Executive Director
1 515 L & S Building, Roxas Boulevard, Ermita, Manila
mimaroparegion@denr.gov.ph
IP Phone Trunkline No. 8248-33-67/
8249-33-67 LOC 2717

ERIBERTO B. SAÑOS
PENRO Palawan
Brgy. Sta. Monica, Pto. Princesa City, Palawan
penropalawan@denr.gov.ph



ANNEX "G"



MEMORANDUM

FOR : The Regional Executive Director
THRU : The PENR Officer
Palawan
FROM : The OIC, PEMU Palawan
SUBJECT : **LETTER COMPLAINT DATED APRIL 19, 2021 OF ATTY. GRIZELDA MAYO-ANDA, EXECUTIVE DIRECTOR, ENVIRONMENTAL LEGAL ASSISTANCE CENTER, INC. (ELAC) RE: ILLEGAL RECLAMATION ACTIVITIES UNDERTAKEN BY WILLIAM TAN ENTERPRISES, INC. (WTEI) AT SO. TAWIRAN, BRGY. LUZVIMINDA, PUERTO PRINCESA CITY, PALAWAN**

DENR-PENRO
PALAWAN RECORDS
RECEIVED

BY: *[Signature]*
DATE: *05/31/2021* CR: *21-5348*

DATE : May 26, 2021

In compliance to your memorandum dated May 21, 2021 regarding the above subject, please be informed that the CENRO Puerto Princesa City personnel already conducted an investigation on April 23, 2021 and a letter to Atty. Grizelda Mayo-Anda of ELAC was also prepared.

Based on the report, the following actions are hereby recommended, to wit;

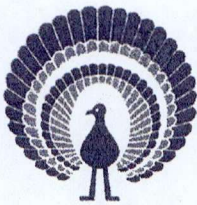
1. Reiterating recommendation to file Temporary Environmental Protection Order or other appropriate charges, for ignoring the Cease and Desist Order issued by EMB MIMAROPA;
2. For EMB, to formulate a policy for cases involving violation of PD 1586 and its Implementing Rules and Regulations, that may serve as a deterrent for the respondent to further implement the projects despite Notice of Violation/ Cease and Desist Order issued by the Office;
3. Refer to DENR Regional Legal Division for advise on appropriate case to file; and
4. For the Philippine Reclamation Authority be furnished with a copy of this report;

For information and further instruction;

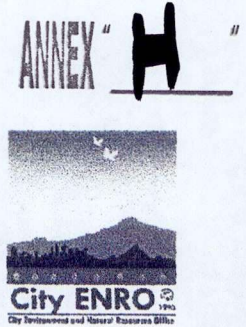
DENR-PENRO PALAWAN	
RELEASED	
THROUGH E-MAIL	
EMAILED TO:	<i>RED MIMAROPA</i>
E-MAILED BY:	<i>[Signature]</i>
DATE:	<i>06-02-2021</i>
TIME:	<i>5:02 pm</i>

[Signature]
EDNA S. VELASCO

cc. The CENRO, PPC



Republic of the Philippines
City Government of Puerto Princesa
CITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
3rd Floor Puerto Princesa City Hall, Bgy. Sta. Monica
Puerto Princesa City, Philippines 5300



February 15, 2017

ATTY. PATRICK TAN / MR. WILLIAM TAN

Proponent

Proposed Jetty Port / Proposed Cement Warehouse/Storage Facility
Puerto Princesa City

SUBJECT: NOTICE OF VIOLATION

Sir:

This pertains to the inspection/assessment conducted by the composite Team of the Office of the City ENRO on February 8, 2017 at your project in Purok Tawiran, Barangay Luzviminda, this City, purposely to determine the status of the project and its environmental effects. Result of the inspection revealed that ground works were already initiated prior to the endorsement of the project by this Office and issuance of pertinent documents necessary for issuance of permits by local and national agencies.

Noticeably, portion of the area were reclaimed. Though Certificates of Non-Coverage (CNC) were issued by the Environmental Management Bureau (EMB) of Department of Environment and Natural Resources for the Proposed Cement Warehouse/Storage Facility (Without Packing) and Proposed Jetty Port Project. The latter project classification falls under sea port, causeways, and harbors/including RO-RO facilities – WITHOUT RECLAMATION. The proponent is advised to coordinate with concerned offices and apply for appropriate permits.

In consonance herewith, Cease and Desist Order will be issued.

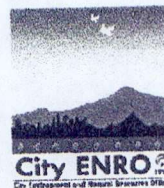
Very truly yours,

ATTY. CARLO B. GOMEZ *mgw*
CG Department Head II
City ENRO

May
R. Santorini



Republic of the Philippines
City Government of Puerto Princesa
CITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
3rd Floor Puerto Princesa City Hall, Bgy. Sta. Monica
Puerto Princesa City, Philippines 5300



February 15, 2017

ATTY. PATRICK TAN / MR. WILLIAM TAN

Proponent

Proposed Jetty Port / Proposed Cement Warehouse/Storage Facility
Puerto Princesa City

CEASE AND DESIST ORDER

In consonance with the NOTICE OF VIOLATION (NOV) issued by this Office in relation to the Proposed Jetty Port and the Cement Warehouse/Storage Facility Projects located at Purok Tawiran, Barangay Luzviminda, Puerto Princesa City, the proponents are hereby ordered to refrain from doing further activities to the area until ALL documentary requirements from local and national agencies are obtained and complied.

SO ORDERED.

ATTY. CARLO B. GOMEZ *zco*
CG Department Head II
City ENRO



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
MIMAROPA Region
Bgy. Sta. Monica, Puerto Princesa City, Palawan
E-mail: penropalawan@denr.gov.ph
Telfax No. (048) 433-5638 / 434-8791

ANNEX "I"

"I"

June 01, 2021

MEMORANDUM

FOR : The Regional Executive Director
1515 L & S Building, Roxas Boulevard
Ermita, Manila 1000


FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **LETTER COMPLAINT DATED APRIL 19, 2021 OF
ATTY. GRIZELDA MAYO-ANDA EXECUTIVE
DIRECTOR, ENVIRONMENTAL LEGAL ASSISTANCE
CENTER, INC. (ELEC) RE: ILLEGAL RECLAMATION
ACTIVITIES UNDERTAKEN BY WILLIAM TAN
ENTERPRISES, INC. (WTEI) AT SO. TAWIRAN, BRGY.
LUZVIMINDA, PUERTO PRINCESA CITY, PALAWAN
(DOC. REF. NO. 2021-5348)**

Forwarded is the memorandum dated May 26, 2021 of the OIC, PEMU Palawan, submitting complete documentation and report, regarding the above-mentioned subject and recommended the following to wit:

1. Reiterating recommendation to file Temporary Environmental Protection Order or other appropriate charges, for ignoring the Cease and Desist Order issued by EMB MIMAROPA;
2. For EMB, to formulate a policy for cases involving violation of PD 1586 and its Implementing Rules and Regulations, that may serve as a deterrent for the respondent to further implement the projects despite Notice of Violation/Cease and Desist Order issued by the Office;
3. Refer to DENR Regional Legal Division for advise on appropriate case to file; and
4. For the Philippine Reclamation Authority (PRA) be furnished with a copy of this report;

For information and further instruction.


ERIBERTO B. SAÑOS, CESE

Copy furnished:

- The PEMU, Palawan
- Atty. Grizelda Mayo-Anda
ELAC, Carlos P. Sayang Compound, Mitra Road
Brgy. Sta. Monica, Puerto Princesa City
- PENRO/file RPS rsv/bgt

**DENR PENRO
PALAWAN RECORDS
RELEASED**

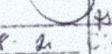
BY: 
DATE: 6-9-21 12-1304

Figure 15. February 2011



Figure 13. February 2015

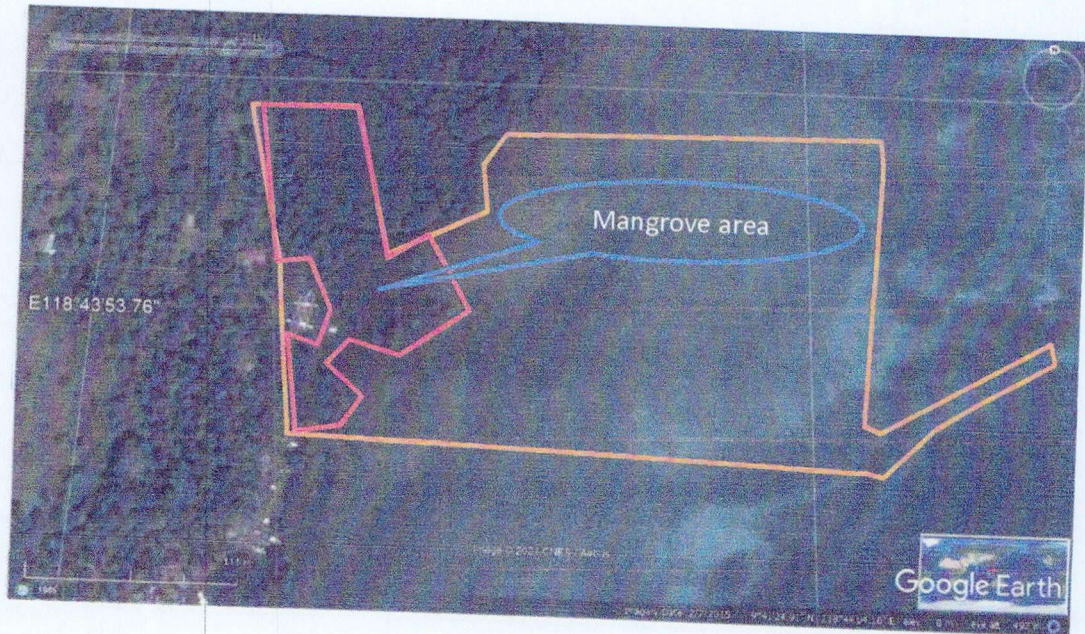


Figure 14. February 2014

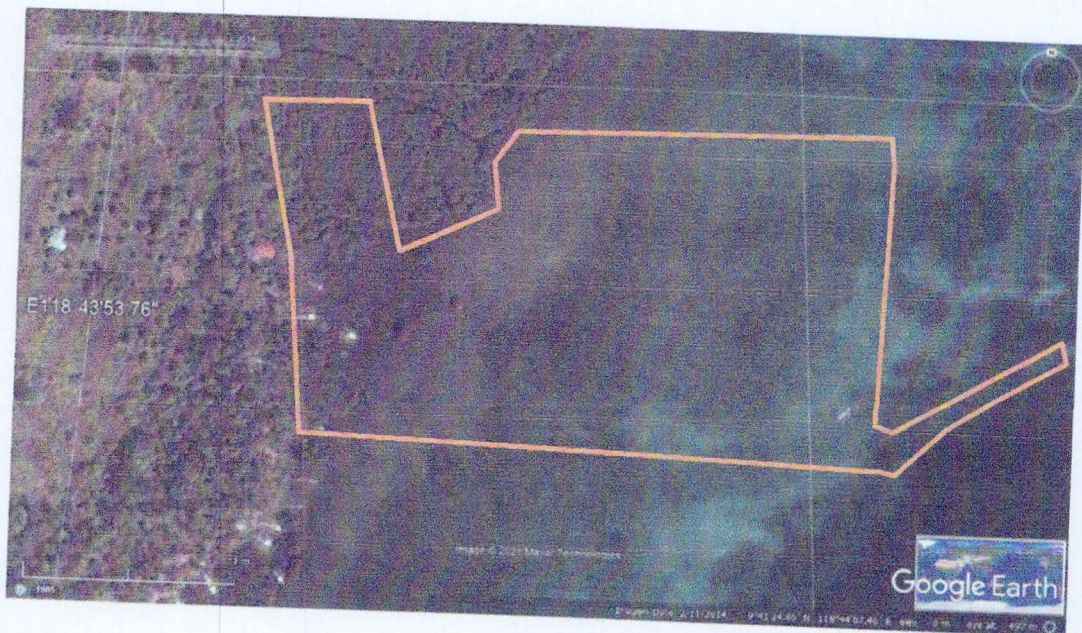


Figure 11. March 2016



Figure 12. February 2016

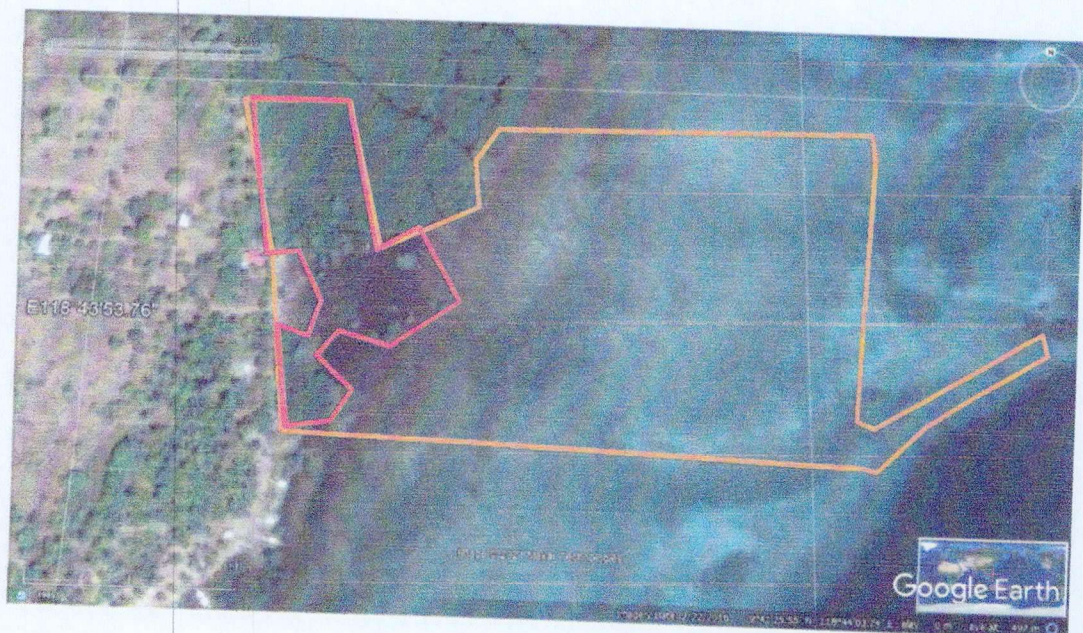


Figure 9. October 2016



Figure 10. June 2016



Figure 7. April 2017



Figure 8. December 2016



Figure 5. October 2018



Figure 6. March 2018



Figure 3. March 2019



Figure 4. August 2018



Google earth images below show the historical imagery from year 2011 to 2021 of the reclamation project which affecting mangrove area being conducted by William Tan Enterprise Incorporated located at Purok Tawiran, Brgy. Luzviminda, Puerto Princesa City

Newly reclaimed
mangrove area

Figure 1. February 2021

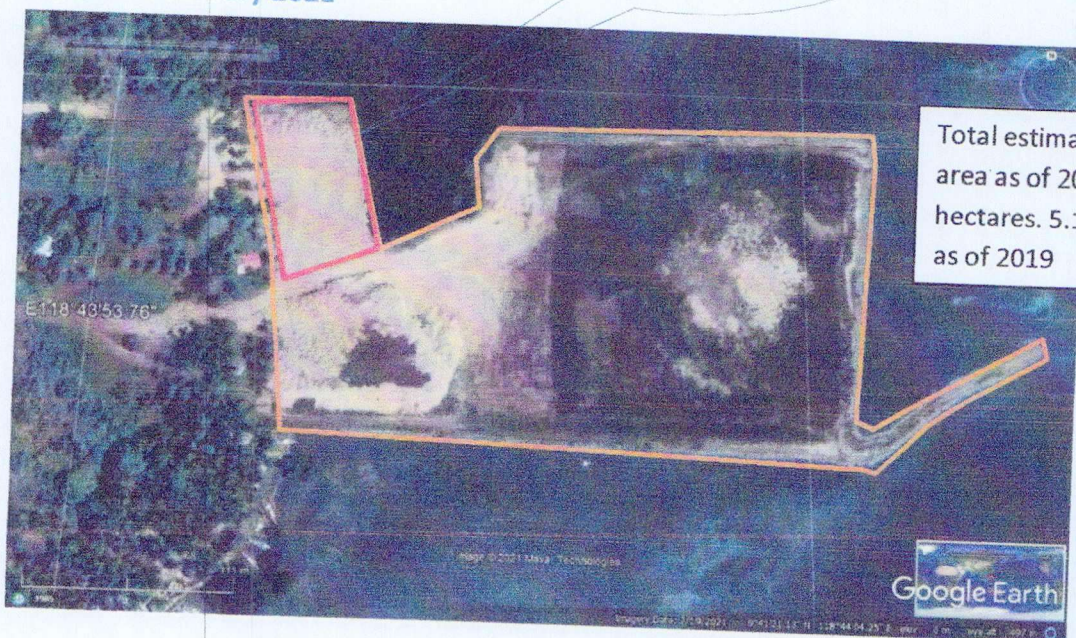
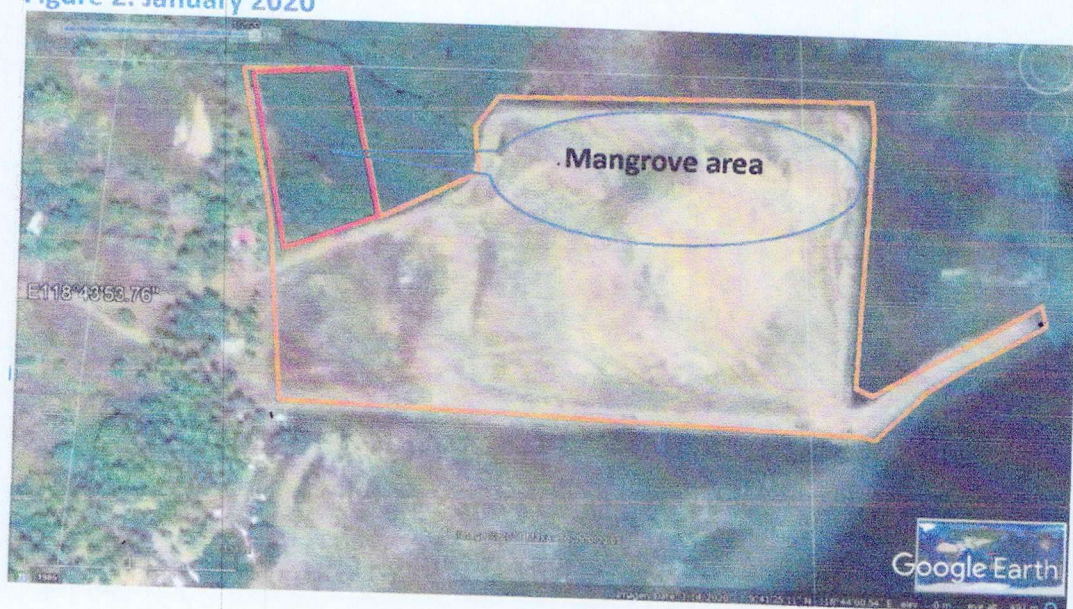


Figure 2. January 2020





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

MEMORANDUM

FOR : The OIC, CENR Officer
Puerto Princesa City, Palawan

FROM : The Chief MES, Assistant FPLE Unit and
The EMB Embedded Personnel

SUBJECT : **ALLEGED CONTINUOUS MANGROVE DESTRUCTION
WITHIN/ ADJACENT OF THE AREA OF WILLIAM TAN
LOCATED AT BRGY. LUZVIMINDA, PUERTO PRINCESA CITY**

DATE : April 26, 2021

DENR MIMAROPA REGION
CENRO PUERTO PRINCESA
RECEIVED

DOC NO _____
DATE MAY 27 2021
TIME _____
NAME _____
POSITION _____
SIGNATURE: _____

In compliance to your memorandum dated April 22, 2021 regarding the above mentioned subject, hereunder is the background, findings and observations and recommendation of the team, to wit;

I. BACKGROUND

1. The Team was tasked to conduct an investigation, verification and documentation of the above information in coordination with the concerned barangay. Said Memorandum is hereto attached as **Annex "A"**;
2. Several investigations were already conducted by PENRO, CENRO, and EMB regarding the alleged illegal reclamation by Mr. William Tan/ William Tan Enterprises, Inc. (WTEI) which started in February 14, 2017;
3. Based on the in-depth investigation report dated February 24, 2017 by the Multi-sectoral Team, the reclamation along the shoreline fronting the titled property was approximately 1.18 hectares and another reclaimed area seaward with a width of six meters by 698 meters in length forming a square pattern with an area of 0.4188 hectares. Furthermore, filing of criminal charges for violation of Sec. 77 and Presidential proclamation 2152, and Section 78 of PD 705 and Issuance of notice of Violation for violation of Section 4 of PD 1586, were recommended (**Annex "B"**);
4. A Notice of Violation was issued by EMB MIMAROPA Region on March 16, 2017 to Mr. Patrick Tan (William Tan Enterprises, Inc.) and a technical conference was conducted at the Office of the Regional Director, EMB MIMAROPA Region last April 10, 2017. (**Annex "C"**);
5. During the Technical Conference, WTEI committed to stop any activity in the foreshore area and to apply for an Environmental Compliance Certificate (**Annex "D"**);
6. On May 18, 2018 conducted actual inspection/verification in the area. It was observed that the excavation and reclamation activities were continuously operating. (**Annex "E"**);
7. On November 9, 2018, the investigation team created thru PENRO Special Order No. 2018-058 conducted investigation on the progressive reclamation and construction of warehouses at Purok Tawiran, Brgy. Luzviminda, Puerto Princesa City by William Tan Enterprises, Incorporated and recommended for the issuance of Cease and Desist Order and to file appropriate cases against WTEI. (**Annex "F"**);
8. A **CEASE AND DESIST ORDER** with Case No. PAL-003 -18 dated Dec. 11, 2018 was issued by EMB MIMAROPA against William Tan Enterprises, Inc. and was served and received on December 17, 2018. (**Annex "G"**);

9. WTEI paid an administrative penalty of Fifty Thousand Pesos (Php 50,000.00) on 07 January 2019 with O.R. No. 5149117 (*Annex "H"*);
10. On January 8, 2019, a Composite Team, DENR & EMB, conducted another inspection on the compliance of WTEI on the issued CDO and recommended to put WTEI in the blacklist for continuous and blatant violation of Section 4 of PD 1586 and for filling in court for the issuance of Temporary Environmental Protection Order or Environmental protection order, (*Annex "I"*);
11. A letter dated February 4, 2019 of Atty. Janilo E. Rubiato, General Manager & CEO of Philippine Reclamation Authority, was issued to WTEI advising them to Cease and Desist from undertaking further reclamation works and other development within the said area including the surrounding offshore/ submerged areas, (*Annex "J"*);
12. On February 8, 2019, EMB personnel conducted a validation on the status of Operation of the reclamation project of WTEI and found out that there is no operation nor presence of equipment in the area, (*Annex "K"*); and
13. On July 5, 2019, PEMU and CENRO personnel conducted immediate investigation on the reclamation project of WTEI and found no activity being undertaken by WTEI, (*Annex "L"*).

II. FINDINGS AND OBSERVATIONS


1. On April 21, 2021, the team went to Barangay Luzviminda to coordinate if similar reports or complaints were filed in their Office. Barangay Kagawad Leonel V. Duran, the Officer On Duty, said that no similar report or complaint was received by the barangay. He also informed Barangay Chairman Laddy R. Gemang thru phone of our presence and purpose. Furthermore, he said that they cannot confirm the veracity of the report because they have not visited the area during the pandemic.
2. Accompanied by Mr. Joey Rapsing, Brgy. Tanod of Brgy. Luzviminda, we went to the area and along the way we observed several activities such as excavation activities in a newly opened roads and lot adjacent to the subject area and presence of stock piles of boulders in another lot;
3. Upon arrival in the subject area, we immediately noticed the big difference from the last time we conducted an investigation. We looked for the caretaker, however, we did not find anyone in the area except for the several dump trucks that continuously and alternately transporting/ dumping filling materials to the area;
4. Since, nobody was in the area, we proceeded with the inspection. We noticed the approximately 5 meter high increase in almost half of the reclaimed area, wherein it is as high as the two houses found in the area. There were no additional structures but we noticed that additional areas have been reclaimed;
5. We observed that part of the mangrove areas on the left side facing the shore have been covered/ reclaimed as confirmed by the series of google earth images we have from CY 2011 up to present. It was also worth mentioning that the reclaimed area in January 8, 2019 report was 5.1701 hectares and based on the current map it is around 5.8982 hectares (*Annex "M"*);
6. The neighbor also confirmed that the mangrove areas were covered and that the reclamation activities were continuously conducted last year when the weather is favorable. She also said that the dump trucks would continuously dumped on an area and the bulldozer would later pushed it seaward;
7. We also observed that the dump trucks collected the filling materials they transport to the area from the adjacent lot where we observed the presence of back hoe; and

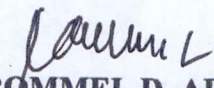
8. The Cease and Desist Order (CDO) issued to WTEI is still in effect; and
9. To date, despite the CDO issued, WTEI continue conducting reclamation activity in the foreshore area and even covered a mangrove area.


III. RECOMMENDATIONS

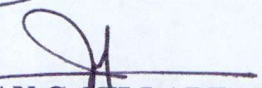
1. Reiterating recommendation to file Temporary Environmental Protection Order or other appropriate charges, for ignoring the CDO;
2. For EMB, to formulate a policy for cases involving violation of PD 1586 and its Implementing Rules and Regulations, that may serve as a deterrent for the respondent to further implement the projects despite Notice of Violation/ Cease and Desist Order issued by the Office;
3. Refer to DENR Regional Legal Division for advise on appropriate case to file; and
4. For the Philippine Reclamation Authority be furnished with a copy of this report;

For information, record and further instruction.


LEONORA F. MANSUETO
SEMS


ROMMEL D. ADATO
Forest Technician I


ARJAY GREGAS
Forester I


KIM RYAN C. VILLAREAL
Forest Ranger