

August 3, 2022

MEMORANDUM

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

THRU : The Assistant Regional Director for Technical Services

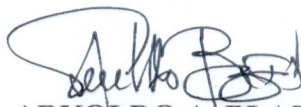
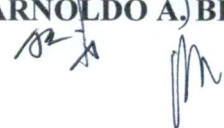
FROM : The OIC, PENR Officer

SUBJECT : **SUBMISSION OF COMPLETED STAFF WORK ON THE
VALIDATION RE: DEMOLITION OF THE STRUCTURES
WITHIN THE FORESHORE LEASE APPLICATION NO.
045910-57 OF ATTY. FRANCISCO F. BENEDICTO JR., IN
BGRY. LONOS, ROMBLON, ROMBLON**

Respectfully submitting the Completed Staff Work (CSW) Report on the validation conducted, regarding the demolition of structures within the Foreshore Lease Application No. 045910-57 of Atty. Francisco F. Benedicto Jr., in Brgy. Lonos, Romblon, Romblon.

Inspection and validation undertaken revealed that the structures built within the Foreshore and salvage zone areas were already demolished.

For your information, records and further instruction.


ARNOLDO A. BLAZA JR.




August 3, 2022

MEMORANDUM

FOR : The OIC, PENR Officer
Odiongan, Romblon

THRU : Chief- TSD

FROM : Chief, Monitoring and Enforcement Section

SUBJECT : **SUBMISSION OF COMPLETED STAFF WORK ON THE
VALIDATION RE: DEMOLITION OF THE STRUCTURES
WITHIN THE FORESHORE LEASE APPLICATION NO.
045910-57 OF ATTY. FRANCISCO F. BENEDICTO JR., IN
BGRY. LONOS, ROMBLON, ROMBLON**

Respectfully submitting the Completed Staff Work (CSW) Report on the validation conducted, regarding the demolition of structures within the Foreshore Lease Application No. 045910-57 of Atty. Francisco F. Benedicto Jr., in Brgy. Lonos, Romblon, Romblon.

Inspection and validation undertaken revealed that the structures built within the Foreshore and salvage zone areas were already demolished.

For your information, records and further instruction.


SHEILLA JANE M. FORLALES



August 2, 2022

MEMORANDUM

FOR : The OIC, PENRO

FROM : Investigation Team

SUBJECT : **SUBMISSION OF COMPLETED STAFF WORK ON THE VALIDATION RE: DEMOLITION OF THE STRUCTURES WITHIN THE FORESHORE LEASE APPLICATION NO. 045910-57 OF ATTY. FRANCISCO F. BENEDICTO JR., IN BGRY. LONOS, ROMBLON, ROMBLON**

I. JUSTIFICATION

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

II. LEGAL BASIS

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

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

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

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

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

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

III. FACTUAL BACKGROUND

- May 31, 2018 -** This office issued Notice to Vacate to Atty. Francisco F. Benedicto Jr., for violation of P.D. 1067 on the structures built within the foreshore and salvage zone area.
- August 27, 2021 -** The Regional Office issued a Decision over case DENR Case No, M-01-21-L entitled Francis J. Benedicto Rep by Leandro J. Benedicto versus FLA No. 045970-D Atty. Francisco F. Benedicto, Jr. Applicant- Protestee, Fedelino A. Auto, Intervenor. The Decision AFFIRMED that the Foreshore Lease Application be rejected due to violations of its terms and conditions; including that the Notice of Violation issued on January 2018 and Notice of Violation dated May,31, 2018. The Assitant Regional Director for Techical Services and OIC – Chief, Surveys and Mapping Division are directed to cancel Fli (DENR IV) 298-D.
- April 26, 2022 -** Atty. Francisco S. Benedicto III, counsel of Atty. Francisco Benedicto Jr, appealed for Motion for Reconsideration on a decision dated August 27, 2021, stating that structures enumerated on the Notice to Vacate, issued by this office, were already demolished.
- July 14, 2022 -** This office received a memorandum regarding the validation re: demolition of the structures within the Foreshore Lease Applicaion No. 045910-57 of Atty. Francisco F. Benedicto, Jr. in Brgy. Lonos, Romblon, Romblon.


IV. ACTIONS TAKEN

Thru an advance information from the Assistant Regional Director for Technical Services, Maximo C. Landrito, personnel from the Monitoring and Enforcement Section, Chief Sheilla Jane M. Forlales and Ann J. Adriguez, along with Mines and Geosciences Bureau (MGB) Science Research Specialist Carl Felix F. Falquerabao inspected the area on July 5, 2022. They have coordinated with the Municipal Mayor, Hon. Guard Montojo and Barangay LGU, before proceeding to the area.

V. COMMENTS AND FINDINGS

Results of inspection and validation revealed that the structures on the salvage zone and foreshore area were already demolished.

Prepared by:


SHEILLA JANE M. FOLALES
Forester II, Chief- MES


CARL FELIX F. FALQUERABAO
Science Research Specialist II, MGB


ANN J. ADRIGUEZ
Special Investigator

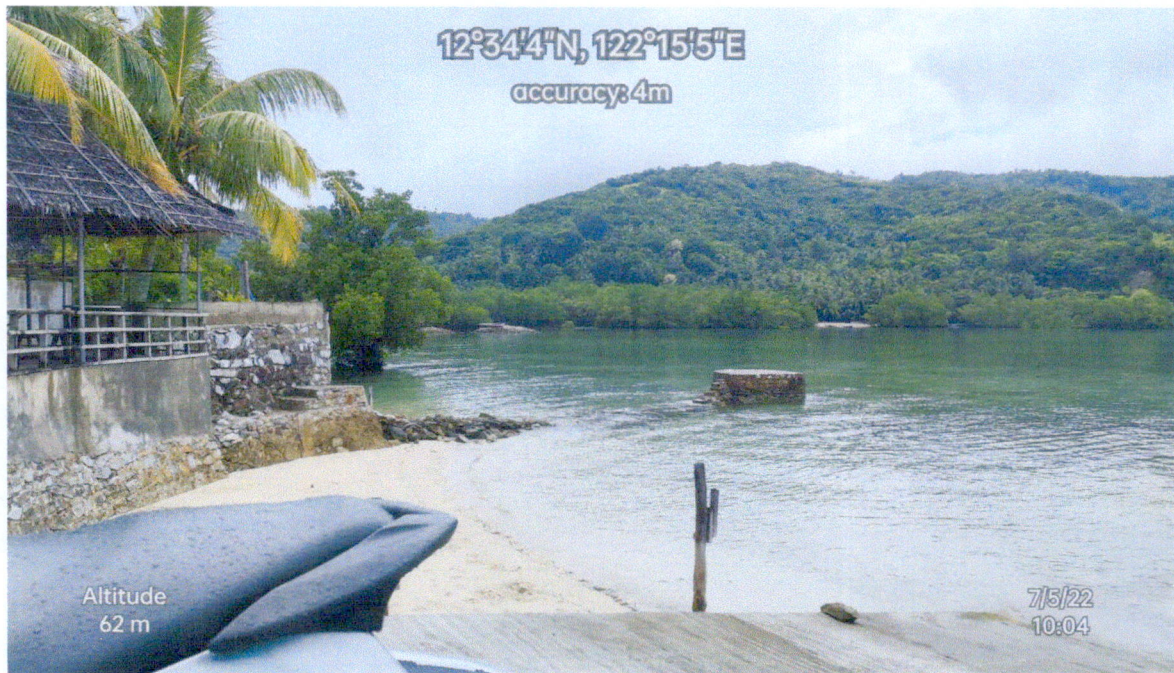
GEOTAGGED PHOTOS OF DEMOLISHED STRUCTURES



The concrete kiosk within 20-meter salvage zone had already been demolished.



GEOTAGGED PHOTOS OF DEMOLISHED STRUCTURES



This is what is left of the riprapped structure made of marble slabs which crosses the foreshore area.



The concrete platform (boat) constructed seaward was also demolished and has already become piles of rocks to be hauled.



The undemolished cottage area made of light materials. Geotagged photo taken during the on-site interview with Atty. Francisco S. Benedicto III, counsel of Atty. Francisco F. Benedicto Jr., on July 5, 2022.



The Investigation team coordinate with Hon. Guard Montojo, Municipal Chief Executive of Romblon, Romblon.