

Republic of the Philippines

Department of Environment and Natural Resources MIMARON

MIMAROPA Region

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

Bgy. Sta. Monica, Puerto Princesa City, Palawah Telfax No. (048) 434 - 8791

Email Add: penropalawan@denr.gov.ph

0 0 000 2022

INCOMING DOUTES

November 29, 2022

MEMORANDUM

FOR

The Regional Executive Director

DENR-MIMAROPA Region

1515 DENR By the Bay Building, Roxas Boulevard,

Barangay 668, Ermita, Manila

THRU

The OIC, ARD for Technical Services

FROM

The Provincial Environment and Natural Resources Officer

SUBJECT

SUPPLEMENTAL REPORT ON THE SUBMITTED COMPLETED STAFF WORK (CSW) DATED JUNE 4, 2019 AND AUGUST 19, 2021 ON THE PROPOSED ROLL-ON ROLL-OFF (RORO) PORT PROJECT IN SAN FERNANDO, EL NIDO, PALAWAN SUBJECT OF THE LETTER DATED JULY 19, 2021 OF MR. ELIZALDE M. ULSON, ACTING PORT MANAGER OF THE PHILIPPINE PORT

AUTHORITY-PALAWAN

Respectfully forwarded is the memorandum of CENRO Taytay, Palawan dated November 17, 2022 relative the above subject.

Per memorandum, CENRO Taytay submitted the supplemental report in relation to the Completed Staff Work (CSW) dated June 4, 2019 and August 19, 2021 in compliance to the memorandum dated December 31, 2021 from the Regional Executive Director, Maria Lourdes G. Ferrer regarding the Port Zone Delineation (PZD) Application of Port Manager Elizalde M. Ulson

We concur with CENRO previous recommendation as mentioned in the CSW report to include the recommendations of EMS I Marasigan and FT II Cuyo. Further, the Application for Port Zone Delineation of Port of San Fernando be treated in accordance with DAO 2018-14 (Guidelines on the Issuance of Area Clearance for Reclamation Projects and Proclamation/Special Patents Over Reclaimed Lands).

For information and further instruction.

"For the PENRO"

DENR-PALAWAN
PENRO-RECORDS
RELEASED

By
Date() | DEC 2022CN 32-3128

DAVID F. DALINO

Land Management Officer III, Chief, Patents Deeds & Permitting Unit In-Charge Office of the PENRO

Copy Furnished CENRO Taytay, Palawan File/2022-026ACG MES Doc. Ref. No. 2022-10694



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

By the National Highway, Poblacion, Taytay, Palawan 5312 Mobile: 0926-505-9335 TM 0912-171-3889 TNT Email: cenrotaytay@denr.gov.ph

November 17, 2022

MEMORANDUM

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FOR

The Provincial Environment and Natural Resources Officer

Sta. Monica, Puerto Princesa City

FROM

The Community Environment and

Natural Resources Officer

SUBJECT

SUPPLEMENTAL REPORT ON THE SUBMITTED COMPLETE STAFF WORK (CSW) DATED JUNE 4, 2019 AND AUGUST 19, 2021 ON THE PROPOSED ROLL-ON ROLL-OFF (RORO) PORT PROJECT IN SAN FERNANDO, EL NIDO, PALAWAN SUBJECT OF THE LETTER DATED JULY 19, 2021 OF MR. ELIZALDE M. ULSON, ACTING PORT MANAGER OF THE PHILIPPINE PORT

AUTHORITY-PALAWAN

This pertains to the request for a Comprehensive Clearance/ Endorsement in the relation to the proposed Port Zone Delineation of Port San Fernando in El Nido, Palawan. Hereunder is the supplemental report in relation to the submitted Complete Staff Work (CSW) dated June 4, 2019 and August 19, 2021 on the abovementioned subject, to wit;

- On May 5, 2022, EMS I Marasigan and FT II Cuyo submitted a report in compliance to the memorandum dated December 31, 2021 from the Regional Executive Director, Maria Lourdes G. Ferrer regarding the Port Zone Delineation (PZD) Application of Port Manager Elizalde Ulson.
- 2. On July 7, 2022, the OIC- Assistant Regional Executive Director for Technical Services Maximo C. Landrito forwarded a memorandum directing this Office to advise the proponent/ contractor to stop immediately its operation until final permits/ clearances are secured from concerned agencies. A criminal complaint will be filed before the Office of the Prosecutor for violation of ENR laws, rules, and regulations once the proponent/ contractor still defying official notice/s.
- 3. On July 26, 2022, this Office forwarded a memorandum acknowledging the receipt of a memorandum dated July 7, 2022 highlighting that the absence of area clearance prior to the implementation of the project including reclamation is evident through a series of requests for Are Clearance of the PPA. Hence, it is requested that a Notice of Violation and Cease and Desist Order be issued by the Regional Office to the proponent/contractor of the Port of San Fernando in consonance with the provision of Chapter 4, Section 23 of DAO 2018-14.
- 4. On October 25, 2022, this Office received a letter from Port Manager Elizalde M. Ulson inquiring about the status of the investigation being conducted in the said area.

PALAWAN RECOVERS

DATE: 112/2013



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

By the National Highway, Poblacion, Taytay, Palawan 5312 Mobile: 0926-505-9335 TM 0912-171-3889 TNT Email: cenrotaytay@denr.gov.ph

5. On November 11, 2022, this Office sent a letter to Port Manager Elizalde M. Ulson informing him that the result of the investigation with categorical recommendation was already received and acknowledged by the Regional Office on May 27, 2022. He is advised to course his query to the Regional Office of DENR-MIMAROPA pertaining to the status of his request for a Comprehensive Clearance/ endorsement of the application for the proposed Port Zone Delineation (PZD) of the Port of San Fernando in El Nido, Palawan.

In view hereof, this Office concurs with the previous recommendation as stated in the abovementioned CSW report to include the recommendation of EMS I Marasigan and FT II Cuyo. Further, it is recommended that the Application for Port Zone Delineation of Port of San Fernando be treated in accordance with DAO 2018-14.

For information, record, and further instruction.

CONRADOM. CORPUZ

RELEASED

NOV-17-2022 7-3360



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE 5312 Taytay, Palawan

June 4, 2019

MEMORANDUM

Annex 18

FOR

The Provincial Environment and Natural Resources Officer-Palawan

Sta Monica, Puerto Princesa City

FROM

The Community Environment and Natural Resources Officer

This Jurisdiction

SUBJECT

COMPLETE STAFF WORK (CSW) ON PROPOSED ROLL-ON ROLL-OFF (RORO) PORT PROJECT IN SAN FERNANDO, EL NIDO, PALAWAN SUBJECT OF THE LETTER DATED JANUARY 11, 2018 OF MR DEOGRACIAS S. VELASCO, EXECUTIVE ASSISTANT V OF THE PROVINCIAL

GOVERNMENT OF PALAWAN

With due respect, this *CSW* may be better understood only by first enumerating the documents available in this Office in chronological order, namely:

- On June 31, 2014 in this Office, Mr. Deogracias S. Velasco (Velasco for brevity) filed a request for a certification as to the land classification status of the area proposed for RORO Pier Project of the Philippines Port Authority joint with the Provincial Government of Palawan in Barangay San Fernando, El Nido, Palawan (Annex 1). On September 9, 2014, the desired certification was granted (Annex 2).
- On November 16, 2015, then CENRO Felizardo B. Cayatoc sent a memorandum (Annex 3) for then PENRO concerning the reported wanton destruction and use of corals for pier construction. In substance the memorandum states:
 - a. The Palawan Council for Sustainable Development (PCSD) Staff had already issued a cease and desist order since August 2014.
 - b. Coordination with the PCSD on November 16, 2015 disclosed that it conducted a recent inspection and found out that the contractor resumed the construction despite lack of Strategic Environmental Plan (SEP) clearance and Environment Clearance Certificate (ECC).
 - c. PCSDS was already acting on the matter
 - d. The Project site is outside of the El Nido-Taytay Managed Resource Protected Area, and
 - e. This Office (CENRO) is conducting IEC and monitoring/protection activities in the area and nearby communities thereof.
- 3. The said memo of then CENRO Cayatoc was forwarded to the Regional Director per PENRO memorandum dated November 26, 2015 (Annex 4). The Regional Office acknowledged the receipt of the report in its undated memorandum with specific instruction (Annex 5). Again, PENRO referred the Regional Director's instruction to

this Office (Annex 6) and, in turn, this Office forwarded the same to ENTMRPA Protected Area Superintendent on January 25, 2016 (Annex 7).

4. Meanwhile, another letter on the matter from *Velasco* was received in this Office (Annex 8) on August 18, 2016 requesting for an inspection, assessment, and delineation of the proposed project. With that, former OIC CENRO Felizardo B. Cayatoc issued CENRO Special Order No. 019, Series of 2016 (Annex 9) but there is no report submitted on record. The Special Order is particularly:

"Creation of a joint team for the inspection assessment of the proposed Roll-on, Roll-off joint project of the Provincial Government of Palawan and the Philippine Ports Authority located at Brgy. San Fernando, El Nido, Palawan."

- 5. On November 9, 2016, Velasco submitted an application of the Provincial Government of Palawan for a Forest Land Use Agreement (FLAg) for Other Lawful Purposes (Roll-on, Roll-off Port and Other Port Facilities) over an area of Thirty-Two Thousand (32,000) square meters together with other related documents for evaluation (Annex 10 to 10a). The said application was Management Section (FMS). Then, again, Records show no specific action on the letter The letter cited the following attachment:
 - a. Copy of Tax Declaration No. 13-014-03417 (not available in the files)
 - b. Sketch Plan of the proposed Roro Port project (Annex 11 and 11a)
 - c. Sangguniang Barangay (San Fernando) Resolution 2014-20 endorsing the project (Annex 11_b to 11_c).
 - d. DENR Certification dated September 09, 2014 (identical to Annex 2)
- 6. Subsequently, then CENRO Cayatoc on February 2, 2017 inquired with the *PCSD* of an update on the result of hearing by their Adjudication Board in relation to the letter dated August 27, 2015 of Atty. Robert Chan, Executive Director of Palawan NGO Network, Inc. (PNNI) on the wanton destruction and use of corals for a pier construction Annex 12). Again, Records show no response from PCSD.
- 7. A memorandum from Forest Ranger Jenuel Casel (Casel) of ENTMRPA dated February 22, 2017 was submitted to this Office informing that the port terminal was constructed using boulders and partially covered with soil (Annex 13). The report also noted that the port construction used dead corals. The said memorandum was then referred to the Conservation and Development Unit for preparation of technical report.
- 8. On January 11, 2018, *Velasco* again filed a letter covering the submission of documentary requirements requesting evaluation, assessment, final survey, and endorsement to the DENR Secretary for the issuance of corresponding FLAg for other lawful purposes (Annex 14). Accordingly, the said project is in consonance with the pronouncement of former President Aquino during the ASEAN Day on August 9, 2010 aiming to boost the tourism potential of the Province, accelerate Regional Development and lower the cost of transport of goods and commodities within the Region Since then, the records reveal no progress documentation.
- 9. Other related records include the favorable endorsement Sangguniang Bayan (El

Nido) Resolution No. 17-22 dated February 6, 2017 (Annex 15 and 15a) and Sangguniang Panlalawigan (Palawan) Resolution No. 13075, Sries of 2017 dated March 28, 2017 (Annex 15b and 15c).

- 10. Lately on May 10, 2019, Mr Kevin Kenneth E. Perez (*Perez*) who is an embedded Science Research Specialist II of the Mines and Geoscience Bureau (MGB), and joined by some personnel of this Office and embedded personnel of the Environmental Management Bureau conducted an update inspection/investigation Environmental Management Bureau (EMB) in response to the complaint of certain Ruby Raess-Dante alleging of a plan to reclaim the beachfront of her property as part of the port project. *Perez*, reported that there is a fish by sanctuary adjacent to the port project and based from the Google Earth Image dated November 10, 2016 and Topographic Map from the National Mapping and Resource Information Authority (2953-IV Dipnay), the reclaimed area overlies a fringing coral reef. He also mentioned that the filling materials in the reclamation ranging from silt to boulder size were from adjacent hill (Annex 16 to 16h).
- 11. Finally, memorandum is issued to Environment Officer Noel S. Sanchez and the Conservation and Development Section of this Office to trace on their actions on the matter (Annex 17). A letter was also made for PCSD following up the outcome of its investigation on the wanton destruction of corals (Annex 17_a).

Comments with review of related legal bases

It may be apparent from the above that there may be lacking actions of the Office. Coordination with Mr Noel S. Sanchez who is now functioning at the Provincial Environment Management Unit disclosed that he accordingly had already submitted a report hereon recommending for the proponent to first carry out an Environment Compliance Certificate (ECC). His report, however, is not present in the records of this Office consequent of the old practice that reports of Environmental Sector are not coursed through CENR Offices.

Both the reports of *Casel* and *Perez* (Annex 13 and Annex 16 to 16_b, respectively) say of several environmental violations consequent of absence of ECC like reclamation, usage of dead corals, and extraction (earth movement). These activities crucially need the application of laws, to wit:

- 1. ECC is defined under item "f" of Section 2 of DAO (DENR) 2000-25 dated March 9, 2000. Section 4 of Presidential Decree No. 1586 dated June 11, 1987: "xxx No person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing Environmental Compliance Certificate xxx"
- 2. Gratuitous Permit pursuant to Section 73.a of Department (DENR) Administrative Order 2010-21: "Any Government entity/instrumentality in need of quarry, sand and gravel or loose/unconsolidated materials in the construction of building(s) and/or infrastructure for public use or other purposes may apply for a Government Gratuitous Permit (MGB Form 8-3B) with the Provincial Governor/City Mayor through the Provincial/City Mining Regulatory Board xxx. The applicant shall submit a project proposal stating where the materials to be taken shall be used and the estimated volume needed."
- 3. The usage of dead corals is unlawful pursuant to Section 27 of Republic

Act 9147 (Wildlife Resource and Conservation Act dated July 30, 2001).

4. The reclamation is deemed unlawful outside of compliance of Section 2 of Executive Order 672 dated October 19, 2007 requiring a DENR permit authorizing/clearing a particular area to the site of the proposed reclamation and preconditions an ECC under Section 3 thereof.

Recommendations

- 1. The noted violation deserves issuance of corresponding notice and fine appropriate under the law. Stoppage of operation, meantime, should be maintained as called for in this Office' letter dated May 20, 2019 (Annex 18). Item (3)(iii) of Section 17 of Republic Act 7160 mentions about the Provincial Government to take part in the protection of the environment. The same is true also for them Municipal Government under item (2)(ii) of the same law.
- Consistent with the Philippine Ports Authority's objectives pursuant to item 1 of Article II, Section 2 of PD 857 which includes construction of ports and its facilities.
- 3. The Philippine Reclamation Authority created by virtue of Presidential Decree No. 1084 has to take the lead and responsibility in the reclamation activity in the project site with prior Area Clearance from this agency (DENR) including ECC thereby addressing the issues on earth movement (quarry) and the reported extraction of dead corals likely in violation of Republic Act 9147.
- 4. Forest Land Agreement may also be a misplaced instrument to cover the whole project site encroaching largely to the bay and even to coral reefs. Hence, meticulous technical review is recommended. For this purpose, it is apt for the proponent to submit a feasibility study of the project.

Final comment

Mr Velasco, a Forester by profession had been with the DENR for a considerable length of time. The agency expects of him as nothing less than an environment friendly advocate. This report is meant a **complete** staff work but it is admitted that long way ahead is yet to be accomplished, evaluated, and coordinated with the proponent and other concerned agencies. The present Office management hereby manifests its sincere cooperation on the matter.

RELEASED
BY: 00-042019GN 1971

ALAN CALLE



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

by the National Highway, Poblacion, Taytay, Palawan, 5312 Mobile: 0926-505-9335 TM 0912-171-3889 TN

Email: cenrotaytay@denr.gov.ph

August 19, 2021

MEMORANDUM

FOR

The Provincial Environment and Natural Resources Officer-Palawan

Sta Monica, Puerto Princesa City

FROM

The Community Environment and Natural Resources Officer

This Jurisdiction

SUBJECT

COMPLETE STAFF WORK (CSW) ON PROPOSED ROLL-ROLL-OFF (RORO) PORT PROJECT IN SAN FERNANDO, EL NIDO, PALAWAN SUBJECT OF THE LETTER DATED JULY 19, 2021 OF MR ELIZALDE M. ULSON, ACTING PORT MANAGER OF THE PHILIPPINE

PORT AUTHORITY PALAWAN

This pertains to the request for a Comprehensive Clearance/Endorsement in relation to the proposed Port Zone Delineation of Port San Fernando in El Nido, Palawan. Hereunder are the documents available in this Office regarding the action taken in chronological order.

- 1. On June 31, 2014 in this Office, Mr. Deogracias S. Velasco (Velasco for brevity) filed a request for a certification as to the land classification status of the area proposed for RORO Pier Project of the Philippines Port Authority joint with the Provincial Government of Palawan in Barangay San Fernando, El Nido, Palawan (Annex 1). On September 9, 2014, the desired certification was granted (Annex 2).
- On November 16, 2015, then CENRO Felizardo B. Cayatoc sent a memorandum (Annex 3) for then PENRO concerning the reported wanton destruction and use of corals for pier construction. In substance the memorandum states:
 - a. The Palawan Council for Sustainable Development (PCSD) Staff had already issued a Cease and Desist Order (CDO) since August 2014.
 - b. Coordination with the PCSD on November 16, 2015 disclosed that it conducted a recent inspection and found out that the contractor resumed the construction despite lack of Strategic Environmental Plan (SEP) clearance and Environment Clearance Certificate (ECC).
 - PCSDS was already acting on the matter.
 - d. The Project site is outside of the El Nido-Taytay Managed Resource Protected Area, and

- e. This Office (CENRO) is conducting IEC and monitoring/protection activities in the area and nearby communities thereof.
- 3. The preceding memorandum of then CENRO Cayatoc was forwarded to the Regional Director per PENRO memorandum dated November 26, 2015 (Annex 4). The Regional Office acknowledged the receipt of the report in its undated memorandum with specific instruction (Annex 5). Again, PENRO referred the Regional Director's instruction to this Office (Annex 6) and, in turn, this Office forwarded the same to ENTMRPA Protected Area Superintendent on January 25, 2016 (Annex 7).
 - 4. Meanwhile, another letter on the matter from Mr. *Velasco* was received in this Office (Annex 8) on August 18, 2016 requesting for an inspection, assessment, and delineation of the proposed project. With that, former OIC CENRO Felizardo B. Cayatoc issued CENRO Special Order No. 019, Series of 2016 (Annex 9) but there is no report submitted on record. The Special Order is particularly:

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- Other related records include the favorable endorsement Sangguniang Bayan (El Nido) Resolution No. 17-22 dated February 6, 2017 (Annex 15 and 15_a) and Sangguniang Panlalawigan (Palawan) Resolution No. 13075, Sries of 2017 dated March 28, 2017 (Annex 15_b and 15_c).
- 10. Lately on May 10, 2019, Mr Kevin Kenneth E. Perez (*Perez*) who is an embedded Science Research Specialist II of the Mines and Geoscience Bureau (MGB), and joined by some personnel of this Office and embedded personnel of the Environmental Management Bureau conducted an update inspection/investigation Environmental Management Bureau (EMB) in response to the complaint of certain Ruby Raess-Dante alleging of a plan to reclaim the beachfront of her property as part of the port project. *Perez*, reported that there is a fish by sanctuary adjacent to the port project and based from the Google Earth Image dated November 10, 2016 and Topographic Map from the National Mapping and Resource Information Authority (2953-IV Dipnay), the reclaimed area overlies a fringing coral reef. He also mentioned that the filling materials in the reclamation ranging from silt to boulder size were from adjacent hill (Annex 16 to 16h).
- 11. A memorandum was issued to Environment Officer Noel S. Sanchez and the Conservation and Development Section of this Office to trace on their actions on the matter (Annex 17). A letter was also made for PCSD following up the outcome of its investigation on the wanton destruction of corals (Annex 17₈).
- 12. A memorandum dated June 4, 2019 containing the Complete Staff Work of the said project was submitted by the undersigned to the PENRO enumerating the above documents with recommendations of issuance of corresponding notice and fine appropriate under the law and submission of a feasibility study of the project (Annex 18).
- 13. On March 5, 2021, Mr. Elizalde M. Ulson, Acting Port Manager of the Philippine Port Authority (PPA) Palawan filed a letter to the DENR MIMAROPA Regional Office covering the submission of documentary requirements requesting for a Comprehensive Clearance/Endorsement relative to their application for the proposed Port Zone Delineation (PZD). Same letter was sent to this Office on August 2, 2021 requesting for assistance in the facilitation of issuance of the said clearance. The said application was referred to then Regulation and Permitting Section (RPS), thus this Complete Staff Work (CSW). Upon receiving the said request, records shows that the latest action made by this Office was still the memorandum dated June 4, 2019 containing the Complete Staff Work of the said project signed by the undersigned (Annex 18). The subject letter cited the following attachment:

- a. Port Development Plan and Aerial Photograph of Completed Port Project;
- b. Proposed Port Zone Delineation Plan with corresponding technical description;
- c. Provincial Development Council Resolution No. 11 series of 2020 dated August 11, 2020;
- d. Sangguniang Bayan of El Nido Resolution No. 20-132 dated May 11, 2020;
- e. LGU-El Nido Municipal Development Council Resolution No. 03 series of 2020 dated May 8, 2020
- f. Sangguniang Barangay of San Fernando Resolution No. 29-19 series of 2019 dated Augsust 26, 2019; and
- g. Sample DENR (Regional Office) Certification

Comments with review of related legal bases

It may be apparent from the above that there may be lacking actions of the Office. Accordingly, a report hereon was submitted by retired Environment Officer Mr. Noel S. Sanchez recommending for the proponent to first carry out an Environment Compliance Certificate (ECC). His report, however, is not present in the records of this Office consequent of the old practice that reports of Environmental Sector are not coursed through CENR Offices.

Both the reports of *Casel* and *Perez* (Annex 13 and Annex 16 to 16_h, respectively) say of several environmental violations consequent of absence of ECC like reclamation, usage of dead corals, and extraction (earth movement). These activities crucially need the application of laws, to wit:

- ECC is defined under item "f" of Section 2 of DAO (DENR) 2000-25 dated March 9, 2000. Section 4 of Presidential Decree No. 1586 dated June 11, 1987: "xxx No person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing Environmental Compliance Certificate xxx"
- 2. Gratuitous Permit pursuant to Section 73.a of Department (DENR) Administrative Order 2010-21: "Any Government entity/instrumentality in need of quarry, sand and gravel or loose/unconsolidated materials in the construction of building(s) and/or infrastructure for public use or other purposes may apply for a Government Gratuitous Permit (MGB Form 8-3B) with the Provincial Governor/City Mayor through the Provincial/City Mining Regulatory Board xxx. The applicant shall submit a project proposal stating where the materials to be taken shall be used and the estimated volume needed."
- 3. The usage of dead corals is unlawful pursuant to Section 27 of Republic Act 9147 (Wildlife Resource and Conservation Act dated July 30, 2001).

- 4. The reclamation is deemed unlawful outside of compliance of Section 2 of Executive Order 672 dated October 19, 2007 requiring a DENR permit authorizing/clearing a particular area to the site of the proposed reclamation and preconditions an ECC under Section 3 thereof.
- 5. The letter dated July 19, 2021 of Mr. Ulson pertaining to the request for a Comprehensive Clearance/Endorsement along with the attached documents relative to the PZD application should be accompanied by a (1) development program of the port facilities; (3) project components; (2) basis of the program (e.g. master plans, feasibility studies, and pre-feasibility studies; (3) status of program/project preparation/implementation; and (4) inventory of existing land use and status of ownership of the areas under consideration. This is based on the Executive Order No. 410 dated July 3, 1990, "Providing for New Guidelines for the Processing of Application for Port Zone Delineation".

Recommendations

- 1. The noted violation deserves issuance of corresponding notice and fine appropriate under the law. Stoppage of operation, meantime, should be maintained as called for in this Office' letter dated May 20, 2019 (Annex 18). Item (3)(iii) of Section 17 of Republic Act 7160 mentions about the Provincial Government to take part in the protection of the environment. The same is true also for them Municipal Government under item (2) (ii) of the same law.
- Consistent with the Philippine Ports Authority's objectives pursuant to item 1 of Article II, Section 2 of PD 857 which includes construction of ports and its facilities.
- 3. The Philippine Reclamation Authority created by virtue of Presidential Decree No. 1084 has to take the lead and responsibility in the reclamation activity in the project site with prior Area Clearance from this agency (DENR) including ECC thereby addressing the issues on earth movement (quarry) and the reported extraction of dead corals likely in violation of Republic Act 9147.
- 4. Forest Land Agreement may also be a misplaced instrument to cover the whole project site encroaching largely to the bay and even to coral reefs. Hence, meticulous technical review is recommended. For this purpose, it is apt for the proponent to submit a feasibility study of the project.

LANGVALLE



Republic of the Philippines Department of Environment and Natur source MIMAROPA Region

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

By the National Highway, Poblacion, Taytay, Palawan 5312 Mobile: 0926-505-9335 TM 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

November 11, 2022

ELIZALDE M. ULSON

Port Manager Port Management Office-Palawan Bgy. Bagong Pag-asa, Puerto Princesa City

Mr. Ulson,

This is to acknowledge the receipt of your letter dated October 25, 2022 inquiring the status of the investigation being conducted relative to your request for a Comprehensive Clearance/endorsement of your application for the proposed Port Zone Delineation (PZD) of the Port of San Fernando in El Nido, Palawan.

Please be informed that in compliance to the instruction of the Regional Executive Director (RED) relative to your letter dated October 2021, this Office conducted an investigation on May 5, 2022 to ascertain if the area applied is covered by mangroves that will affect the biodiversity and socio-economic aspect in the area. The report with categorical recommendation was already received and acknowledge by the DENR-Regional Office on May 27, 2022.

In this regard, may we respectfully request to course through your query to the Regional Office of DENR-MIMAROPA pertaining to the status of your request for a Comprehensive Clearance/endorsement of your application for the proposed Port Zone Delineation (PZD) of the Port of San Fernando in El Nido, Palawan.

We hope to have helped you on this matter. Thank you.

Very truly yours,

CONRAD M. CORPUZ CENR Officer

R

Cc: Regional Office
DENR-MIMAROPA Region
DENR by the Bay Bldg.
1515L&S Roxas Blvd., Ermita, Manila

PENRO-Palawan Barangay Sta. Monica Puerto Princesa City

RELEASED

FOLLOW-UP: REQUEST FOR COMPREHENSIVE C_EARANCE/ENDORSEMENT

Isternal
Istoox
P
PMO Palawan

9:07 AM (24 (24 minutes ago))

to me, mimaroparegion@denr.gov.ph, TMO, PMO

Good Day Mam/Sir:

Respectfully forwarding the attached file re above-mentioned subject.

Kindly acknowledge upon receipt.

Thank you and keep safe!

MICHAEL CHRISTIAN P. BADENAS Records Officer A



2 5 OCT 2022

ENGR. ALAN L. VALLE Officer In-Charge CENRO Taytay, Palawan

Dear Engr. Valle:

This refers to our letter dated March 23, 2022 furnishing you a copy of a letter from the Regional Executive Director, DENR MIMAROPA Region, dated December 23, 2021 attached) in relation to our request for a Comprehensive Clearance/Endorsement concerning our application for the proposed Port Zone Delineation (PZD) of the Port of San Fernando in El Nido, Palawan.

In view of the foregoing, may we respectfully inquire on the status of the investigation being conducted in the said area relative to the above request. Your output is vital in our effort to secure an approved port zone delineation.

We are hoping for your most kind consideration on this matter.

Very truly yours,

ELIZALDE M. UZSON Port Manager

Cc: DENR MIMAROPA

EMU/mns/rwm



MAR 2 3 2022,

ENGR. ALAN L. VALLE Officer In-Charge CENRO Taytay, Palawan

Dear Engr. Valle:

We are pleased to furnish you with a copy of the letter of the Regional Executive Director, DENR MIMAROPA Region, dated December 23, 2021, in response to our communication dated October 20, 2021 (copies attached) about our request for a Comprehensive Clearance/Endorsement concerning our application for the proposed Port Zone Delineation (PZD) of the Port of San Fernando in El Nido, Palawan.

Given the foregoing, we sincerely hope that your investigation report and recommendations will be completed as soon as possible, as they will serve as the basis for the DENR Regional Office's subsequent action on our requested clearance/endorsement.

We are hoping for your most kind consideration on this matter.

Please accept our warmest regards!

Very truly yours,

ELIZALDE M. ULSON

Port Manager

EMU/apa

PORT MANAGEMENT OFFICE - PALAWAN
PPA Administrative Building, Port Area
Bgy, Bagong Pag-asa, Puerto Princesa City, Palawan
Tel. Nos. (048) 434-5626, Fax (048) 433-0356
Email address. propalawan@ppa.com.ph

PLW 22032305



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

DEC 2 3 2021

MR. ELIZALDE M. ULSON

Port Manager Port Management Office - Palawan Brgy, Bagong Pag-asa, Puerto Princesa City

Mr. Ulson:

This pertains to your letter dated October 20, 2021 reiterating your request for certification/clearance endorsing the proposed Port Zone Delineation of the Port of San Fernando, El Nido and Port of Coron both in the Province of Palawan.

Please be advised that as per our record, the Office of the PENR Office had been instructed to conduct investigation to ascertain if the area is covered by Mangroves that will affect the biodiversity, socio-economic aspect and existing DENR projects in the area and to submit investigation report with categorical recommendation which will be used as basis for further action thru the Memorandum dated August 20, 2021.

Thank you and hope to serve you again.

Very truly yours.

In Jules 4. Jew IA LOV RDES G/FERRER, CESO III Regional Executive Director

OPERCE OF MAR 17 2022

SMD KPM 12-15-2021



DENR by the Bay Bldg. 1515 Roxas Boulevard, Finnita Manila DENR VOIP (632) 82483367/82483468 loc. 2717(Regional Executive Director) Direct Line: (632) 84050157

Website mic managed den gov an Email: mimsroparegion@dent gov.ph



Republic of the Philippines
Department of Environment and Natura
MIMAROPA Region

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COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

By the National Highway, Poblacion, Taytay, Palawan 5312 Mobile: 0926-505-9335 TM 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

July 26, 2022

MEMORANDUM

FOR

The Provincial Environment and Natural Resources Officer-Palawan

Sta. Monica, Puerto Princesa City

FROM

The Community Environment and Natural Resources Officer

This jurisdiction

SUBJECT

PORT ZONE DELINEATION (PZD) APPLICATION OF PORT

MANAGEMENT OFFICE-PALAWAN LOCATED IN SAN

FERNANDO, EL NIDO, PALAWAN

This is to acknowledge the receipt of memorandum dated July 07, 2022 from the OIC, Assistant Regional Director for Technical Services regarding the above-mentioned subject instructing this Office to advice the proponent/contractor to stop immediately its operation until final permits/clearances are secured from the concerned agencies and in the event that the proponent/contractor is still defying official notice/s, a criminal complaint before the Office of the Prosecutor for violation of ENR laws, rules and regulations should be filed by this Office.

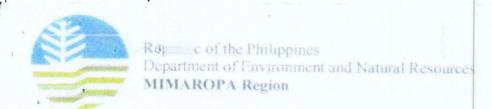
This Office already submitted the Completed Staff Work (CSW) dated August 19, 2021 and June 4, 2019 (herewith attached) detailing the action taken on the matter. Pursuant to Section 23 Enforcement, of DAO No. 2018-14 "Guidelines on the Issuance of Area Clearance for reclamation projects and Proclamation/Special Patents over reclaimed lands", the DENR-Regional Executive Director (RED)/Regional Director-Environmental Management Bureau (RD-EMB) is the authorize person to issue a Notice of Violation and Cease and Desist Order, whenever, upon investigation, a reclamation activity is determined to have been conducted without Area Clearance/ECC from DENR. The absence of Area Clearance prior to the implementation of the project including reclamation is evident through a series of request for Area Clearance of the Philippine Ports Authority (PPA) in its letter dated July 19, 2021 and October 20, 2021 (copy attached).

In view of the above, we would like to respectfully request that a Notice of Violation (NoV) and Cease and Desist Order (CDO) be issued to the proponent/contractor of the Port of San Fernando.

For information and further instruction.

ALANE. VALLE

RELEASED



MEMORANDUM

TO

10

THE PENR OFFICER

Palawan

ATTENTION

THE CENR OFFICER

Taytay

FROM

THE OIC, ASSISTANT REGIONAL DIRECTOR FOR

TECHNICAL SERVICES

SUBJECT :

PORT ZONE DELINEATION (PZD) APPLICATION OF PORT

MANAGEMENT OFFICE-PALAWAN LOCATED IN BARANGAY SAN FERNANDO, EL NIDO, PALAWAN [P-

2022-88642]

DATE

JUL 07 2022

This is to acknowledge receipt of your memorandum dated May 27, 2022 forwarding the memorandum dated May 19, 2022 of CENRO Taytay and its enclosures regarding the above-mentioned subject.

In the said memorandum of CENRO Valle, the investigating team recommended to stop the operation of the project as there were affected areas with a total of 5,361.64 sq. m., covered with mangrove species. Accordingly, said project has no clearances/permits prior its operation, hence you are directed to advice the proponent/contractor to stop immediately its operation until final permits/clearances secured from concerned agencies. If the proponent/contractor still defying official notice/s, file criminal complaint before the Office of the Prosecutor for violation of ENR laws, rules and regulations.

For guidance and compliance

MAXIMO C. LANDRITO

(15/MHC)/7-4-22



1515.1, & S.Building, Rocus Henicevard, Ermita, Manda 1000 DENR VOIP (02) 248-3367/248-3468/249-3367/405-0416 local 2700 / 3717 Facsimile (632) 405-0046 Facel companyments of detricing the



Republic of the Philippines partment of Environment and Natural Reces

MIMAROPA Region

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

By the National Highway, Poblacion, Taytay, Palawan 5312 Mobile: 0926-505-9335 TM 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

May 19, 2022

MEMORANDUM

FOR

The Provincial Environment and Natural Resources Officer-Palawan

Sta. Monica, Puerto Princesa City

FROM

The Community Environment and Natural Resources Officer

This jurisdiction

SUBJECT

PORT ZONE DELINEATION (PZD) APPLICATION OF PORT

MANAGEMENT OFFICE-PALAWAN LOCATED IN SAN

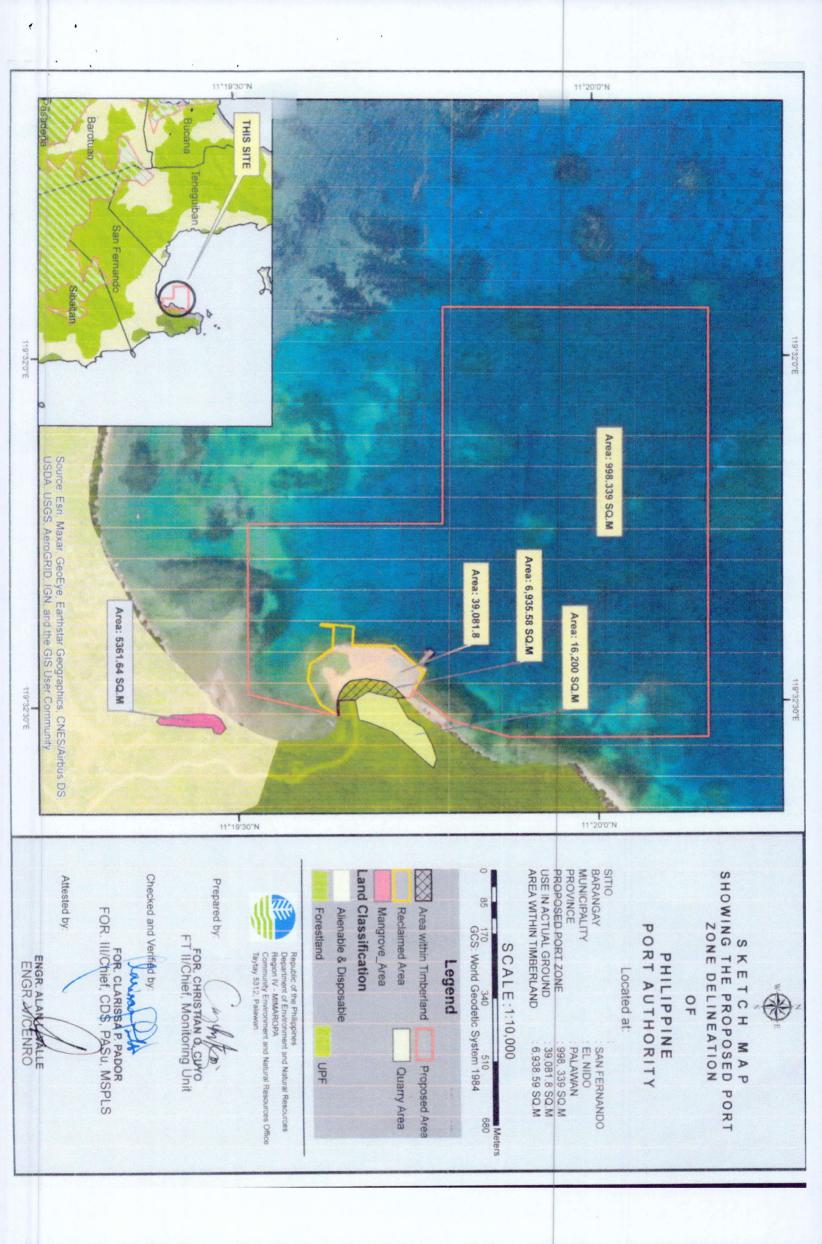
FERNANDO, EL NIDO, PALAWAN

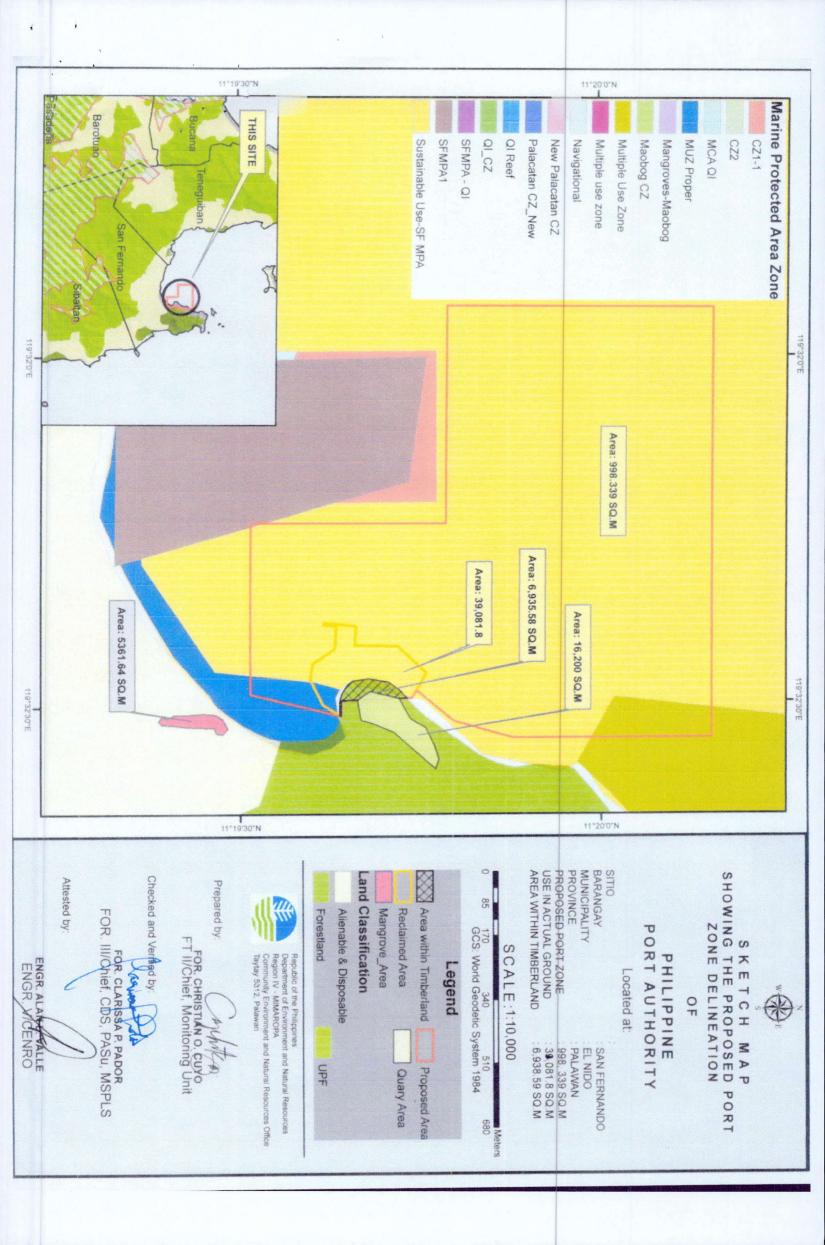
This pertains to the memorandum dated December 23, 2021 from the Regional Executive Director, Maria Lourdes G. Ferrer which was received by this office on April 18, 2022 regarding the Port Zone Delineation (PZD) Application of Port Management Office-Palawan located in San Fernando, El Nido, Palawan.

In compliance to the above mentioned memorandum, personnel of this office were instructed to conduct an investigation on April 26, 2022 to ascertain if the area is covered by Mangroves . Report (attached) disclosed that a total area of 5,361.64 sq. m is covered with Mangroves. The reclamation of portion of the foreshore and submerged area with embankments is one of the cause of deposition of sand to the other side of the proposed Port Zone Delineation where the mangrove area is located. This might affect the flow/supply of seawater to the mangrove areas in the near future. The mangroves near the proposed PZD is a small portion only of the total mangrove areas of Barangay San Fernando, El Nido while the greater portion of the mangroves are found at the opposite side of the proposed PZD.

This office concurs with the recommendation of EMS-1 Marasigan and FT II Cuyo reiterating our previous recommendations cited in the Completed Staff Work (CSW) report of this Office dated June 4, 2019 and August 19, 2021 (herewith attached).

For information and further instruction.







Republic of the Philippines epartment of Environment and Natural I rces MIMAROPA Region

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

By the National Highway, Poblacion, Taytay, Palawan 5312 Mobile: 0926-505-9335 TM 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

May 5, 2022

MEMORANDUM

FOR

DATE: 1.6.33 CN2467 The Community Environment and Natural Resources Officer

This jurisdiction

FROM

Ecosystem management Specialist 1

Forest Technician II

SUBJECT

PORT ZONE DELINEATION (PZD) APPLICATION OF PORT

MANAGEMENT OFFICE-PALAWAN LOCATED IN SAN

FERNANDO, EL NIDO, PALAWAN

This pertains to the memorandum dated December 23, 2021 from the Regional Executive Director, Maria Lourdes G. Ferrer which was received by this office on April 18, 2022 regarding the Port Zone Delineation (PZD) Application of Port Management Office-Palawan located in San Fernando, El Nido, Palawan.

In compliance to the above mentioned memorandum, the undersigned as per instruction conducted an investigation on April 26, 2022 to ascertain if the area is covered by Mangroves . Based on ground verification, a total area of 5,361.64 sq. m is covered with Mangroves. The reclamation of portion of the foreshore and submerged area with embankments is one of the cause of deposition of sand to the other side of the proposed Port Zone Delineation where the mangrove area is located. This might affect the flow/supply of seawater to the mangrove areas in the near future. The mangroves near the proposed PZD is a small portion only of the total mangrove areas of Barangay San Fernando, El Nido while the greater portion of the of the mangroves are found at the opposite side of the proposed PZD. Also, there are no DENR projects within the vicinity of the PZD that will be affected.

Recommendation

- 1. The undersigned would like to reiterate the recommendations cited in the Completed Staff Work (CSW) report dated June 4, 2019 and August 19, 2021.
- 2. This Office may issue a memorandum interposing no objection on the proposed project with out prejudice on the imposition of penalties for violation such as but not limited to the following environmental laws:
 - i. ECC is defined under item "F" of Section 2 of DAO (DENR) 2000-25 dated March 9, 2000. Section 4 of Presidential Decree No. 1586 dated June 11, 1987:"xxx No person, partnership or corporations shall undertake or operate any such declared environmentally critical project or area without first securing Environmental Compliance Certificate xxx."



Republic of the Philippines epartment of Environment and Natural F | arces MIMAROPA Region

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

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- ii. Gratuitous Permit pursuant to Section 73.a of Department (DENR) Administrative Order 2010-21: "Any Government entity/instrumentality in need of quarry, sand and gravel or loose/unconsolidated materials in the construction of building(s) and/or infrastructure for public use or other purposes may apply for a Government Gratuitous Permit (MGB Form 8-3B) with the Provincial Governor/City Mayor through the Provincial/City Mining Regulatory Board xxx. The applicant shall submit a project proposal stating where the materials to be taken shall be used and the estimated volume needed.":
- iii. The usage of dead corals is unlawful pursuant to Section 27 of Republic Act 9147 (Wildlife Resource and Conservation Act dated July 30, 2001);
- 3. The proponent should secure a separate ECC for the reclamation area and the Gratuitous Permit for the scraping of the hill as source of filling materials; and
- 4. Finally, the proponent/contractor should coordinate with this Office and provide the necessary permits secured (ECC, Environmental Protection and Enhancement Plan (EPEP) among others) for the operation of San Fernando Port in order for this Office to monitor their compliance as well as their rehabilitation of the area.

For information and further instruction.

ANA LIZA D. MARASIGAN Ecosystem Management Specialist 1 Forest Technician II



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

By the National Highway, Poblacion, Taytay, Palawan 5312 Mobile: 0926-505-9335 TM 0912-171-3889 TNT

Email: cenrotaytay@denr.gov.ph

PHOTO DOCUMENTATION













I certify that the above photo was true and taken during the ocular investigation at Proposed Port Zone Delineation at Barangay San Fernando, El Nido, Palawan on on April 26, 202

ANA LIZA D. MARASIGAN Ecosystem Management Specialist 1 CHRISTIAN O. OUYO Forest Technician II

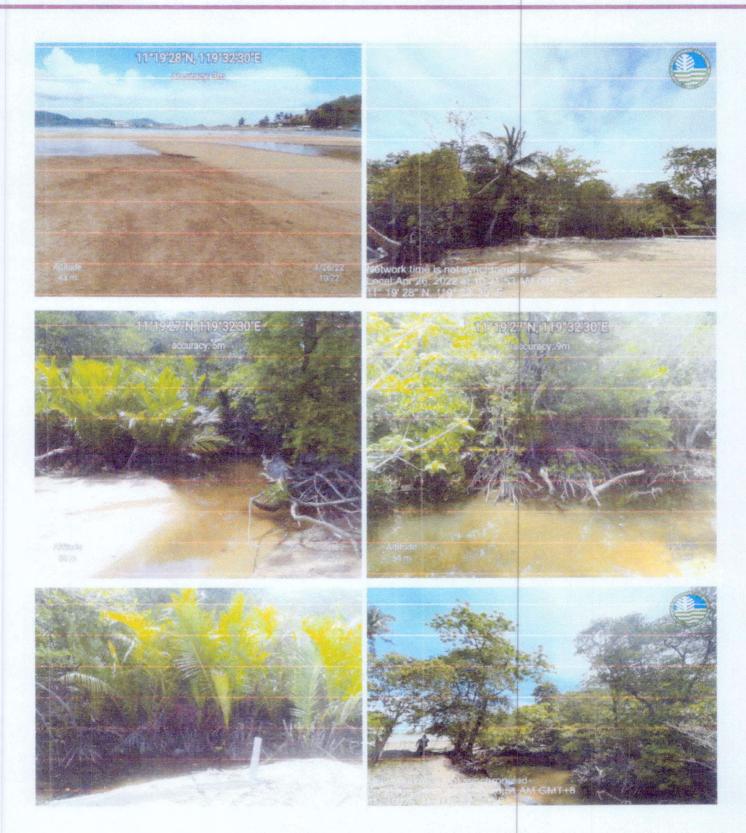


Republic of the Philippines Department of Environment and Natural urces MIMAROPA Region

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I certify that the above photo was true and taken during the ocular investigation at Proposed Port Zone Delineation at Barangay San Fernando, El Nido, Palawan on on April 26, 202

Cosario ANA LIZA D. MARASIGAN Ecosystem Management Specialist 1

CHRISTIAN O. CUYO Forest Technician II



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

MEMORANDUM

DEC 2 3 2021

TO

THE PENR OFFICER

Sta. Monica, Puerto Princesa City

ATTENTION :

The CENR OFFICER

Taytay, Palawan

THE CENR OFFICER

Coron, Palawan

FROM

THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT

PORT ZONE DELINEATION (PZD) APPLICATIONS OF PORT MANAGEMENT OFFICE PALAWAN LOCATED IN THE

MUNICIPALITIES OF ROXAS, NARRA AND BATARAZA,

PALAWAN

This pertains to the letter dated October 20, 2021 from Elizalde M. Ulson, Acting Port Manager, Philippine Ports Authority reiterating their request for certification/clearance endorsing the proposed Port Zone Delineation of the Port of San Fernando, El Nido and Port of Coron both in the Province of Palawan.

Please be informed that based our records, a Memorandum dated August 20, 2021 (copy attached) instructing your office to conduct investigation to ascertain if the area is covered by Mangroves that will affect the biodiversity, socio-economic aspect and existing DENR projects in the area. Likewise, submit investigation report with categorical recommendation which will be used as basis for further action.

In this regard, you are hereby instructed to report the status of submission of the report with recommendation of the investigation conducted on the subject area.

For your information and compliance.

Ce

Mr. Elizalde M. Ulson Acting Port Manager Port Management Office-Palawan PPA Administrative Bidg., Port Area, Brgv. Bagong Pag-asa, Puerto Princesa City

hispaniseer of Enurgament and Nature (Resource), MiddaQPA Region

SMD/KPM/12-15-2021

DENR by the Bay Bldg , 1515 Roxas Boulevard, Ermita Manila
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