



DENR MIMAROPA RECORDS SECTION	
RECEIVED	
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BY: November 08, 2022	
TIME:	

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region

THRU : The OIC, Assistant Regional Director for Technical Services
DENR MIMAROPA Region

FROM : The NGP Regional Coordinator

SUBJECT : The OIC, PENR Officer
Odiongan, Romblon

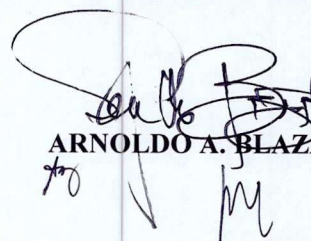
SUBMISSION OF REPORT ON THE INVESTIGATION REGARDING THE DAMAGE IN THE ENGP SITE 18-175900-0205-0123 CAUSED BY THE ROAD OPENING OF DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) AT BARANGAY CALAGONSAO, ALCANTARA, ROMBLON

Respectfully submitting the following findings on the conducted investigation per PENRO Special Order No. 22-71 series of 2022, and the primary actions done by this Office regarding the damages occurred in 2018 ENGP graduated site-**18-175900-0205-0123** caused by road opening project of DPWH which was commenced on June 04, 2022, contracted to Sunwest Construction and Development Corporation:

1. Record shows that the damages was occurred within 123 hectares contracted area developed in 2018 and the latest status was inspected by the Regional Evaluation and Assessment Team last October 11, 2021 with an average survival rate of 60.01%;
2. Based on the result of investigation, the middle portion of ENGP site with an area of 9.30 hectares, planted with 13,611 seedlings of forest trees and 550 of fruit bearing trees have been damaged with estimated impairment costs of 349,734.00 Pesos covering the activities from 1st year establishment up to 3rd year maintenance and protection;
3. After investigation, on October 07, 2022, the DENR Romblon invited the DPWH and Sunwest Construction and Development Corporation for the dialogue held at the PENRO Conference Room to address the concerned issues;
4. As a result of discussion, it was found out that DPWH was not fully aware with regards to proper permitting processes whereas, the District Engineer Elena Castilan believed that the Certificate of Non-Coverage (CNC) issued by the Environmental Management Bureau is enough to commence with the project. Thus, the DPWH requested for list of documents needed to forego with their projects so that they will be able to abide by environmental laws, rules and regulations;
5. For further action, the PENRO already issued Notice of Violation (NOV) to DPWH and as agreed on the previous dialogue, another set of meeting will be conducted with the concerned personnel to settle the damage trees at the NGP site.

Attached is the investigation report dated June 28, 2022 containing the geotagged photos and map of the damaged site, clarificatory meeting with attendance sheet and Notice of Violation for your perusal.

For information, record and further instructions if any.


ARNOLDO A. BLAZA, JR.

Copy furnished:

1. Finance Section, DENR-PENRO Romblon
2. Commission on Audit, Romblon



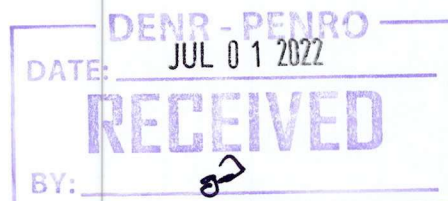
June 28, 2022

MEMORANDUM

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

THRU : The Chief, Technical Services Division
This Office

FROM : The Investigating Team
This Office



SUBJECT : SUBMISSION OF REPORT ON THE INVESTIGATION REGARDING THE
DAMAGE IN ENGP SITE 18-175900-0205-123 CAUSED BY THE ROAD
OPENING OF DPWH AT BARANGAY CALAGONSAO, ALCANTARA,
ROMBLON

In response to the report of former Punong Barangay of Calagonsao, Alcantara, Romblon regarding the road opening which traverses along the area of the ENGP established in CY 2018 and in compliance to PENRO Special Order No. 22-71 series of 2022, the team conducted immediate investigation on the matter to wit:

FACTS:

The former Punong Barangay and also one of the NGP Partners who made contributions in the establishment of the project reported to the office on June 20, 2022 that the area of ENGP was damaged by the road opening project of DPWH contracted by the Sunwest Construction and Development Corporation. She also showed pictures and video of the area damaged.

ACTIONS:

The team immediately proceed to the site the following day and conducted ocular inspection, taking geotag pictures, tracking the road, drone mapping, and identify areas of commodities (*fruit tree area, and Forest tree area*). Coordination with the LGU was also done.

We also coordinated with the field office of Sunwest Construction and Development Corporation located at Tugdan, Alcantara, Romblon, and in the main office at Gabawan, Odiongan, Romblon but unfortunately the contact/responsible person were not around due to outdoor activities for two days (June 22-23, 2022).

On June 28, 2022 a.m., members of the investigating team was able to interview Engr. Shan Arniel Tobias of Sunwest Construction and Development Corporation. He mentioned that they will be submitting to this office the documents/permits pertaining to the said road opening.

FINDINGS:

1. The road opening project traverses along the centermost part of the NGP project with an approximate average width of 30 meters and with a length of around 3.0 kilometers, having an estimated damaged area of 9.3 hectares planted with Forest tree seedlings 8.2 hectares and Fruit tree seedlings 1.1 hectares with the following computed cost of establishment, and year 1 to 3 maintenance and protection.

ACTIVITY	COST	SPACING	NO. OF SEEDLINGS/ha	DAMAGE AREA(ha)	DAMAGE	COST OF DAMAGE
Seedlings production						
a. Forest trees	P12.00/sdln	2m x 3m	1,666	8.2	13,661	P163,934.00
b. Fruit trees	P25.00/sdln	4m x 5m	500	1.1	550	P13,750.00
Site preparation and planting	P6,500.00/ha			9.3		P60,450.00
Maintenance and Protection (Year 1)	P2,000.00/ha			9.3		P18,600.00
Maintenance and Protection (Year 2)	P5,000.00/ha			9.3		P46,500.00
Maintenance and Protection (Year 3)	P5,000.00/ha			9.3		P46,500.00
TOTAL						P349,734.00

2. According to one of the personnel of Sunwest Construction and Development Corporation based in Tugdan, Alcantara, Romblon, the construction starts in the middle of April, 2022. But according to Engr. Tobias the road opening commenced on June 4, 2022.
3. The road opening is a project of the DPWH contracted by Sunwest Construction and Development Corporation.
4. The former Punong Barangay only receive reports regarding the damaged in mid of June 2022.

RECOMMENDATIONS.

1. The officials of DPWH and the Sunwest Construction and Development Corporation responsible in the construction of road opening should be invited to this office thru their respective heads, for a dialogue and possible resolution on the damaged in the ENGP plantation, being also a government project.
2. LAWIN patrol under the Enforcement Section should also be done routinely in graduated NGP plantations in support to protection of the same as a government project and mostly established in Timberland areas.
3. DPWH should coordinate with this office in every proposed projects especially in forest lands and other areas under the jurisdiction of DENR in order for us to send representations prior to the start of their projects.

ATTACHMENTS:

1. Map showing the ENGP area and the constructed road opening.
2. Geotag pictures.

For information, record and further instruction.

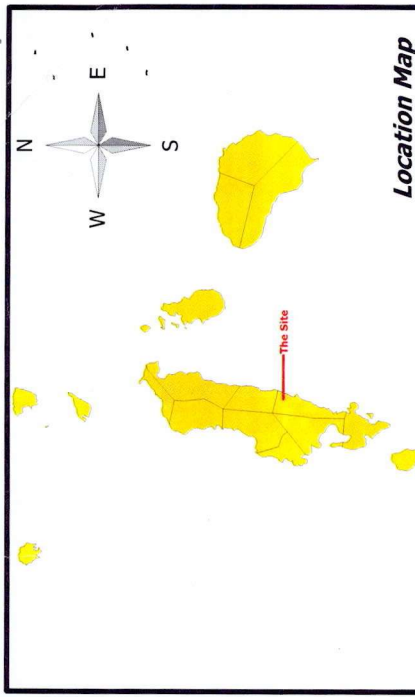
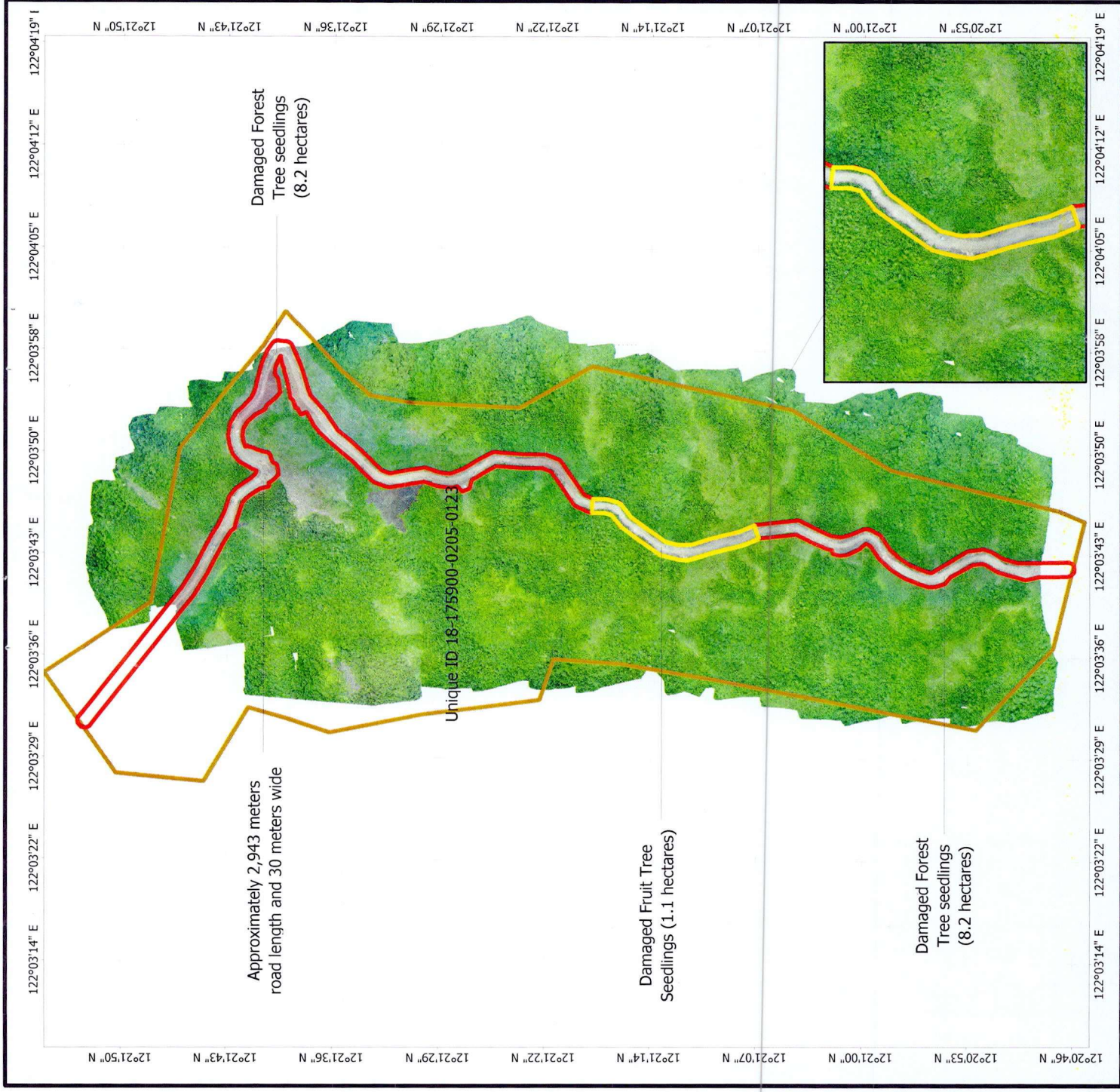

MANUEL B. ROMERO
Forester III/NGP Coordinator
Team Leader


ANN J. ADRIGUEZ
Special Investigator I/Member


RODEL D. FALCULAN
Forest Technician II/Member


BERNIE A. SOGUILON
Forest Technician II/Member


DICKY S. FAMERO
Forest Technician I/Member



Location Map

DAMAGED PLANTATION OF ENHANCED NATIONAL GREENING PROGRAM (eNGP) F.Y 2018 DUE TO DPWH ROAD CONSTRUCTION CONTRACTED BY SUNWEST CONSTRUCTION & DEVELOPMENT CORPORATION

LOCATION
Barangay : CALAGONSAN
Municipality : ALCANTARA
Province : ROMBLON

Total Area: Approx. 9.3 Hectares
SCALE : 1:12000

Projection: Universal Transverse Mercator - Zone 51 (N)
Datum : World Geodetic 1984 (WGS84)



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA Region
Provincial Environment and Natural Resources Office
Odiongan, Romblon

CERTIFICATION

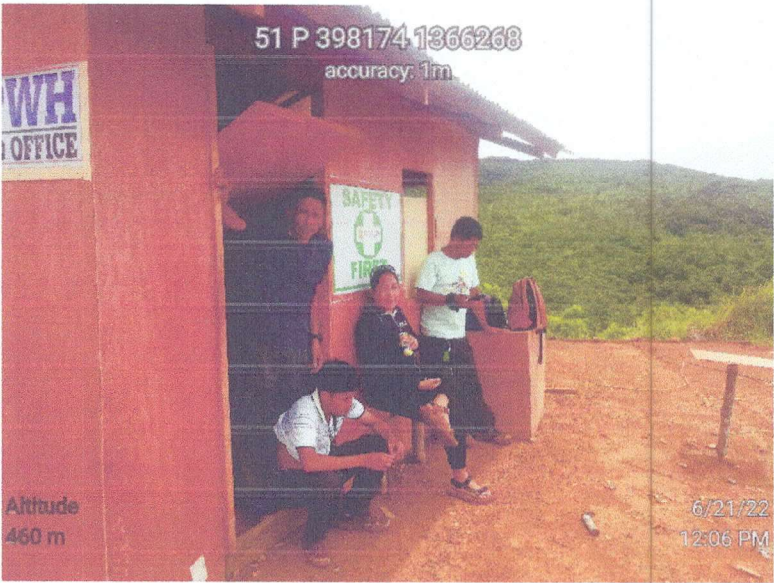
We certify that this is the map subjected to NGP reforestation and extent of the area damaged by the construction of road and the information provided herein were true and correct to the best of our professional knowledge and judgement.

Prepared by:
MANUEL B. ROMERO
Forester III/NGP Coordinator
RODEL D. FALCONIAN
Forest Technician II

DICKY S. FAMERO
Forest Technician I
BERNIE A. SOGUILON
Forest Technician II

Recommending approval:
MALVIN B. ROCERO
Chief Technical Services Division
Approved by:
ARNOLDO A. BLAZA JR.
OIC, PENR OFFICER

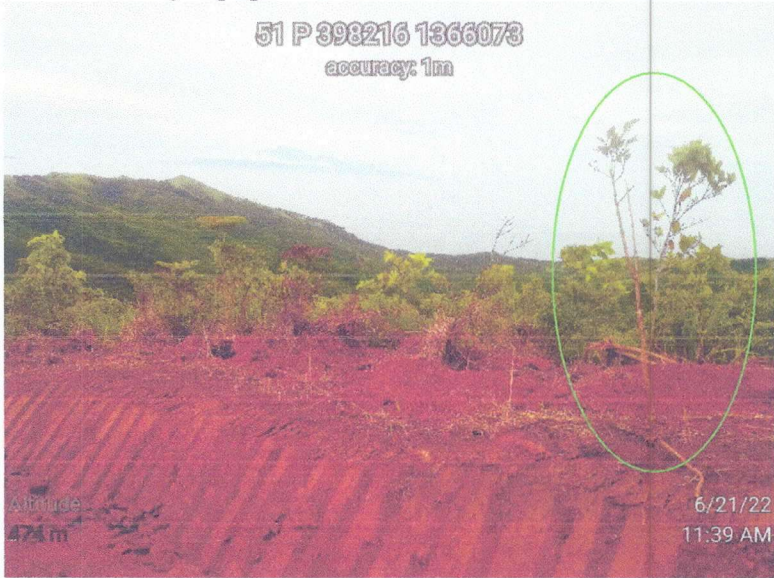
GEOTAG PICTURES TAKEN DURING THE INVESTIGATION ON JUNE 21, 2022



Bunk house of DPWH



Heavy equipments used in road construction



Damaged but still standing Banaibanai seedling

95.
/h
/a



Before pictures (taken in 2020) with kalamansi and the kubo partially covered

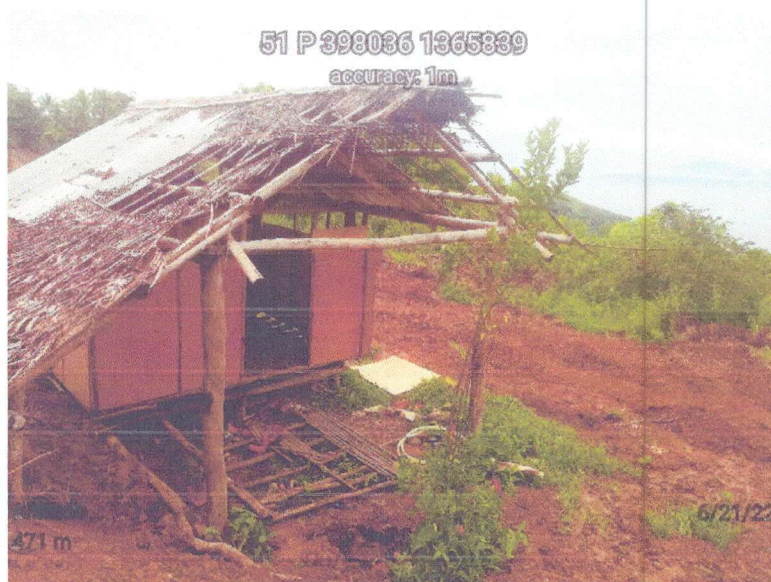


Kalamansi plantation damaged by the construction

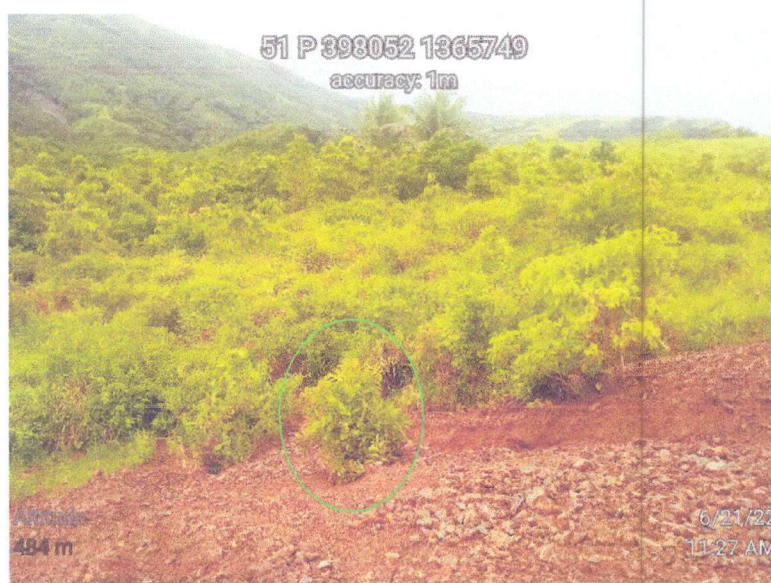


Kalamansi plantation before but now no more

7/28/20
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A kubo constructed by the ENGP POs surrounded with fruit trees and was damaged

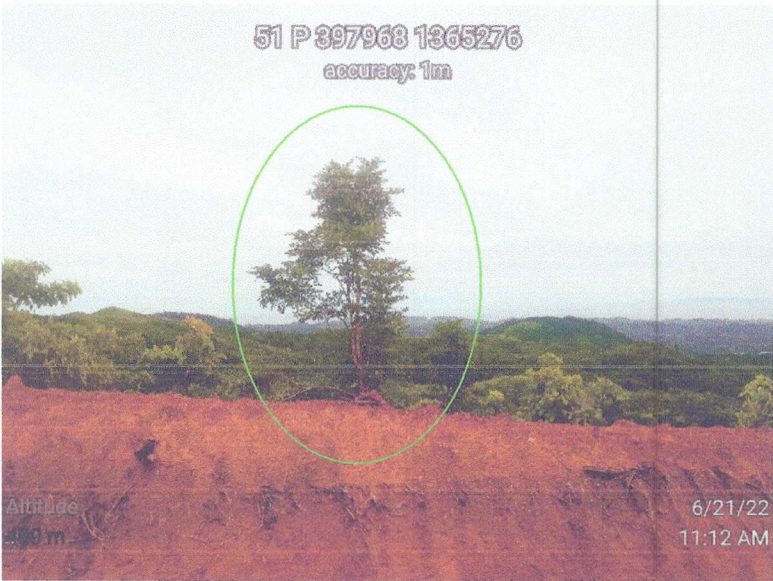


Kalamansi with other fruit trees at the area

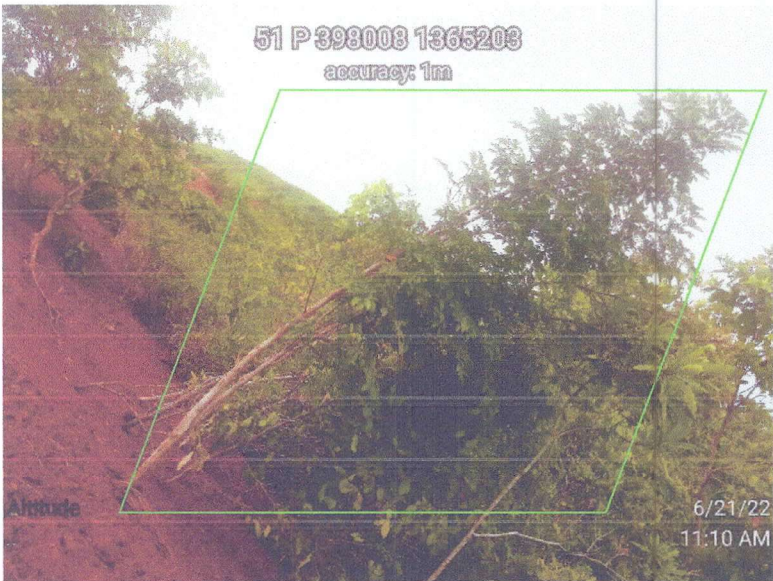


Narra seedling nearly removed by cut-and-fill

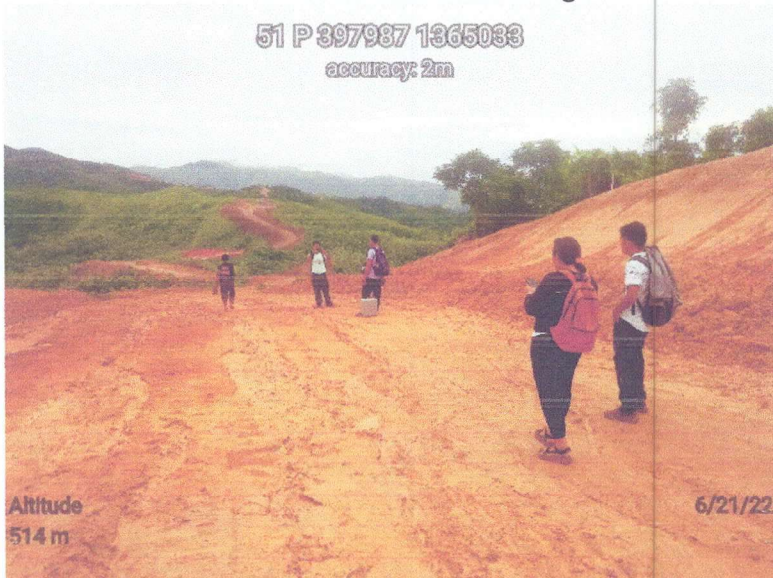
Handwritten signature/initials.



Planted Banai-banai seedling

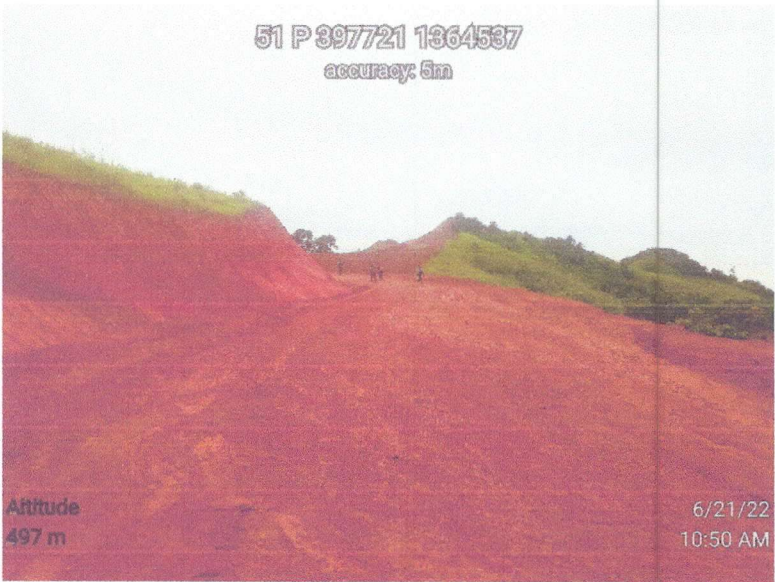


Planted Banai-banai seedling



The Investigating Team

Handwritten signatures and initials in the bottom left corner of the page.



The project contracted by the SUNWEST Construction and Development Corp.

g.
/m
/a



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

Document Routing Slip

Document Number: I-2022-98002

Date Endocded: 08-Nov-2022

Sender: Forester James M. Mendoza

Address: Odiongan, Romblon

Subject: Memorandum dated November 7, 2022 re: Minutes of the clarificatory meeting with the district engineer of the DPWH re the damaged NGP Site due to the opening of road at Brgy. Calagonsao, Alcantara, Romblon

Addressee: The OIC-PENR Officer

Attachment(s): Memorandum; Minutes and attendance sheet (3 sets)

Urgent: No; received by Mariel

Date Received: 08-Nov-2022

ROUTING AND ACTION INFORMATION

FROM	DATE RECEIVED	FOR/TO	DATE RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
OP	2022-11-08	OFFICE-PENRO (OP)	2022-11-08	Date: 2022-11-08 Status: IN From: Ileanegracemgan Message: Forwarded to the OIC PENR Officer for his info and instructions, please. Thank you.
	08 NOV 2022			<p><i>TSD, for summary of NOV based on the findings of Investigation</i></p> <p><i>Request EMB on their comment and suggestion on the matter</i></p> <p><i>Pls prepare the NOV also draft letter invitation for 2nd dialogue as agreed. TH.</i></p> <p><i>11/8</i></p>



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

November 7, 2022



MEMORANDUM

FOR : The OIC, PENR Officer
Odiongan, Romblon

THRU : The Chief- TSD *Noted* **MALVIN R. ROCERO**
Chief, Technical Services Division

FROM : Chief, Monitoring and Enforcement Section

SUBJECT : MINUTES OF THE CLARIFICATORY MEETING WITH THE
DISTRICT ENGINEER OF THE DEPARTMENT OF PUBLIC
WORKS AND HIGHWAYS REGARDING THE DAMAGED NGP
SITE DUE TO THE OPENING OF ROAD AT BRGY.
CALAGONSAO, ALCANTARA, ROMBLON

Respectfully submitting minutes of the Clarificatory Meeting with the District Engineer of the Department of Public Works and Highways-Romblon held at the PENRO Conference Room on October 7, 2022, in relation to the damaged National Greening Project site at Brgy. Calagonsao, Alcantara, Romblon, due to the DPWH's road opening project.

The DPWH requested for a list of documents needed to comply in order to forego with their projects and concurrently abiding by the environmental laws, rules and regulations.

Another dialogue should be set to further discuss the damages and agree on how said damages be replaced.

For your information and record.

[Signature]
JAMES M. MENDOZA



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

CLARIFICATORY MEETING

Minutes of Clarificatory Meeting conducted on October 7, 2022 @9:40 A.M. at the PENRO Conference Room, regarding the damaged National Greening Project located at Calagonsao, Alcantara, Romblon, by a road opening project of the Department of Public Works and Highways.

Present:

ALLAN T. SENDIONG

Chief, Regulation and Permitting Section

SHEILLA JANE FORLALES

Forester II/ OIC, Chief, Planning and ICT Section

ANN J. ADRIGUEZ

Special Investigator

CATHERINE O. ATIENZA

Forester I/NGP Coordinator

ELENA CASTILAN

District Engineer/ DPWH-RDEO

DARYL F. SOLIDO

DPWH-RDEO

REQUITO G. GABAT

DPWH-RDEO

JULIUS T. LILANG

DPWH-RDEO

JULIUS GADO

Sunwest

SHAN ARNIEL TABIOS

Sunwest

Chief Allan T. Sendiong explained that the meeting was called for by this Office to address the issue surrounding the damaged National Greening Program Site at Brgy. Calagonsao, Alcantara, Romblon which was destroyed by a road opening project of the Department of Public Works and Highways. Chief Allan then asked DE Elena Castilan if they are aware of the said damaged site. DE Castilan mentioned that the project was issued with Certificate of Non-Coverage by the Environmental Management Bureau. She believed that her

engineers and contractors presumed that said issuance of such is enough to commence with the project.

Chief Allan T. Sendiong then added that the CNC is one requirement but does not mean that it would cover all permits pertaining to the adherence on environmental laws. He stressed further that even the cutting of trees in the project site needs necessary cutting permit. Meanwhile, Forester Sheilla Jane Forlales read the portion of the Certificate of Non-Coverage which states ;

"The issuance of this certificate shall not exempt the grantee from the compliance with applicable environmental laws, rules and regulations, including the permitting requirements of other government agencies neither create any right nor be used as an authorization to implement the project. You may proceed with the implementation upon securing all the necessary and relevant permits from other pertinent government agencies.

Moreover, any expansion and/or modification other than the specified above shall be considered as violation of P.D. 1586 (EIA System) and shall be subjected to imposition of fines/penalties amounting to PHP 50, 0000.00"

Forester Forlales then explained the portions read and give emphasis on the need for other permits to be secured from other pertinent agencies. She also added Department Administrative Order (DAO) 2018-16 or the Guidelines in the Processing and Issuance of Permits on the Removal and Relocation of Trees Affected by DPWH Projects. Forester Forlales promised to share a copy of this to the DPWH management.

DE Elena Castilan requested for list of documents needed to forego with their projects so that they will be able to abide by environmental laws, rules and regulations. She mentioned that they are eager to adhere to laws enforced by this Office.

Meanwhile, Engr. Julius Gado of Sunwest Construction – the contractor of the road opening project mentioned that they have knowledge that the site was a private property and not a timberland. They believed that a certain Perla Marcelo Gaytano owns the land. Chief Allan Sendiong cleared the matter by indicating that the map of the NGP site is based on this Office's records. If it will be convenient, a relocation of Ms. Gaytano's property may be done in order determine her property, but certainly not within the timberland area. SI Ann Adriguez added that the investigation team walked through the project and said location was mapped. Map generated showed that the middle portion of the NGP site was damaged. Forester Catherine Atienza, NGP Coordinator, showed the map and the geotagged pictures of damaged fruit trees in the area.

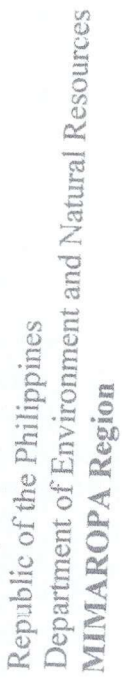
Engr. Shan Arniel Tabios and Engr. Gado requested for maps of NGP and timberland areas in the province for them to be guided.

An agreement that another dialogue will be conducted to settle the damage trees at the NGP site, the meeting ended at 10:20 AM

Prepared by:


ANN J. ADRIGUEZ

Special Investigator



ATTENDANCE SHEET

NAME	AGE	GENDER	OFFICE	EMAIL ADDRESS	CONTACT NO.	SIGNATURE
Denia Castan	62	F	DPWH - RDEO		09178072618	
DARAY F. SOLIDO	35	M	DPWH - RDEO	dray1-15@yahoo.com	0956632-4784	
PETERMUTO G. GABAT	62	M	DPWH - RDEO		09475299706	
JACUS GARD	31	M	SUNWEST		09302809501	
JOSEPH T. WILSON	47	M	DPWH - RDEO		0998467511	
Thella Jane M. Fortale	36	F	DPWH - RDEO		0924464696-	
Catherine O. Affenza	26	F	DPWH - RDEO		09297613665	
Ann J. Adviguera	40	F	DPWH - RDEO, RANGLAN		09461459475	
SHAN ARNIELO TABIOS	24	M	SUNWEST		09380833009	



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

THE GENERAL MANAGER

Sunwest Construction and Development Corporation
Gabawan, Odiongan, Romblon

November 7, 2022

NOTICE OF VIOLATION

Notice is hereby served upon your office for having violated Presidential Decree 705 – **SECTION 78. 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, or who assists, aids or abets any other person to do so, or sets a fire, or negligently permits a fire to be set in any forest land or grazing land, or refuses to vacate the area when ordered to do so, pursuant to the provisions of Section 53 hereof shall, upon conviction, be fined in an amount of not less than five hundred pesos (P500.00), nor more than twenty thousand pesos (P20,000.00) and imprisoned for not less than six (6) months nor more than two (2) years for each such offense, and be liable to the payment to ten (10) times the rental fees and other charges which would have accrued had the occupational and use of the land been authorized under a license agreement, lease, license or permit: Provided, That in the case of an offender found guilty of making kaingin, the penalty shall be imprisonment for not less than two (2) nor more than four (4) years and a fine equal to eight (8) times the regular forest charges due on the forest products destroyed, without prejudice to the payment of the full cost of production of the occupied area as determined by the Bureau: Provided, further, That the maximum of the penalty prescribed herein shall be imposed upon the offender who repeats the same offense and who commits the same offense and double the maximum of the penalty upon the offender who commits the same offense for the third time."

The result of inspection conducted by this office on June 21, 2022 revealed that a portion of our Expanded National Greening Project (ENGP) area - around 9.3 hectares, planted with forest and fruit trees in a timberland at Brgy. Calagonsao, Alcantara, Romblon, were damaged due to the Department of Public Works and Highways' road opening project which you have commenced in June 2022. The estimated damages amounted to Three-Hundred Forty-Nine Thousand Seven Hundred Thirty-Four Pesos (Php 349, 734.00).

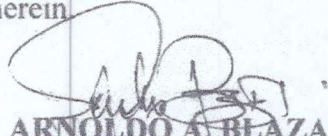
Foregoing considered, you are directed to submit to the **Office of the DENR PENRO, Romblon, Brgy. Tabing-Dagat, Odiongan, Romblon**, a **notarized position paper within fifteen (15) days** upon receipt hereof, why you should not be held liable for the above violations pursuant to Presidential Decree 705 – **SECTION 78.**

Failure to submit the required position paper within the reglementary period shall be considered by this office as a waiver of your right to be heard and present evidence on your behalf. Thus, the case will be resolved according to the available documents on record.



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

The Chief, Technical Services Division or his duly authorized representative is directed to serve this Notice of Violation. A report shall likewise be submitted within forty-eight (48) hours upon execution thereof stating the proceedings taken therein.


ARNOLDO A. BLAZA JR.
OIC, PENRO

Copy Furnished:

Engr. ELENA CASTILAN
District Engineer, DPWH, RDEO

LORMELYN CLAUDIO, CESO, IV
Regional Executive Director
DENR, MIMAROPA

DPWH - ROMBLON DEO


CEIVED

By: 

Date: 11/11/2017

3:24 P.M.



RECEIVED BY: 
DATE: 11/11/2017

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