



Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Mamburao, Occidental Mindoro

JUN 29 2022

**MEMORANDUM**

**FOR** : The Regional Executive Director  
DENR MIMAROPA Region  
1515 L&S Bldg, Roxas, Blvd.,  
Ermita, Manila

**THRU** : The ARD for Technical Services

**FROM** : The OIC, PENR Officer

**SUBJECT** : **SUBMISSION OF THE 2<sup>ND</sup> QUARTER  
ACCOMPLISHMENT REPORT FOR THE  
MAINTENANCE AND PROTECTION OF COASTAL  
AND MARINE ECOSYSTEMS OF APO REEF  
NATURAL PARK**



Forwarded is the memorandum dated June 20, 2022 of CENRO Sablayan regarding 2<sup>nd</sup> Quarter Accomplishment Report of Apo Reef Natural Park- Protected Area Management Office for Maintenance and Protection under Coastal and Marine Ecosystem Management Program.

Attached herewith is the detailed accomplishment report on the following activities to wit:

1. Patrolling
2. Habitat monitoring
3. Direct activities
  - a. Coral bleaching monitoring
  - b. Crown-of-Thorns Starfish Surveillance and Control
  - c. Coastal Clean-up Activities
4. Maintenance of Equipment and Facilities

For information and record.

  
**ERNESTO E. TAÑADA**

TSD-CDS6/27/2022

So. Pag-asa, Brgy. Payompon, Mamburao, Occidental Mindoro  
Email: tsdocmin04@gmail.com



Department of Environment and Natural Resources  
MIMAROPA Region  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

June 20, 2022

MEMORANDUM

**FOR :** The OIC, Regional Executive Director  
DENR MIMAROPA Region  
Ermita, Manila

**THRU :** The OIC, PENR Officer  
Mamburao, Occidental Mindoro

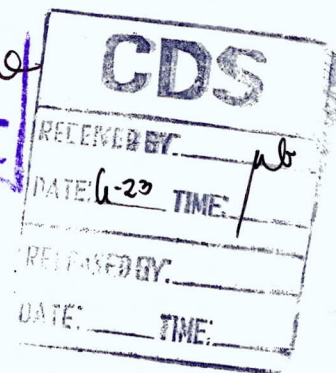
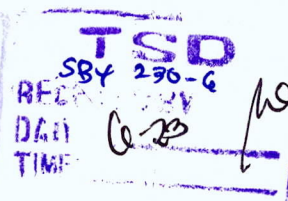
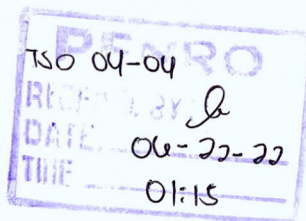
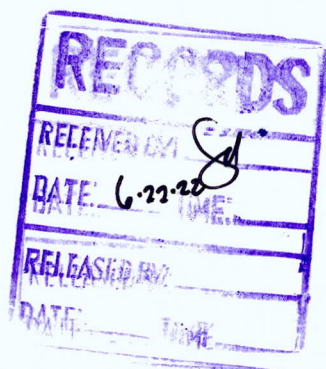
**FROM :** The CENR Officer

**SUBJECT :** SUBMISSION OF THE 2<sup>nd</sup> QUARTER ACCOMPLISHMENT  
REPORT FOR MAINTENANCE AND PROTECTION OF  
COASTAL AND MARINE ECOSYSTEMS OF APO REEF  
NATURAL PARK

Respectfully forwarded herewith is the 2<sup>nd</sup> Quarter Accomplishment Report of Apo Reef Natural Park – Protected Area Management Office for *Maintenance and Protection*. *Maintenance and Protection* is an activity under the Coastal and Marine Ecosystem Management Program or CMEMP.

For information, evaluation, and approval.

FOR. ANASTACIO A. SANTOS, MPA





**Department of Environment and Natural Resources**  
**MIMAROPA Region**  
**APO REEF NATURAL PARK**  
**Protected Area Management Office**

June 20, 2022

**MEMORANDUM**

**FOR** : The OIC, Regional Executive Director  
DENR-Region 4B – MIMAROPA  
1515 L&S Bldg., Roxas Blvd., Ermita, Manila

**THRU** : The OIC, PENR Officer  
Mamburao, Occidental Mindoro  
  
The CENR Officer

**FROM** : The Protected Area Superintendent

**SUBJECT** : **SUBMISSION OF THE 2<sup>nd</sup> QUARTER  
ACCOMPLISHMENT REPORT FOR MAINTENANCE  
AND PROTECTION OF COASTAL AND MARINE  
ECOSYSTEMS OF APO REEF NATURAL PARK**

Respectfully submitted is the 2<sup>nd</sup> Quarter Accomplishment Report of Apo Reef Natural Park – Protected Area Management Office for *Maintenance and Protection*, an activity under the Coastal and Marine Ecosystem Management Program (CMEMP).

Attached herewith is the narrative report with its annexes.

For information and record.

  
**KRYSTAL DAYNE T. VILLANADA**





# **Quarterly Accomplishment Report**

## *Maintenance and Protection*

*2nd Quarter of 2022*

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## **I. Introduction**

Apo Reef Natural Park (ARNP) and its surrounding waters have been proclaimed as a Protected Area under the category of Natural Park by virtue of Presidential Proclamation No. 868 on September 6, 1996. The entirety of ARNP spans 15, 799.23 hectares, covering a 34 km<sup>2</sup> sub-triangular coral atoll formation which is the largest in the Philippines and second largest in the world. The majority of its geographical features is submerged with the exception of the three islands namely, Apo Island, Apo Menor (Binanggaan), and Cajos del Bajo (Tinangkapan). To date, the ARNP is known to host at least 313 fish species, 45 hard coral genera, and 100 bird species.

The efficient day-to-day management and operations of ARNP is ensured by the Apo Reef Natural Park - Protected Area Management Office (ARNP-PAMO), headed by the Protected Area Superintendent (PASu). This report contains the accomplishments of the Office under *Maintenance and Protection*, an activity under the Coastal and Marine Ecosystem Management Program (CMEMP), from March 9 to June 14, 2022 with corresponding means of verification (MOVs).

## **II. Accomplishments**

### **a. Patrolling**

The 15,799.23-hectare core zone of ARNP was patrolled from March 9 to June 14, 2022. It is important to note that seaborne patrols were greatly reduced because most watercrafts of the management are under repair. The seaborne patrols were only conducted for 15 days within the mentioned period. To compensate for this decrease, the Park Rangers expanded foot patrols within Apo Island and surveillance from the lighthouse. None of the fisherfolks encountered were apprehended however, park rangers briefed them regarding the laws enforced within the PA.

At present, two groups of fisherfolks are facing criminal charges. The first one includes Orsing E. Melgar, Roger Arnel E. Ancu, and Arnel A. Gequillo. These fishermen were apprehended on February 21, 2021. The judgment on their criminal cases was promulgated on April 20, 2022, and this was attended by PASu Krystal Dayne T. Villanada and Park Ranger Temart E. Rebato. They were acquitted of Criminal Case No. 6520 (violation of paragraph g, Section 20 of RA 11038) but were found guilty beyond reasonable doubt of the crime charged in Criminal Case No. 6521 (violation of paragraph b, Section 20 of RA 11038). The other group is comprised of Darwin Arabis, Gito Agbo, Jerick Agbo, and Jorven Trangeja, who were apprehended more recently. Witnesses on their criminal cases were cross-examined last April 20, 2022. The presentation of the evidence for the defense is scheduled on June 16, July 5, and July 21, 2022.

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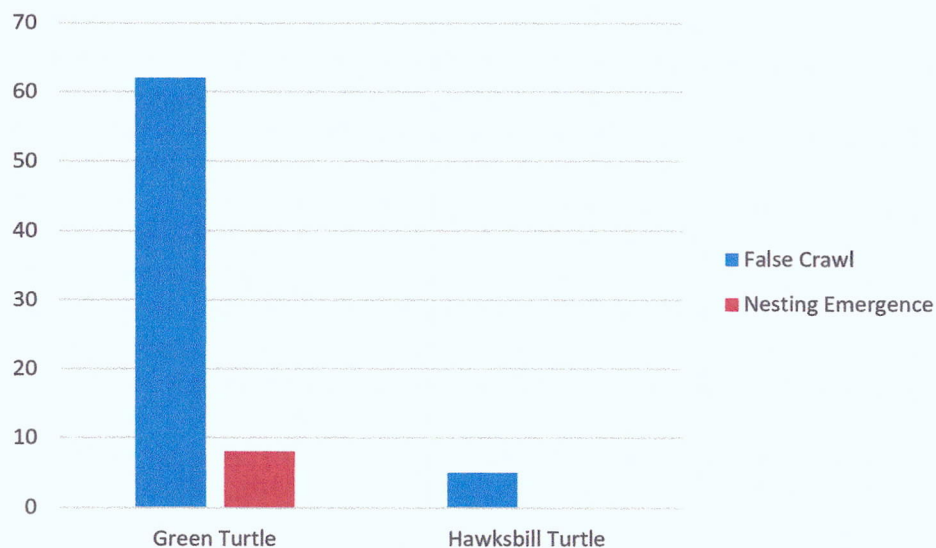
Refer to Annex A for the photo-documentation of the patrolling activities conducted from March 9 to June 14, 2022. Accordingly, refer to Annex B for the court decision on criminal cases against Melgar, Ancu, and Gequillo.

## b. Habitat Monitoring

### *Nesting Beach Surveys*

Nesting beach surveys were conducted at Apo Island, ARNP in the morning and at night. During the daytime surveys, the nesting activities of sea turtles were counted using crawls (also called tracks), body pits, and nests. Nesting activities include all attempts of female sea turtles to nest, whether successful or not. The data collected for each nesting activity includes the species of sea turtle, incident type (nesting emergence or false crawl), and general location of nest or false crawl. Night-time surveys were also carried out but with less frequency than daytime surveys. When nesting sea turtles were encountered during the surveys, they were tagged with Inconel® tags with inscribed numbers and letters (i.e. PH1515K) on the flippers and Marine Turtle Tagging Forms (MT01) were accomplished. The protocol for sea turtle tagging was adopted from MWSS (2014).

64 crawls were recorded along the sandy beach of Apo Island from March 9, 2022 to June 7, 2022 (Figure 1). These crawls were identified to be from green and hawksbill turtles, the two known nesting species in the Protected Area. All of the nesting emergences within the mentioned period were from green turtles (8 crawls). This was expected due to the higher abundance of green turtles than that of hawksbill turtles which are listed in the IUCN Red List as Critically Endangered (CR).



**Figure 1.** Crawls of Green Turtle and Hawksbill Turtle recorded from March 9 to June 7, 2022.

As of June 7, 2022, the total number of crawls recorded is 147. Only 25 of which were nesting emergence. The low nesting success rate (17.01%) is possibly caused by the presence of dune scarps, large debris, and problematic artificial light. This nesting success rate is expected to increase during the peak of nesting activity in the last quarter of the year.

Refer to Annex C for the map showing the spatial distribution of nests in Apo Island as of June 7, 2022, and Annex D for the photo-documentation of the nesting beach surveys.

#### *Assessment of F/V Monalinda 85 Grounding Damage*

F/V Monalinda 85 ran aground the southwestern portion of Apo Reef Natural Park on March 30, 2022 at approximately 2:00 AM (Figure 1). It was headed towards Navotas City, Manila carrying 1,700 crates of fish locally known as *galunggong* from a fishing ground in El Nido, Palawan.

The Protected Area Management Office mobilized an internal assessment team headed by the Protected Area Superintendent and mostly comprised of licensed SCUBA divers. The team conducted field surveys on April 20 and 26, 2022 to assess the damage incurred by the grounding of F/V Monalinda 85 to the seabed. Specifically, the preliminary assessment aimed to:

1. Delineate the area damaged by the grounding incident;
2. Collect photos and video footages representative of the damaged area; and,
3. Provide an initial estimate of the damage cost based on PAMB Ordinance No. AR07-001-1, series of 2011.

The physical damage of F/V Monalinda 85 to the coral reef was estimated to be 191.556 m<sup>2</sup>. The linear strip of damage featured a central portion of severely damaged corals, wherein only reef rubbles were left. To its sides were piles of displaced and/or overturned corals and limestone as well as surviving but damaged coral colonies. Long-term impact to coral reef may be expected from the grounding incident due to the instability of resulting substrate, algal overgrowth, and possible antifoulant contamination which are all barriers to coral reef recovery.

The estimated value of the damage caused by the grounding of F/V Monalinda 85 is ₱2,298,720.00. This was based on the PAMB Ordinance No. AR07-001-1 wherein it is stated that an administrative fine of ₱12,000.00 shall be paid for every square meter of coral reef damaged from a ship grounding incident. On top of the estimated value, another ₱50,000.00 to ₱100,000.00 shall be claimed from the shipping company for unauthorized entry into the MPA.

The PAMB, chaired by RED Lormelyn E. Claudio, will be meeting with the shipping companies involved in the previous grounding incidents, to discuss the settlement of damages.





Refer to Annex E for the memoranda on the submission of the damage assessment report, Annex F for the map showing the damaged area, and Annex G for the photo-documentation of the damage assessment.

**c. Direct Activities**

*Coral Bleaching Monitoring*

The shallower part of the coral reef near Barracuda Point, southeast of Apo Island, was monitored for coral bleaching. Reefscape photographs were taken at the site on June 11, 2022. 13 photographs were conservatively post-processed in Adobe Lightroom and then submitted to Philippine Coral Bleaching Watch (PCBW) through their Online Submission Form.

No bleaching corals were recorded at the site. On the day that the site was monitored, the coral bleaching thermal stress level for the western Philippines, which includes Apo Reef Natural Park, was only *Bleaching Watch*. The Sea Surface Temperature (SST) and SST Anomaly in the region was 30.460 and 0.975.

In the following weeks, the Coral Bleaching Alert Level is forecasted to be raised to higher levels (Warning, Alert Level 1, and Alert Level 2). Therefore, it is recommended that surveys be expanded to include the 15 permanent coral reef monitoring stations in Apo Reef Natural Park.

Refer to Annex H for the confirmation e-mail sent by the PCBW regarding the submissions and Annex I for the map of the sites surveyed for threats (coral bleaching and presence of CoTS).

*Crown-of-Thorns Starfish Surveillance and Control*

Crown-of-thorns starfish (CoTS) is a corallivorous starfish with venomous spines. It can have up to 23 arms and grow to over half a meter in diameter. CoTS naturally occur in coral reefs in low densities but populations of this organism can reach very high densities and cause significant damage to reefs. The largest CoTS outbreaks in Apo Reef Natural Park have occurred in 2018 and 2019 with 2,099 and 10,680 individuals culled, respectively.

This quarter, three sites were surveyed for presence of CoTS: Ego Wall, Aladin, and Barracuda Point. The first two sites were surveyed on May 27, 2022 as part of the 2022 Marine Biodiversity Conservation Camp involving local youth leaders. The participants of the activity were slowly towed from Ego Wall to Aladin in search of CoTS individuals. Prior to these, they were provided with brief orientation on the biology and ecology of CoTS. None of the participants recorded an individual during the 30-minute survey. The



other survey was conducted concurrent with the coral bleaching survey on June 12, 2022. Similar to the first survey, no individuals of CoTS were recorded.

Refer to Annex J for the photos during the CoTS surveillance conducted on May 27, 2022 as part of the Marine Biodiversity Conservation Camp.

### *Coastal Clean-up Activities*

Coastal clean-up activities are conducted regularly on a weekly basis (Table 1). Occasionally, visitors from other organizations also organize and conduct their own under the supervision of management staff. As of this writing, 55 sacks of marine litter have been collected along the sandy shore. All wastes were brought back to mainland Sablayan and disposed properly. In the future, we aim to more accurately classify and quantify marine litter using standard methodologies.

**Table 1.** Coastal clean-up activities at Apo Island from April to June 13, 2022.

Date	Type	Approximate Quantity
April 5, 2022	Mixed	3 sacks
April 12, 2022	Mixed	2 sacks
April 19, 2022	Mixed	5 sacks
April 26, 2022	Mixed	3 sacks
May 9, 2022	Mixed	4 sacks
May 17, 2022	Mixed	2 sacks
May 23, 2022	Mixed	3 sacks
May 28, 2022	Mixed	4 sacks
May 29, 2022	Mixed	4 sacks
June 10, 2022	Mixed	3 sacks

ARNP-PAMO staff also participated in coastal clean-up activities in mainland Sablayan which were conducted as part of the Month of the Ocean (MOO) 2022 celebration. The Coastal Clean-up activities were conducted at Sitio Tabuk, Barangay Buenavista and at Sablayan Pier, Barangay Poblacion on May 20, 2022. On May 31, 2022, licensed SCUBA divers of ARNP-PAMO also participated in the *SCUBAsura* at Free Beach, Barangay Poblacion.

Refer to Annex K for the photo-documentation of the coastal clean-up activities conducted from March 9 to June 14, 2022.

### *ARMS Monitoring*

Nine units of Autonomous Reef Monitoring Structures (ARMS) were installed in Apo Reef Natural Park in 2017. The installation is a part of the research collaboration between DENR-BMB and Smithsonian Institution which aims to utilize ARMS in

assessing marine cryptofauna biodiversity across geographical and anthropogenic impact gradients in the Philippines.

The ARNP-PAMO has been monitoring these structures since its deployment. The ARMS in Binanggaan and Ego Wall were monitored again on May 8, 2022. During the monitoring activity, seven units of ARMS were found to be intact in their original locations. One of the three ARMS units that were deployed in Ego Wall was lost possibly from strong wave action. Meanwhile the other one was only displaced to the front of the Ranger's Kiosk.

Refer to Annex L for the monitoring activity conducted on May 8, 2022.

#### **d. Maintenance of Equipment and Facilities**

Most of the maintenance activities this quarter involved the repair of the three watercrafts: MBca Jerlyn, 30-footer high speed watercraft, and 26-footer high speed watercraft (Table 2). Several parts of the MBca Jerlyn were replaced including the fuel filter, cross joint, and PT pump, and its alternator was repaired. At present, the 26-footer and 30-footer high speed watercraft are undergoing repairs at Mamburao, Occidental Mindoro. The fiberglass hull coating, windshield, and roof framing of the 30-footer high speed watercraft has been completed in the second quarter. The repair of its outboard and installation of fiber roofing is still on-going.

**Table 2.** Maintenance activities for the watercrafts conducted from March 9 to June 14, 2022.

<b>Watercraft</b>	<b>Parts Repaired/Maintained</b>	<b>Current Condition</b>
MBca Jerlyn	Fuel filter, cross joint, PT pump, and alternator	Functioning but needs repair (replacement of boat hull)
24-footer Hi-speed Watercraft	Boat hull	For repair (steering cable, boat hull, and outboard motor)
30-footer Hi-speed Watercraft	Boat hull (flooring and fiberglass hull coating), windshield, and roof framing	For repair (engine and fiber roofing)
Glass-bottom boat	None	Functioning but needs repair
Spotter Boat	None	Unserviceable

Similarly, most of the equipment and facilities of the Protected Area still need to be repaired or replaced (Table 3). Among which are the diving equipment, specifically masks, snorkels, and booties. It is important to note, however, that 23 diving tanks have been successfully hydrotested by Aquamundo Sports Inc. on May 25, 2022.





**Table 3.** Status of other equipment and all facilities in Apo Island as of June 14, 2022.

Equipment/Facilities	# of Units	Condition
Admin Building	1	Good condition (façade will be improved this 2022)
Ranger's Station	1	For repair (scheduled this 2022)
Ranger's Kitchen	1	For repair (scheduled this 2022)
Ranger's Kiosk	1	For repair (scheduled this 2022)
Visitor's Kiosk	2	For repair (scheduled this 2022)
Boardwalk (South of Apo Island)	1	Good condition
Boardwalk (North of Apo Island)	1	For repair
Jump-off Station	1	Good condition
Lighthouse	1	Good condition
Power Generator (Diesel)	1	Good condition
Power Generator (Gasoline)	1	Good condition
Solar Power System	1	Good condition
Septic Tank	1	Good condition
Motorcycle	1	Unserviceable
Floating Raft	1	Good condition
Signages	-	For replacement this 2022
Mooring Buoys	19	For repair (5 mooring buoys will be installed this 2022)
Diving Tanks	46	41 units in good condition (remaining 5 units are still for hydrotesting)
Buoyancy Compensator Devices	14	9 units are for maintenance
Regulator	13	10 units are for maintenance
Dive Computer	10	Good condition
Wrist Compass	5	Good condition
Mask and Snorkel Set	20	16 mask and snorkel sets are unserviceable
Mesh Bag	10	Good condition
Surface Balloon	10	Good condition
Plastic Crate	10	Good condition
Diving Boot	30	11 pairs are unserviceable
Full-length Wetsuit	10	Good condition
LED Dive Light	5	Functioning but needs battery replacement
Dive Knife	5	Good condition
Divers Slate	10	Good condition
Dive Compressor (MCH6-SH-100L COLTRI)	1	For repair (engine for replacement this 2022)

Refer to Annexes M and N for the photo-documentation of the maintenance activities conducted from March 9 to June 14, 2022.

Prepared by:

  
**HUGO IGNACIO G. SALVADOR**  
 CMEMP Extension Officer

Reviewed and submitted by:

  
**KRYSTAL DAYNE T. VILLANADA**  
 Protected Area Superintendent



### III. Annexes

#### Annex A. Photo-documentation of patrolling activities conducted from March 9 to June 14, 2022.

 <p>51 P 219428 1400760 accuracy: 3m</p> <p>Altitude 50 ft</p> <p>4/15/22 7:52 AM</p>	 <p>12°41'40"N, 120°32'37"E accuracy: 3m</p> <p>Altitude 50 ft</p> <p>6/7/22 2:23 PM</p>
Park Rangers dislodging the 26-footer high speed watercraft after a seaborne patrol from April 14 to 15, 2022.	Motorized banca encountered within PA boundaries on June 7, 2022.
 <p>12°41'41"N, 120°32'37"E accuracy: 3m</p> <p>Altitude 167 ft</p> <p>6/7/22 2:22 PM</p>	 <p>12°39'52"N, 120°25'57"E accuracy: 3m</p> <p>6/8/22 8:11 AM</p>
Park Ranger Temart E. Rebuto informing a motorized banca on PA rules and regulations.	Park Rangers preparing to conduct a seaborne patrol at Parolang Putol on June 8, 2022 using the refurbished spotter boat.
 <p>12°39'52"N, 120°25'57"E accuracy: 3m</p> <p>Altitude 167 ft</p> <p>6/8/22 8:11 AM</p>	
MENRO personnel, John Jude de Lara and Willy Angeles, preparing their spotter boat for the patrol operations in Parolang Putol.	

**Annex B. Court decision on Criminal Cases Nos. 6520 and 5521.**

**Republic of the Philippines  
Fourth Judicial Region  
Municipal Trial Court  
Sablayan, Occidental Mindoro**

PEOPLE OF THE PHILIPPINES,  
Plaintiff,

- versus -

ORSING MELGAR y ENDINO,  
ROGER ARNEL ANCU y  
ESCABIDU, and ARNEL  
GEQUILLO y APARISE,  
Accused.

CRIMINAL CASE NO. 6520

For: Violation of paragraph (g),  
Section 20, Republic Act No.  
7586, as amended by Republic  
Act No. 11038 (Expanded  
National Integrated Protected  
Areas System Act of 2018)

PEOPLE OF THE PHILIPPINES,  
Plaintiff,

- versus -

ORSING MELGAR y ENDINO,  
ROGER ARNEL ANCU y  
ESCABIDU, and ARNEL  
GEQUILLO y APARISE,  
Accused.

CRIMINAL CASE NO. 6521

For: Violation of paragraph (b),  
Section 20, Republic Act No.  
7586, as amended by Republic  
Act No. 11038 (Expanded  
National Integrated Protected  
Areas System Act of 2018)

**DECISION**

***The Charge***

In two separate Informations, Orsing Melgar y Endino, Roger Arnel Ancu y Escabidu, and Arnel Gequillo y Aparise (accused) were charged with violation of paragraphs (g) and (b), Section 20 of Republic Act No. (RA) 7586,<sup>1</sup> as amended by RA 11038.<sup>2</sup>

The Information in Criminal Case No. 6520 reads:

The undersigned accuses **ORSING MELGAR y Endino, ROGER ARNEL ANCU y Escabidu and ARNEL GEQUILLO y Aparise**, of the crime of VIOLATION OF SEC. 20, PARAGRAPH (g), OF R.A. 11038 (Expanded National Integrated Protected Areas System Act of 2018), committed as follows:

<sup>1</sup> NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 1992.

<sup>2</sup> EXPANDED NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 2018.



## Annex B. (Continuation)

That on or about the 27<sup>th</sup> day of February, 2021 at around 7:30 o'clock in the evening, in San Tinangkapan Reef, Apo Reef Natural Park, Municipality of Sablayan, Province of Occidental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, accused, conspiring, confederating, and helping with one another, did then and there willfully, unlawfully, feloniously, operate a motorized banca without body name, colored sky blue and green and entered the said San Tinangkapan Reef, Apo Reef Natural Park without the necessary permit.

CONTRARY TO LAW.<sup>3</sup>

The accusatory portion of the Information in Criminal Case No. 6521, on the other hand, states:

The undersigned accuses ORSING MELGAR y Endino, ROGER ARNEL ANCU y Escabidu and ARNEL GEQUILLO y Aparise of the crime of VIOLATION OF SEC. 20, PARAGRAPH (b), OF R.A. 11038 (Expanded National Integrated Protected Areas System Act of 2018), committed as follows:

That on or about the 27<sup>th</sup> day of February, 2021 at around 7:30 o'clock in the evening, in San Tinangkapan Reef, Apo Reef Natural Park, Municipality of Sablayan, Province of Occidental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, accused, conspiring, confederating, and helping with one another, did then and there willfully, unlawfully, feloniously, hunt, take, and catch reef fishes at the said San Tinangkapan Reef, Apo Reef Natural Park without the necessary permit, authorization or exemption.

CONTRARY TO LAW.<sup>4</sup>

When arraigned on March 18, 2021, all of the accused pleaded not guilty to both charges.

### *The Factual Antecedents*

#### *Version of the Prosecution*

As culled from the combined testimonies of Protected Area Superintendent Krystal Dayne T. Villanada (PASu Villanada), Park Maintenance Foreman Roberto P. Beringuela (Beringuela), and Park Ranger Temart E. Rebito (Rebito), the facts of these cases are as follows:

<sup>3</sup> Records (Criminal Case No. 6520), p. 2.

<sup>4</sup> Records (Criminal Case No. 6521), p. 2.

## Annex B. (Continuation)

Criminal Cases Nos. 6520 and 6521  
DECISION

3

In the evening of February 27, 2021, Task Force MARLEN,<sup>5</sup> composed of personnel from the Apo Reef Natural Park Protected Area Management Office (ARNP-PAMO), the 76IB Philippine Army, the Local Government of Sablayan, and the Sablayan Municipal Police Station, conducted a seaborne patrol in Apo Reef Natural Park. They spotted an unmarked motorized banca colored sky blue and green with three (3) people on board fishing. When Task Force MARLEN approached the said boat, it sped away and a hot pursuit ensued. While being pursued, the three (3) people on board the motorized banca jettisoned their spear and other fishing paraphernalia. After about 20 minutes, Task Force MARLEN were able to catch up with the motorized banca in Tinangkapan Reef, which is also part of the Apo Reef Natural Park. The Task Force boarded the banca and arrested the three (3) persons on board. Thereat, they conducted an investigation and, as part thereof, Rebito took a geotagged photograph<sup>6</sup> of the banca, as well as of the contents thereof.

Thereafter, Task Force MARLEN brought the arrested three (3) people to Apo Island where Rebito took another geotagged pictures of the boat,<sup>7</sup> as well as of its contents<sup>8</sup> and engine.<sup>9</sup> He also prepared the Apprehension Report,<sup>10</sup> the Katibayan ng Maayos na Pagsisiyasat,<sup>11</sup> the Inventory Report,<sup>12</sup> and the Receipt of Impounded Boat.<sup>13</sup> The three (3) people on board the motorized banca were identified as Orsing Melgar y Endino, Roger Arnel Ancu y Escabidu, and Arnel Gequillo Aparise, the accused in these cases, and the following items were recovered from them:

- 1) Eight (8) pieces of fin;
- 2) Two (2) pieces of mask;
- 3) Two (2) pieces of flashlight;
- 4) Four (4) pieces of gloves;
- 5) Two (2) pieces of net bags;
- 6) One (1) ice chest with 80 kilogram capacity;
- 7) One (1) 15 horsepower Sumo engine;
- 8) One (1) propeller; and,
- 9) One (1) shaft.

After which, Task Force MARLEN brought the accused to mainland Mindoro for document processing and filing of appropriate actions in court.

<sup>5</sup> Marine and Apo Reef Law Enforcement for Nature.

<sup>6</sup> Exhibit "G", records (Criminal Case No. 6520), p. 19.

<sup>7</sup> Exhibit "G-1", id.

<sup>8</sup> Exhibits "I" and "I-1", id. at 21.

<sup>9</sup> Exhibits "H" and "H-1", id. at 20.

<sup>10</sup> Exhibit "D", id. at 14.

<sup>11</sup> Exhibit "E", id. at 15-16.

<sup>12</sup> Exhibit "P", id. at 18.

<sup>13</sup> Exhibit "F", id. at 17.

## Annex B. (Continuation)

On March 2, 2021, the aforesaid Informations were filed before this Court. Attached thereto is a copy of the July 17, 2012 Order<sup>14</sup> of this Court in Criminal Case No. 6170 finding accused Orsing Melgar y Endino and Arnel Gequillo y Aparise guilty beyond reasonable doubt for violation of paragraphs (a) and (c), Section 20<sup>15</sup> of RA 7586. They were meted the penalty of fine of ₱5,000.00 and were warned that a commission of the same or similar offense will constrain the Court to impose a stiffer penalty.

### *Version of the Accused*

Accused Orsing Melgar y Endino testified that he had been a fisherman for more than 30 years. On February 27, 2021, he together with his co-accused Roger Arnel Ancu y Escabidu and Arnel Gequillo y Aparise, set out to sea on board the motorized banca of his neighbor to fish in Mirop Reef, Palawan. It was the first time he used said motorized banca. Before they could reach their destination and while near Apo Reef Natural Park, however, the engine of their banca stalled as its carburetor got flooded. According to accused Orsing Melgar y Endino, he knew how and tried to fix the problem of the engine as he was using the same kind of engine before. Unfortunately, at that time, he did not have with him a piece of stainless steel that he usually uses to pick the clog in the carburetor. About less than half an hour later, a speed boat approached them. They sought the help of the persons on board the speedboat, but instead of helping them, said persons arrested them and towed their boat to Apo Island.

During the pre-trial conference, the following facts were admitted:

- (i) the identities of accused Orsing Melgar y Endino, Roger Arnel Ancu y Escabidu, and Arnel Gequillo y Aparise present in court today as the same persons charged in the Informations;
- (ii) the court's territorial jurisdiction over the place where the crimes charged were allegedly committed;
- (iii) that the accused were arrested on February 27, 2021, at around 7:30 o'clock in the evening on board a motorized banca;
- (iv) the identity of said motorized banca colored sky blue and green as depicted on the photographs attached to the record of this case.

<sup>14</sup> Exhibit "Q", records (Criminal Case No. 6520), p. 22.

<sup>15</sup> SECTION 20. *Prohibited Acts.* — Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

(a) Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived therefrom without a permit from the Management Board;

X x x x

(c) Use of any motorized equipment without a permit from the Management Board;



## Annex B. (Continuation)

- (v) that as shown in the Inventory Report dated February 27, 2021, the following were recovered from the accused, fins, mask, flashlight, gloves, [net bag], ice chest, 15 horsepower Sumo engine, *elesi, ehe*;
- (vi) that the accused are fisherfolks; and,
- (vii) that there were no wildlife resources recovered from the accused as shown in the Inventory Report.<sup>16</sup>

### *The Issue*

The issues to be resolved in these cases, as formulated during the pre-trial conference, are:

- (i) whether the accused are guilty beyond reasonable doubt of the crime of violation of paragraph (g), Section 20 of RA 7586, as amended by RA 11038; and,
- (ii) whether the accused are guilty beyond reasonable doubt of the crime of violation of paragraph (b), Section 20 of RA 7586, as amended by RA 11038.

### *The Court's Ruling*

By virtue of Proclamation No. 868 dated September 6, 1996 of then Pres. Fidel V. Ramos, Apo Reef was declared as a protected area under the category of natural park. Then, under Section 5 of RA 7586, as amended by RA 11038, Apo Reef National Park was included in the statutorily established protected areas in the Philippines.

### *Criminal Case No. 6520*

In Criminal Case No. 6520, the accused were charged with violation of paragraph (g), Section 20 of RA 7586, as amended by RA 11038, for operating a motorized banca within Apo Reef National Park without permit. Pertinent provisions of said law provide:

SEC. 20. *Prohibited Acts.* — Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

x x x x

(g) Operating any motorized conveyance within the protected area without permit from the PAMB, except when the use of such motorized conveyance is the only practical means of transportation of IPs/ICCs in accessing their ancestral domain/land;

<sup>16</sup> See Joint Pre-trial Order, records (Criminal Case No. 6520), pp. 47-48.

## Annex B. (Continuation)

The accused interposed the defense of denial. They maintained that they never entered Apo Reef Natural Park. It just so happened that their motorized banca had an engine trouble while they were near but still outside of Apo Reef Natural Park.

Accused's defense of denial, which is a form of negative defense, is inherently a weak defense. It cannot prevail over the clear and positive testimonies of the complaining law enforcement agents that the accused operated a motorized banca within the protected area of Apo Reef Natural Park without permit. In fact, the accused even used and operated their motorized banca in their attempt to flee and evade apprehension. Notably, the accused have not shown any improper motive on the part of said complaining law enforcement agents to testify falsely against them, or implicate them in the commission of the offense charged in Criminal Case No. 6520. Hence, the inescapable conclusion is that no such improper motive exists and the testimonies of said complaining law enforcement agents with respect to Criminal Case No. 6520 are entitled to full faith and credit.<sup>17</sup>

With regard to *locus criminis*, the Court is convinced with moral certainty that the accused operated their motorized banca within Apo Reef Natural Park. Rebato categorically testified that when Task Force MARLEN apprehended the accused, he right there and then took a geotagged photograph of the boat subject matter of Criminal Case No. 6520, viz.:

[Pros. Evangelista]

Q : You mentioned that you chased this motorized banca, is this correct?

[Rebato]

A : Yes, sir.

Q : You were able to apprehend this banca. My question is, where exactly were you able to apprehend this motorized banca which according to you entered the San Tinangkapan Reef?

A : It's inside the jurisdiction of Bahura San Tinangkapan.

Q : Do you know the coordinates of that particular area in Bahura Tinangkapan where you were able to arrest or apprehend this motorized banca?

A : Yes, sir, the coordinates are indicated in the photo. 

<sup>17</sup> *People v. Dimacuha*, G.R. Nos. 152592-93, February 13, 2004; *People v. Cachola*, G.R. Nos. 148712-15, January 21, 2004.

## Annex B. (Continuation)

Criminal Cases Nos. 6520 and 6521  
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Q : Based on the coordinates stated and can be seen in the photograph, was that within or outside the San Tinangkapan Reef?

A : It's inside the San Tinangkapan Reef.

Q : You mentioned "that picture", who took that picture again?

A : I am, sir.

Q : What equipment did you use in taking picture?

A : Android camera, sir.

Q : And if that picture will be shown to you again, would you be able to identify the same?

A : Yes, sir.

Q : By the way, how many pictures did you take?

A : Many, sir.

Q : Aside from the motorized banca, what other items or things did you take the pictures?

A : The fins and other evidences.

Q : I would like to show to you this Exhibit "G" appearing in page 19 of the court records. Exhibit "G" and Exhibit "G-1", these are two pictures with coordinates. Please take a look at these pictures and please tell us if these are the same pictures that you said you took?

A : Yes, sir, they're the same.<sup>18</sup>

The geotagged photograph identified and testified to by Rebito shows the coordinates 12°41'24"N, 120°29'24"E. When said coordinates were plotted, the resulting Location Map<sup>19</sup> revealed that the location where the accused were apprehended and where Rebito took said photograph of the motorized banca was at core zone of Apo Reef Natural Park. As to how the coordinates were plotted to determine the exact location, PASu Villanada explicated as follows:

<sup>18</sup> TSN of the June 17, 2021 hearing, pp. 7-8.

<sup>19</sup> Exhibit "O", records (Criminal Case No. 6520), p. 57.

## Annex B. (Continuation)

[Pros. Evangelista]

Q : Now Madam Witness, can you please tell us what is that plot map that you are now holding?

[PASu Villanada]

A : This is a location map process[ed] at our office[. S]o I submitted the [geotagged] photos to our GIS section and then they plotted it inside the [m]ap of Apo Reef and which shows that a motorized banca was indeed inside the core zone of Apo Reef Natural Park[. T]his was prepared by our GIS operator and was verified by our [t]echnical [s]ervices [s]upervisor, sir.

Q : And you said that you were the one who instructed the plotting of this location. Were you present when this plotting was made?

A : Yes, sir.

Q : Again, who made this plotting?

A : Our GIS operator, Mr. Joseph Mateo, sir.

Q : And what was the basis of that plotting?

A : The basis of this is photo, this was uploaded on Art GIS version for application and then it will locate the photo where it was taken it will automatically locate and then all I have to do is for GIS operator to put it on top of the Apo Reef Map so that it will show that the photos were inside the Apo Reef.

Q : And after making that plotting, were you able to confirm if the said motorized banca boarded by the three accused entered inside the San Tinangkapan Reef?

A : Yes sir, in fact they were very near the San Tinangkapan Island.<sup>20</sup>

What is more, during the November 3, 2021 ocular inspection, and following aforesaid coordinates with the help of a navigation equipment, the inspecting team was able to locate the place where Task Force MARLEN apprehended the accused on board their motorized banca on February 27, 2021.

<sup>20</sup> TSN of the May 20, 2021 hearing, pp. 15-16.



## Annex B. (Continuation)

Criminal Cases Nos. 6520 and 6521  
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At around 10:30 in the morning, the inspecting team arrived at the Tinangkapan Reef, Apo Reef Natural Park, Sablayan, Occidental Mindoro and, with the aid of the navigation equipment of the DENR, proceeded to coordinates 12° 41' 24" N, 126° 29' 24" E, which are the same coordinates reflected on Exhibit "G" (records, p. 19). At that point, PASU Villanada informed the Court that there are fairways in the area that boats must take; otherwise, they will run aground. Soon, the inspecting team reached the said coordinates and was able to locate an improvised buoyant which, according to PASU Villanada, was previously placed by DENR personnel to mark the exact place where they allegedly apprehended the accused. Upon inquiry from the Court, PASU Villanada informed the inspecting team that based on DENR's navigation equipment she was using that time, the distance from said place to (i) the team's port of embarkation in Brgy. Poblacion, Sablayan, Occidental Mindoro is approximately 39.40 kilometers, (ii) the Apo Island is about 8.58 kilometers, (iii) the Tinangkapan Reef's rock formation that are always visible even during high tide is 1.29 kilometers, more or less, and (iv) the nearest point outside of the protected area is around 4 to 5 kilometers. After consulting PASU Villanada, Atty. Mercado manifested that the estimated depth is only about 5 meters. The Court then noted that from said place, the Apo Island and its lighthouse, including the aforementioned rock formation, can be clearly and easily seen. On the northern side, the continuous breaking of tides approaching the reef and the familiar white crests they produce are also noticeable.

The proposition that, perhaps, the accused were simply carried away by the wind and current after their motorized banca had an engine trouble is untenable and preposterous. It betrays the fact that accused Orsing Melgar y Endino is a resident of Sablayan and had been fishing for more than 30 years. Besides, Apo Reef National Park is the second largest contiguous coral reef in the world and the largest one in the Philippines.<sup>21</sup> Per Proclamation No. 868 dated September 6, 1996 of then Pres. Fidel V. Ramos, its core zone has an approximate area of 15,792 hectares and a buffer zone of about 11,677 hectares. During the ocular inspection, it was also determined that the nearest point outside of the Apo Reef Natural Park from the place where the accused were arrested was about 4 to 5 kilometers away. It would thus strain one's credulity to believe that after less than half an hour of having an engine trouble and being cast away during a fair weather, the accused reached the core zone of the Apo Reef Natural Park.

<sup>21</sup> [https://whc.unesco.org/en/tentativelists/5033/#:~:text=The%20Apo%20Reef%20Natural%20Park%20\(ARNP\)%20and%20its%20peripheral%20Buffer,totaling%2027%2C469%20hectares%20in%20all,](https://whc.unesco.org/en/tentativelists/5033/#:~:text=The%20Apo%20Reef%20Natural%20Park%20(ARNP)%20and%20its%20peripheral%20Buffer,totaling%2027%2C469%20hectares%20in%20all,) Visited April 4, 2022.

## Annex B. (Continuation)

Under Section 21<sup>22</sup> of RA 7586, as amended, the penalty for violation of paragraph (g) of Section 20 thereof is a fine of not less than ₱200,000.00 but not more than ₱1 million or imprisonment from one (1) year but not more than six (6) years, or both. Said penalty carries with it the forfeiture of all equipment, devices, and conveyances with which the crime was committed.

Accused Orsing Melgar y Endino and Arnel Gequillo y Aparise were previously convicted of violating paragraphs (a) and (c), Section 20<sup>23</sup> of RA 7586 and were sentenced to pay a fine of ₱5,000.00. They were also warned that a repetition of the same or similar act shall merit the imposition of stiffer penalty. However, despite their prior conviction and imposition of fine, the same did not deter them from committing the same offense. Hence, and as previously warned, the Court is now constrained to impose the penalty of imprisonment with forfeiture of subject banca, including its engine, shaft, and propeller.<sup>24</sup>

### *Criminal Case No. 6521*

In Criminal Case No. 6521, the Information states that the accused “hunt, take, and catch reef fishes at the said San Tinangkapan Reef, Apo Reef Natural Park, without the necessary permit, authorization or exemption.” For which reason, they were charged with violation of paragraph (b), Section 20 of RA 7586, as amended by RA 11038. It reads:

SEC. 20. *Prohibited Acts.* — Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

x x x

<sup>22</sup> SEC. 21. *Penalties.* — Violations under this Act shall be subject to the following penalties:

x x x

(b) A fine of not less than Two hundred thousand pesos (P200,000) but not more than One million pesos (P1,000,000) or imprisonment from one (1) year but not more than six (6) years, or both, shall be imposed upon any person who violates paragraphs (f) to (n) of Section 20 herein;

x x x

All minerals, timber or species collected or removed from the protected area, including all equipment, devices, conveyances, and firearms used in connection therewith, shall be forfeited in favor of the government, and any construction or improvement made thereon by the offender shall be subject to confiscation by the PAMO, subject to the application of due process.

<sup>23</sup> SECTION 20. *Prohibited Acts.* — Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

(a) Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived therefrom without a permit from the Management Board;

x x x

(c) Use of any motorized equipment without a permit from the Management Board;

<sup>24</sup> In an Order dated March 19, 2013 issued by this Court in Criminal Case No. 6100, accused Roger Arnel Ancu y Escabidu pleaded guilty to the charge of violation of paragraphs (a) and (c), Section 20 of RA 7586. However, no proof of such prior conviction was alleged or presented by the prosecution. Hence, and consistent with the rule that courts can only take judicial notice of its own acts and records in the same case, this Court is loath to consider accused Roger Arnel Ancu y Escabidu's prior conviction in determining the appropriate penalty that should be imposed against him.

## Annex B. (Continuation)

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(b) Hunting, taking, collecting, or possessing of any wildlife, or by-products derived therefrom, including in private lands within the protected area without the necessary permit, authorization or exemption: *Provided*, That the PASU as authorized by the PAMB shall issue a permit, authorization or exemption only for culling, scientific research, the exceptions provided under Section 27(a) of Republic Act No. 9147 (Wildlife Resources, Conservation and Protection Act) or harvests of nonprotected species in multiple-use zones by tenured migrants and IPs;

*Hunting*, as defined by RA 11038, refers to the killing or catching of wild fauna for food and recreational purposes, with the use of weapons such as guns, bow and arrow, spears, traps and snares, and the like.<sup>25</sup> *Taking* is the act of getting possession by killing or capturing.<sup>26</sup> *Collecting* refers to the act of gathering or harvesting wildlife and its by-products or derivatives.<sup>27</sup> *Catching* means to capture or seize especially after pursuit.<sup>28</sup> Based on the wordings and phraseology of the law, the *corpus delicti* of the crime of violation of paragraph (b), Section 20 of RA 7586, as amended by RA 11038, could not be established without presenting proof of or identifying the wildlife or by-products derived therefrom that was hunted, taken, collected, or possessed.

*Corpus delicti* has been defined as the body or substance of the crime and, in its primary sense, refers to the fact that a crime has been actually committed. As applied to a particular offense, it means the actual commission by someone of the particular crime charged. The *corpus delicti* is a compound fact made up of two (2) things, viz.: the existence of a certain act or result forming the basis of the criminal charge, and the existence of a criminal agency as the cause of this act or result.<sup>29</sup> Proof of *corpus delicti* is indispensable in prosecutions for felonies and offenses.<sup>30</sup> Without the *corpus delicti* for the crime charged, the acquittal of the accused is inevitable.<sup>31</sup>

Notably, the prosecution did not present or identify any wildlife resources or reef fishes that were allegedly hunted, taken, collected, or possessed by the accused. In fact, during the pre-trial conference the prosecution even admitted that no wildlife resources were recovered from the accused as shown in the Inventory Report.<sup>32</sup>

<sup>25</sup> Section 3(o) of Republic Act No. 11038.

<sup>26</sup> <https://www.merriam-webster.com/dictionary/take>. Visited April 14, 2022.

<sup>27</sup> Section 3(e) of Republic Act No. 11038.

<sup>28</sup> <https://www.merriam-webster.com/dictionary/take>. Visited April 14, 2022.

<sup>29</sup> *People v. Roluna*, G.R. No. 101797, March 24, 1994.

<sup>30</sup> *People v. Quimzon*, G.R. No. 133541, April 14, 2004.

<sup>31</sup> *People v. Delos Reyes*, G.R. No. 174774, August 31, 2011.

<sup>32</sup> See Joint Pre-trial Order, records (Criminal Case No. 6520), pp. 47-48.



## Annex B. (Continuation)

The records are likewise bereft of evidence showing that the accused actually hunted, took, or collected reef fishes. The testimonies of the complaining law enforcement agents merely established that they saw the accused on board their motorized banca and threw some of their gears into the sea.

The open court testimony of Rebato that during the hot pursuit he saw the three accused throwing fishes from their motorized banca is unworthy of credence.<sup>33</sup> First, such fact is vital for the successful prosecution of Criminal Case No. 6521. It is thus difficult to understand why Rebato never mentioned it in his February 28, 2021 Affidavit.<sup>34</sup> All he mentioned was that while the accused were fleeing, he saw them throwing their spears. Nothing was mentioned about possessing or throwing fishes. Thus:

7. T - Ano ang sumunod ninyong ginawa matapos ninyong makita ang nasabing bangka na may tatlong taong nakasakay?  
S - Lumapit kami upang sitahin sila subalit agad silang tumakbo palayo gamit ang kanilang bangkang di motor kung kayat hinabol namin sila gamit ang sinasakyan naming speed boat.
8. T - Ano pa ang sumunod na nangyari matapos ninyo silang habulin?  
S - Habang tumatakbo sila papalayo ay tinapon nila ang mga dala nilang pana na gamit nila sa pangangisda hanggang sa maabutan namin sila at maaresto at dinala namin sila sa Apo Island.<sup>35</sup>

Second, Rebato cannot even tell or at least identify the kind of fishes or their approximate size that he claimed were thrown by the accused. Thus:

Court : And then you said, you saw the accused and you ran after them at nighttime, around 7:00 to 7:30 in the evening, and you also mentioned that you were not able to seize any wildlife or any fish from them because, according to you, they threw them. Did you see them actually throwing fish while you ran after them?

Temart : Yes, sir because that time was full moon.

Court : Will you be able to determine what kind of fish?

Temart : Medyo malayo po sila sa amin.

Court : On the size of the fish, is it big or small?

Temart : We cannot identify the size, sir.

Court : You are certain that they were throwing fish that time?

Temart : Yes, sir

<sup>33</sup> See TSN of the June 17, 2021 hearing, p. 25.

<sup>34</sup> Records (Criminal Case No. 6520), pp. 8-10.

<sup>35</sup> Id. at 9.



## Annex B. (Continuation)

Criminal Cases Nos. 6520 and 6521  
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Court : During the last hearing your colleague Roberto P. Beringuela said, when I asked the same question, it was already dark so he was not sure. Anyway, you're excused. Thank you, Mr. Rebito.<sup>36</sup>

*Lastly*, the testimony of Rebito that he saw the accused throwing fishes from their motorized banca is inconsistent with the testimony of Beringuela who declared that he only saw the accused throwing something into the sea and he could not tell if at that time the accused were in possession of any fish, marine product, or wild life.<sup>37</sup>

Court

Q : Mr. Beringuela, you said that when you saw the three accused in their motor banca, they fled?

A : Yes, sir.

Q : And while fleeing they were throwing, according to you, fishing paraphernalia?

A : Yes, sir.


Q : Would you know if they had in their possession at that time any fish or marine products or wildlife?

A : I do not know, Your Honor.

Q : You would not be able to see but what you know is that they were throwing something into the sea?

A : Yes, sir.<sup>38</sup>

True, the items (such as fins, masks, flashlights, gloves, net bag, and ice chest) recovered from the accused are used primarily for fishing. But mere possession thereof cannot be equated to the act of hunting, taking, or catching reef fishes. Even until now no one knows whether the accused would really hunt, take, or catch fish within the protected area or whether they were simply passing by to fish in an area outside of Apo Reef Natural Park. And even assuming that they indeed planned to fish in Apo Reef Natural Park as, in fact, they were already there with fishing paraphernalia, the possibility that they would have a change of heart and voluntarily desist from pursuing such endeavor at any time for whatever reason cannot be ruled out.



<sup>36</sup> TSN of June 17, 2021 hearing, pp. 25-26.

<sup>37</sup> TSN of June 1, 2021 hearing, pp. 24-25.

<sup>38</sup> *Id.*

## Annex B. (Continuation)

In other words, the recovery of fins, masks, flashlights, gloves, net bag, and ice chest from the accused is, at best, proof of preparatory acts, which ordinarily is not punishable for being equivocal or susceptible of different interpretations.<sup>39</sup> To sustain a judgment of conviction, there must be overt or external acts having direct connection with the offense charged. An overt or external act is defined as some physical activity or deed, indicating the intention to commit a particular crime, more than a mere planning or preparation, which if carried out to its complete termination following its natural course, without being frustrated by external obstacles nor by the spontaneous desistance of the perpetrator, will logically and necessarily ripen into a concrete offense.<sup>40</sup>

In sum, there is no sufficient proof from which it can be deduced with moral certainty that at the time material to Criminal Case No. 6521 the accused hunted, took, or catch reef fishes or any wildlife within the protected area of Apo Reef National Park.

WHEREFORE, in Criminal Case No. 6521, accused Orsing Melgar y Endino, Roger Arnel Ancu y Escabidu, and Arnel Gequillo y Aparise are hereby ACQUITTED for lack of proof sufficient to establish their guilt beyond reasonable doubt for violation of paragraph (b), Section 20 of Republic Act No. 7586, as amended by Republic Act No. 11038.

The cash bonds posted by Orsing Melgar y Endino, Roger Arnel Ancu y Escabidu, and Arnel Gequillo y Aparise for their provisional liberty in the amount of ₱6,000.00 each under Official Receipts Nos. 6254617 C, 6254618 C, and 6254619 C all dated March 3, 2021, respectively, are hereby ordered released in their favor, subject to the presentation of the original copies of said receipts.

With respect to Criminal Case No. 6520, the Court finds accused Orsing Melgar y Endino, Roger Arnel Ancu y Escabidu, and Arnel Gequillo y Aparise GUILTY beyond reasonable doubt for violation of paragraph (g), Section 20 of Republic Act No. 7586, as amended by Republic Act No. 11038, as principals, and hereby sentences them to suffer the straight penalty of one (1) year imprisonment. The period for which accused Orsing Melgar y Endino, Roger Arnel Ancu y Escabidu, and Arnel Gequillo y Aparise were placed under preventive imprisonment shall be credited in their favor, subject to the provisions of Article 29 of the Revised Penal Code, as amended.

<sup>39</sup> *Bartolome v. People*, G.R. No. 166441, October 8, 2014.

<sup>40</sup> *People v. Lizada*, G.R. Nos. 143468-71, January 24, 2003.

## Annex B. (Continuation)

Criminal Cases Nos. 6520 and 6521  
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Pursuant to Section 21 of Republic Act No. 7586, as amended by Republic Act No. 11038, the sky blue and green banca, including its engine, shaft, and propeller, subject matter of Criminal Case No. 6520, are hereby forfeited in favor of the government. Conformably with Section 1,<sup>41</sup> Rule 12 of A.M. No. 09-6-8-SC,<sup>42</sup> in relation to paragraph (c), Rule 21.2<sup>43</sup> of DENR Administrative Order No. 2019-5,<sup>44</sup> let the aforesaid forfeited items be turned over to the Department of Environment and Natural Resources.

SO ORDERED.

Given this 20<sup>th</sup> day of April 2022, Sablayan, Occidental Mindoro.

  
JECOPOI N. POLITICO  
Presiding Judge

### *Copy furnished:*

Pros. Roberto P. Evangelista  
Atty. Jeffrey M. Mercado  
PASU Krystal Dayne T. Villanada  
Park Maintenance Foreman Roberto P. Beringuela  
Park Ranger Temart E. Rebato  
Accused Orsing Melgar y Endino  
Accused Roger Arnel Ancu y Escabidu  
Accused Arnel Gequillo y Aparise

<sup>41</sup> SECTION 1. *Custody and disposition of seized items.* – The custody and disposition of seized items shall be in accordance with the applicable laws or rules promulgated by the concerned government agency.

<sup>42</sup> RULES OF PROCEDURE FOR ENVIRONMENTAL CASES.

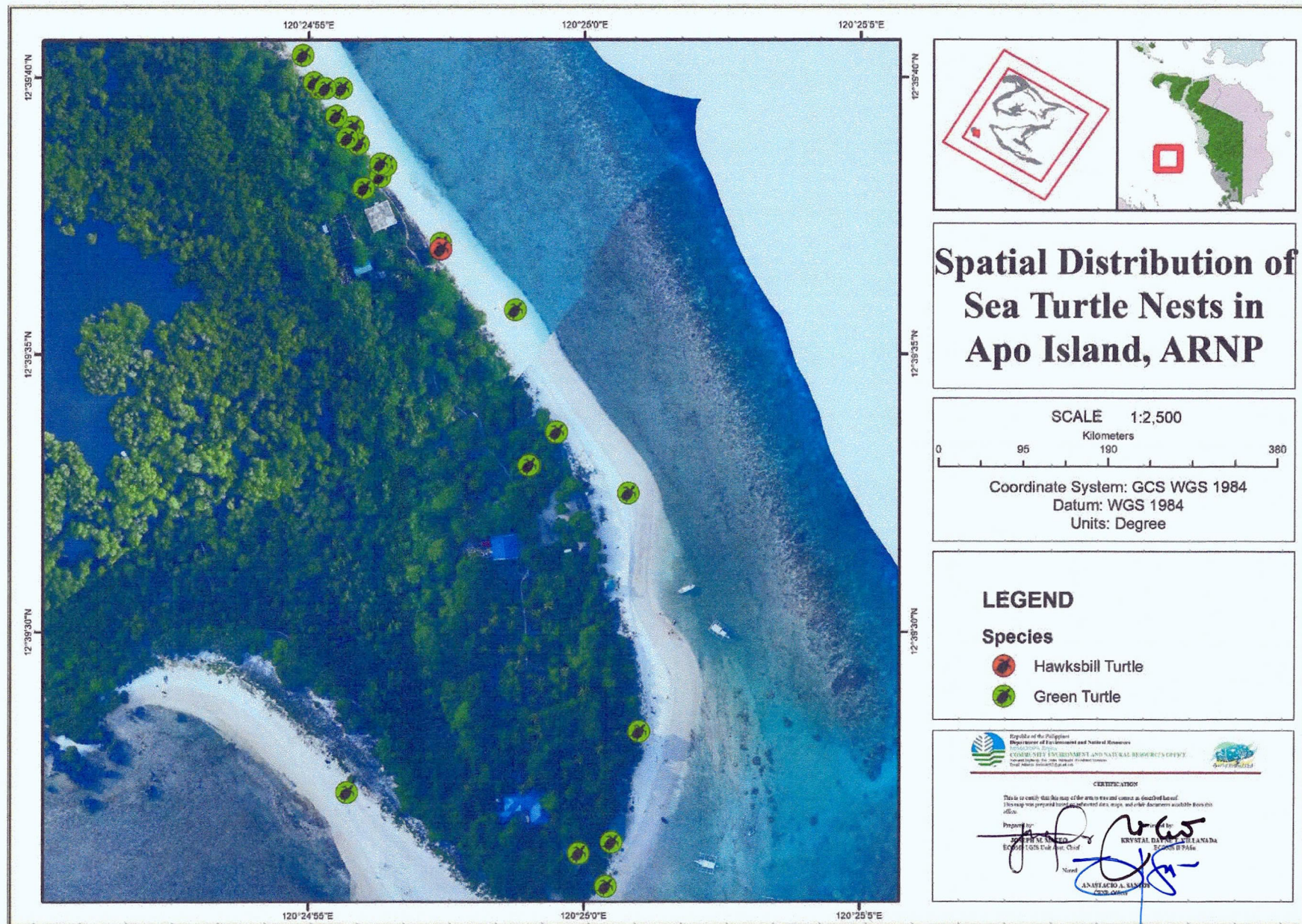
<sup>43</sup> **Rule 21.2** The violations of the foregoing shall result to the following consequences:

(c) The conveyances, vessels, equipment, paraphernalia, implements, gear, tools, and similar devices used in the commission of the crime shall be under the custody and disposition of the DENR.

<sup>44</sup> IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 7586, OR THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) ACT OF 1992, AS AMENDED BY REPUBLIC ACT NO. 11038, OR THE EXPANDED NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (ENIPAS) ACT OF 2018.



**Annex C. Spatial distribution of sea turtle nests recorded in Apo Island, Apo Reef Natural Park from January 1 to June 7, 2022.**





**Annex D. Photo-documentation of the nesting beach surveys from January 1 to March 8, 2022.**



Park Ranger Michael D. Dagdag assessing the body pit of a green turtle on March 17, 2022.



Park Ranger Michael D. Dagdag recording the measurement of a crawl on March 21, 2022.



Park Ranger Michael D. Dagdag inspecting a mound beside a body pit.



Hawksbill turtle track photographed on March 22, 2022.



Support Staff Ricky M. Dantayana identifying whether a track is a nesting emergence or a false crawl.



Incoming and outgoing tracks of a green turtle that was photographed by Park Ranger Kelvin U. Zubiri.



**Annex E. Memoranda on the submission of preliminary damage assessment report on the grounding of FV Monalinda 85 at Apo Reef Natural Park.**



**Department of Environment and Natural Resources**  
**MIMAROPA Region**  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**

May 16, 2022

**MEMORANDUM**

**FOR :** The Regional Executive Director  
DENR MIMAROPA Region  
Ermita, Manila

**THRU :** The PENR Officer  
Mamburao, Occidental Mindoro

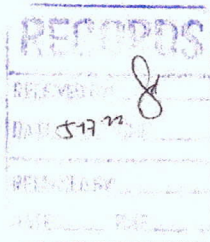
**FROM :** The CENR Officer

**SUBJECT :** **SUBMISSION OF PRELIMINARY DAMAGE ASSESSMENT  
REPORT ON THE GROUNDING OF F/V MONALINDA 85 AT  
APO REEF NATURAL PARK**

Respectfully forwarded herewith is the Preliminary Damage Assessment Report on the grounding of F/V Monalinda 85 incident at Apo Reef Natural Park. The ARNP-PAMO is also hereby requesting for a face-to-face meeting with the Regional Executive Director/PAMB Chair and representatives from the shipping companies involved in the recent ship grounding at DENR MIMAROPA's office in Ermita, Manila.

For information, evaluation, and approval.

  
FOR. ANASTACIO A. SANTOS, MPA





Annex E. (Continuation)



Department of Environment and Natural Resources  
MIMAROPA Region  
APO REEF NATURAL PARK  
Protected Area Management Office

May 10, 2022

MEMORANDUM

**FOR** : The Regional Executive Director  
DENR MIMAROPA Region  
1515 L&S Bldg., Roxas Blvd., Ermita, Manila

**THRU** : The OIC, PENR Officer  
Mamburao, Occidental Mindoro

: The CENR Officer  
DENR-CENRO, Sablayan, Occidental Mindoro

**FROM** : The Protected Area Superintendent

**SUBJECT** : **SUBMISSION OF PRELIMINARY DAMAGE  
ASSESSMENT REPORT ON THE GROUNDING OF F/V  
MONALINDA 85 AT APO REEF NATURAL PARK**

Respectfully submitted is the Preliminary Damage Assessment Report for the grounding of F/V Monalinda 85 at Apo Reef Natural Park. F/V Monalinda 85 ran aground on the southwestern portion of the Protected Area on March 30, 2022. The vessel damaged 191.56 m<sup>2</sup> of coral reef which is estimated to cost P2,298,720.00.

In this regard, we are respectfully requesting for a face-to-face PAMB Meeting with the Regional Executive Director/PAMB Chair at the DENR MIMAROPA Regional Office at her most convenient time, but as soon as possible preferably. The meeting shall also include the resolution of the previous ship grounding incident involving M/V Star San Carlos of Atienza Shipping Company. Further requesting for the DENR Legal Division to issue a summon letter for the shipping companies to attend the said meeting for the resolution of the incident.

Attached with this is the damage assessment on the grounding of F/V Monalinda 85 and the Completed Staff Work for the grounding of M/V Star San Carlos, for your ready-reference.

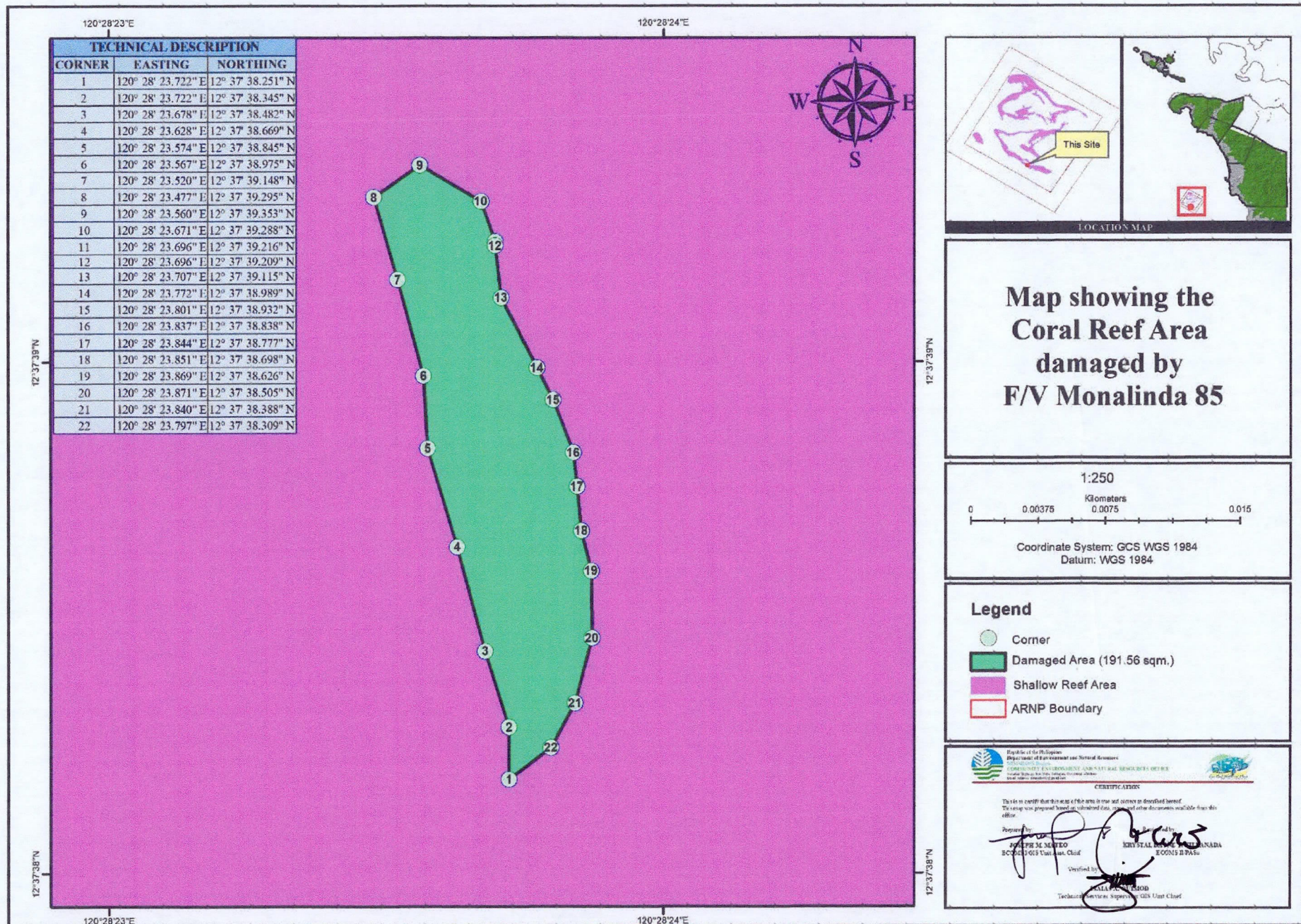
For information, evaluation, and approval.

  
KRYSTAL DAYNE T. VILLANADA

National Highway, Brgy.Sto. Niño, Sablayan, Occidental Mindoro  
E-mail: [aporeefnaturalpark@gmail.com](mailto:aporeefnaturalpark@gmail.com)



10

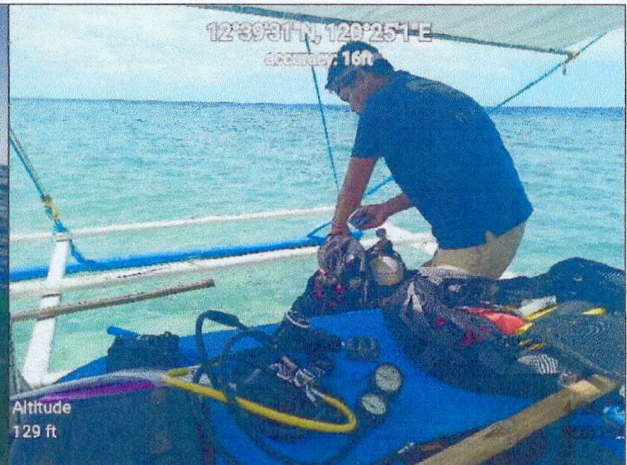




**Annex G. Photo-documentation of the damage assessment conducted on April 20 and 26, 2022.**



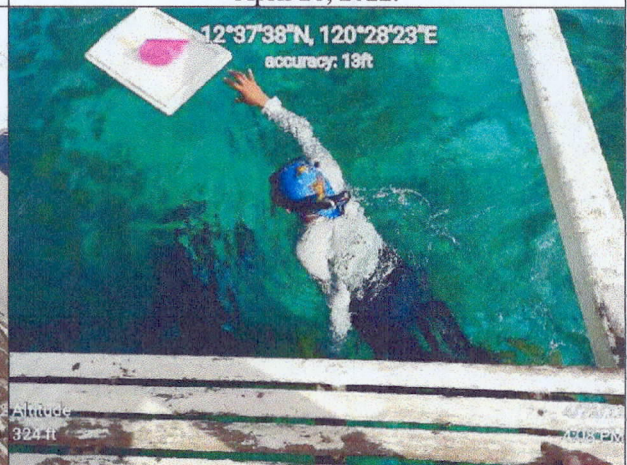
Park Rangers with the weights that were collected from the grounding site on April 20, 2022.



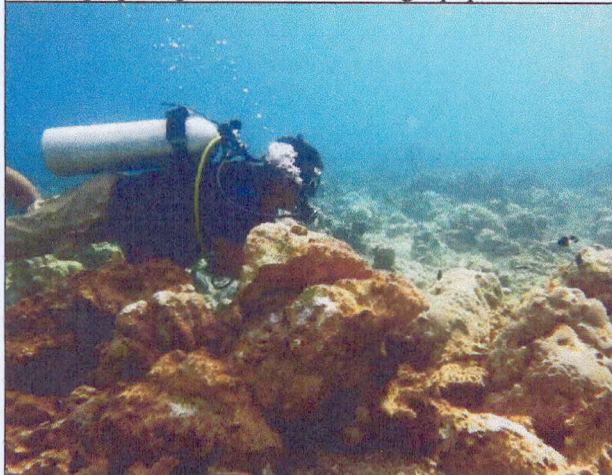
Park Maintenance Foreman Roberto P. Beringuela preparing his diving equipment during the assessment on April 26, 2022.



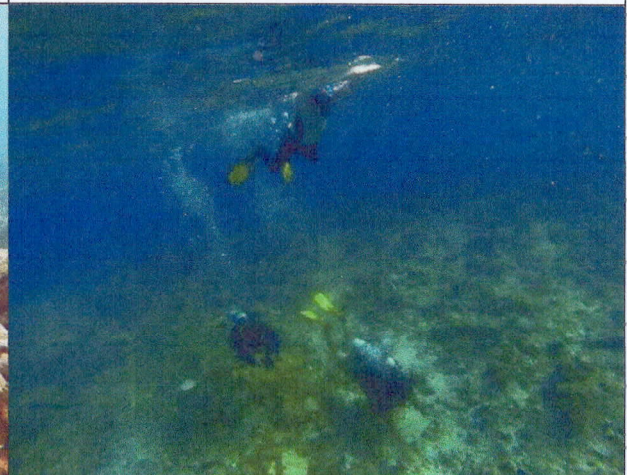
Other members of the internal damage assessment team preparing their SCUBA diving equipment.



Forest Ranger Efraim Z. Pagador testing out the GPS float.



Park Maintenance Beringuela crawling over damaged benthos while attached to the GPS float.



The internal damage assessment team delineating the damaged area.



## Annex H. Confirmation of submission from the Philippine Coral Bleaching Watch.



Hugo Salvador <higsalvador@gmail.com>

### We have received your response for Philippine Coral Bleaching Watch

1 message

Guest User <noreply@jotform.com>  
Reply-To: phbleaching@msi.upd.edu.ph  
To: higsalvador@gmail.com

Sun, Jun 12, 2022 at 9:52 PM

#### Philippine Coral Bleaching Watch

Name of dive site Southeast of Apo Island (near Barracuda Point)

Latitude 12.657586

Longitude 120.418508

Date of observation 06-11-2022

Have you submitted a report for this site before? Yes

Did you see bleached/fluorescent coral in the area at the time of your report? no

Do you think that the reef recovered after bleaching? unsure

Did you see any other reef threats? (choose all that applies) None

What was the depth in meters (if known)? 2-3m

Alternatively, you may upload a photo of the site.  
BPoint\_06112022-1.jpg  
BPoint\_06112022-10.jpg  
BPoint\_06112022-11.jpg  
BPoint\_06112022-12.jpg  
BPoint\_06112022-13.jpg  
BPoint\_06112022-2.jpg  
BPoint\_06112022-3.jpg  
BPoint\_06112022-4.jpg  
BPoint\_06112022-5.jpg  
BPoint\_06112022-6.jpg  
BPoint\_06112022-7.jpg  
BPoint\_06112022-8.jpg  
BPoint\_06112022-9.jpg

Name Hugo Salvador

Affiliation Apo Reef Natural Park - Protected Area Management Office

Email higsalvador@gmail.com

Have you received any training on coral reef monitoring or other reef-related trainings? Yes

If yes, what kind of training have you received? Academe-led trainings

Are you interested to receive alerts on trainings in the future? Yes

I acknowledge that participating in this endeavour is voluntary, and that the information (i.e. data and photos) I provide may be used for scientific studies and communication purposes. I agree to these terms and conditions.

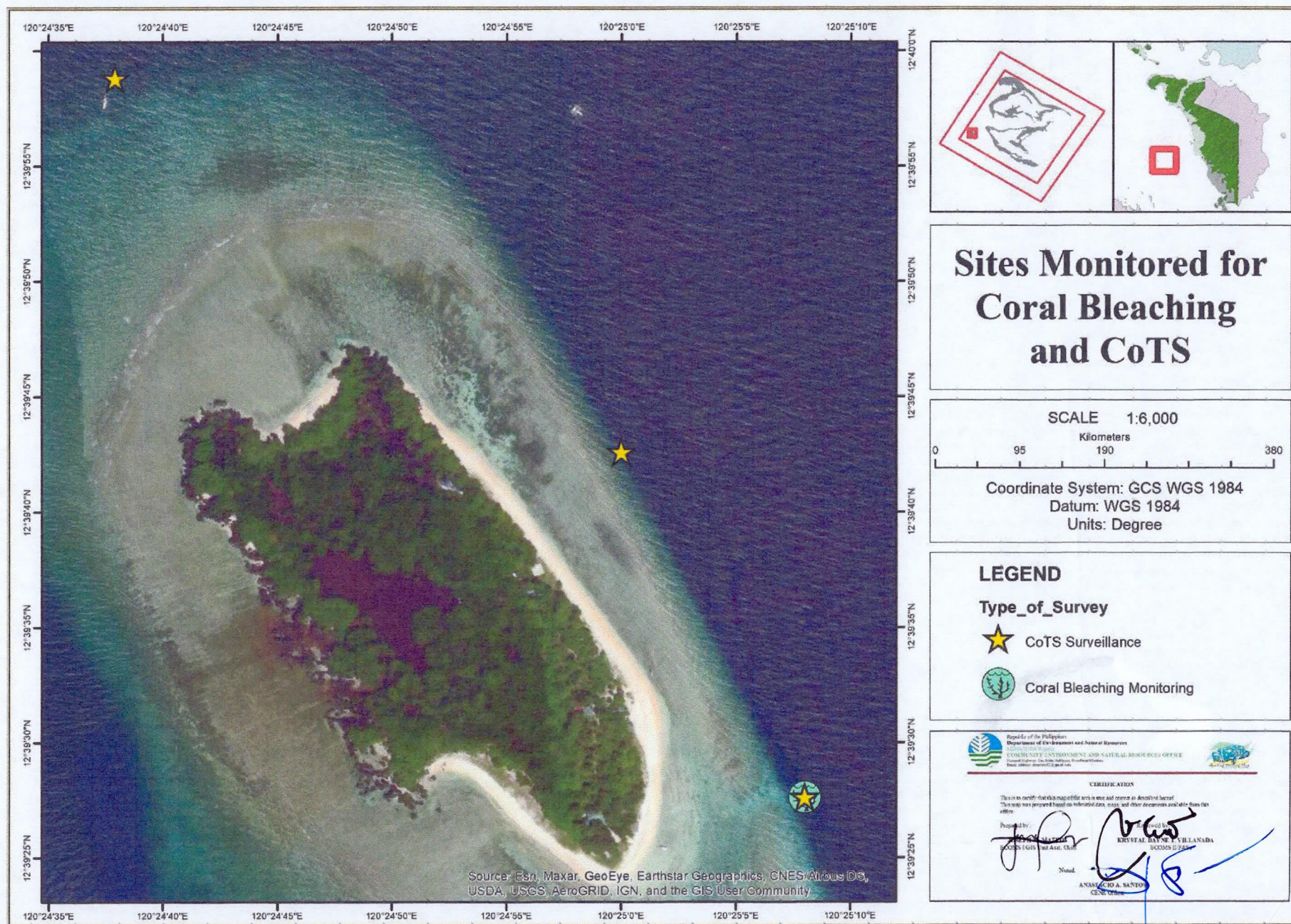
Comments and Suggestions Kindly attribute this report to the Apo Reef Natural Park - Protected Area Management Office.

Powered by  JotForm

Create your own form today!

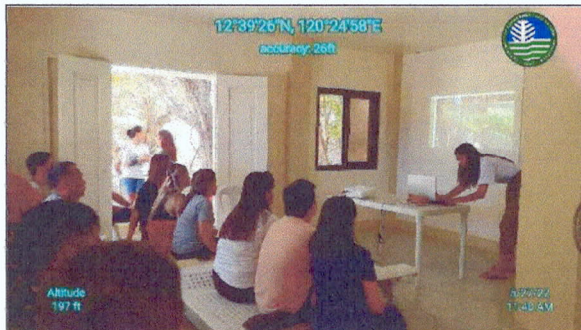


**Annex I.** Map showing sites surveyed for CoTS and bleaching corals within March 9, 2022 to June 14, 2022.





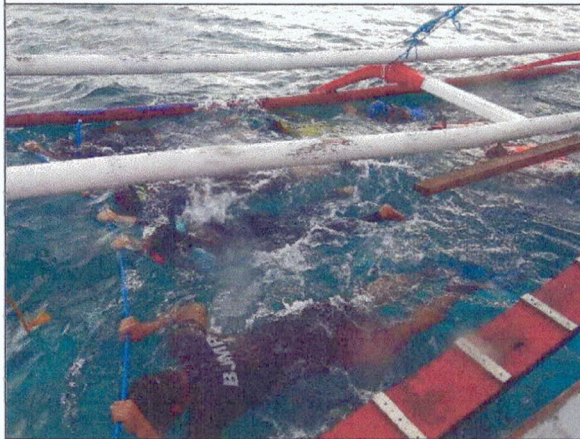
**Annex J.** Photo-documentation of the CoTS surveillance conducted as part of the Marine Biodiversity Conservation Camp.



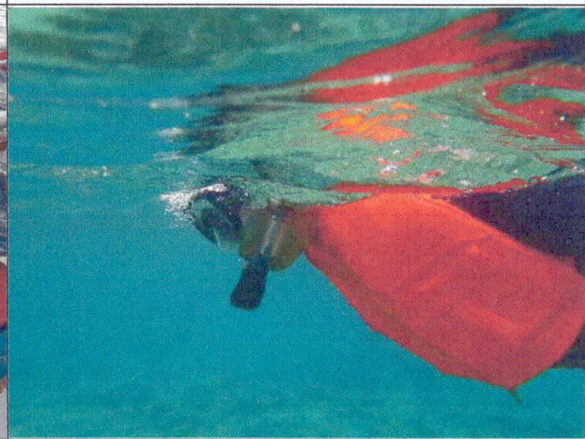
CMEMP Extension Officer Hugo G. Salvador delivering a presentation on marine ecosystems.



SK Chairman Bernadette Sambaoa searching the benthos for bleached corals and CoTS.



Participants being towed from Ego Wall to Aladin during the simulation activity.



John Mercene surveying Ego Wall in search of bleached corals and CoTS.



Participants of the 2022 Marine Biodiversity Conservation Camp at Apo Reef Natural Park.



CMEMP Extension Officer Hugo G. Salvador facilitating the discussion among the participants regarding the simulation activity.



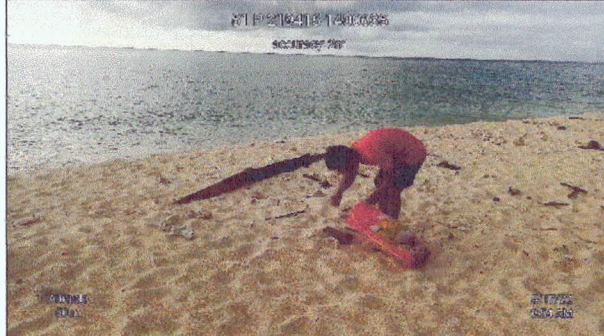
**Annex K. Photo-documentation of coastal clean-up activities conducted from March 9 to June 19, 2022.**



Park Rangers Ricky Dantayana and Ludygario Matira conducting a coastal clean-up activity on April 5, 2022.



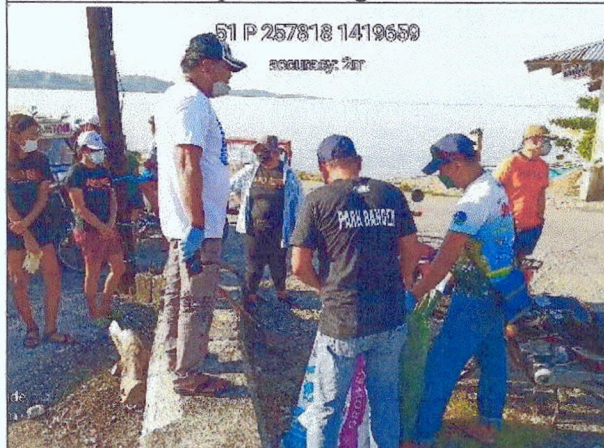
Participants of the coastal clean-up activity at Sitio Tabuk on May 6, 2022



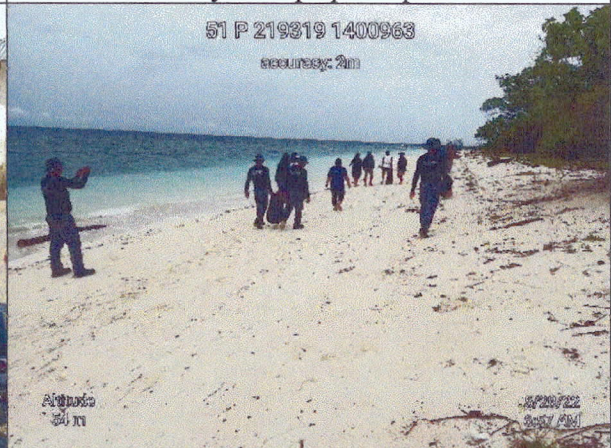
Park Ranger Sherwin Benoza collecting small marine litter dispersed amongst the sand.



Wastes to be transported on May 17, 2022 to mainland Sablayan for proper disposal.

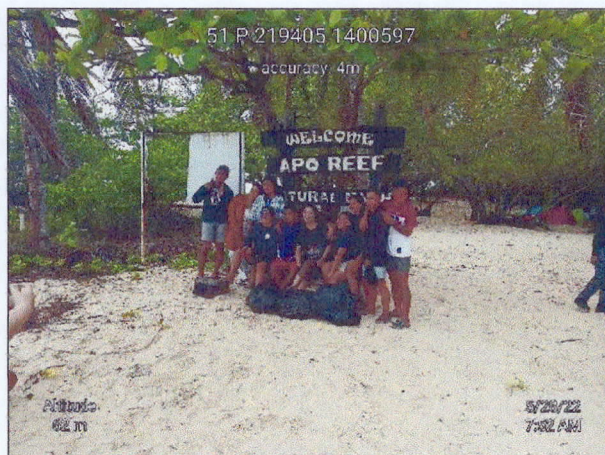


ARNP-PAMO staff participating in the coastal clean-up activity at Sablayan Pier.



ARNP-PAMO staff and BJMP personnel joining youth leaders in cleaning up the sandy shore in Apo Island.

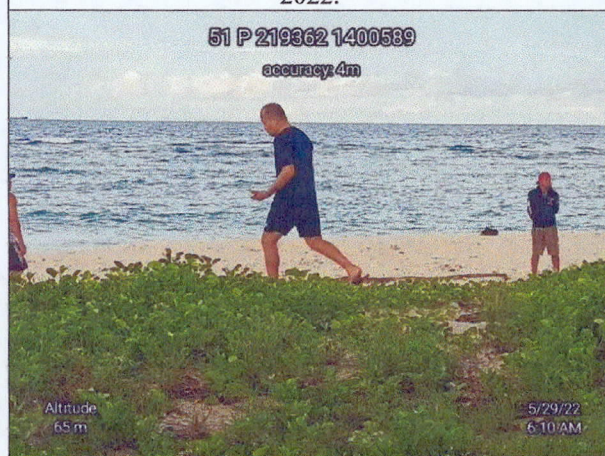




SK Members posing for a photo at the welcome signage after the coastal clean-up activity on May 28, 2022.



Park Rangers joining the personnel of the Municipal Trial Court in their clean-up activity on May 29, 2022.



Judge Jeicqpoi Politico collecting trash along the restricted area in Apo Island.



Park Ranger Michael D. Dagdag segregating wastes collected from coastal clean-up activities.



Park Ranger Salvador M. Ciasico participating in the second coastal clean-up at Sitio Tabuk on May 31, 2022.



Participants of the SCUBAsura held at Free Beach, Barangay Poblacion on May 31, 2022.



**Annex L. Photo-documentation of the ARMS Monitoring which was done concurrently with the Basic First Aid Training from February 13 to 16, 2022.**



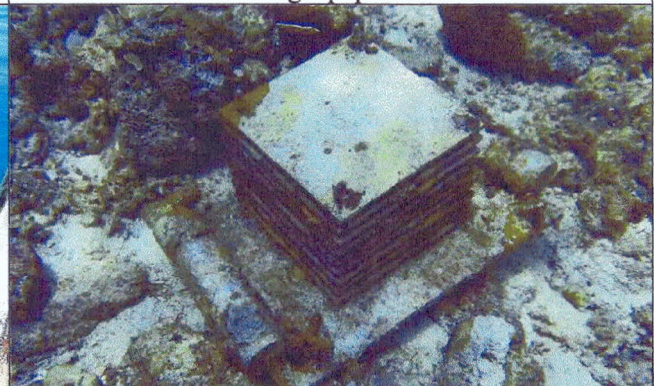
Park Rangers preparing while in transit to Ego Wall, one of the three stations where ARMS were installed.



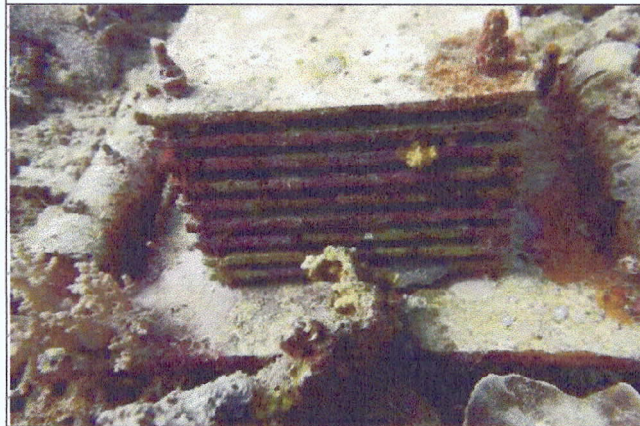
Park Ranger Temart E. Rebito and Support Staff Salvador M. Ciasico assisting in the assembly and disassembly of diving equipment.



PMF Roberto P. Beringuela preparing for descent at Ego Wall where one of the three ARMS remain.



Lone intact ARMS in Ego Wall.



One of the six ARMS in Binanggaan photographed on May 8, 2022.



Close-up photograph of the ARMS in Binanggaan.



**Annex M. Repair of watercrafts conducted from January to March 8, 2022.**



Support Staff Rendel Tulaylay repairing the boarding ladder of MBca Jerlyn.



Boat Captain Romel Pacaul overseeing the repair of MBCa Jerlyn's alternator.



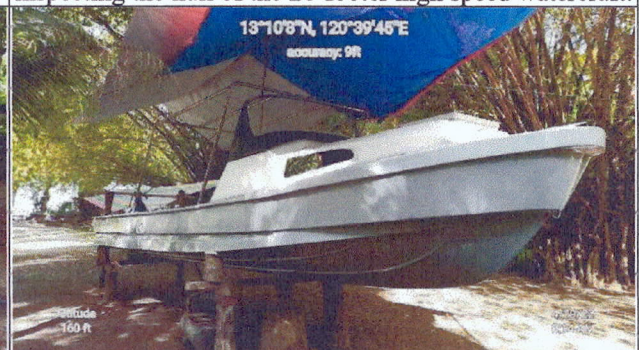
ARNP-PAMO staff assisting in the dry docking of the 26-footer high speed watercraft.



Park Maintenance Foreman Roberto P. Beringuela inspecting the hull of the 26-footer high speed watercraft.

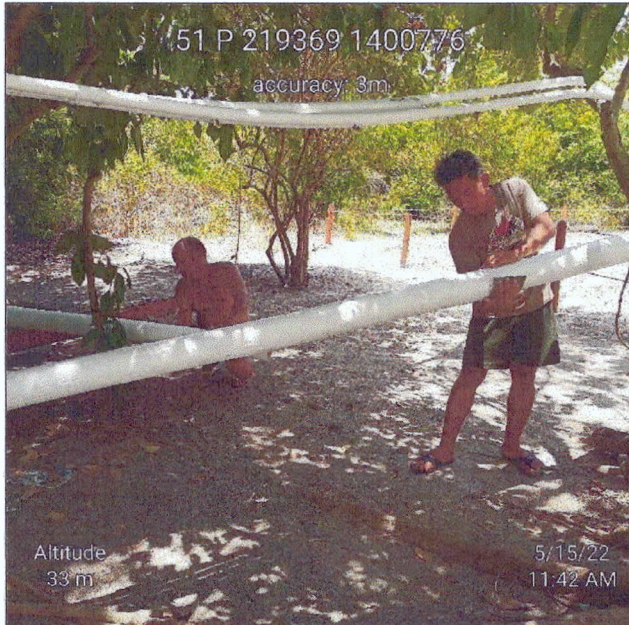


Support Staff Salvador M. Ciasico and PMF Roberto P. Beringuela cleaning the hull of the 26-footer high speed watercraft.

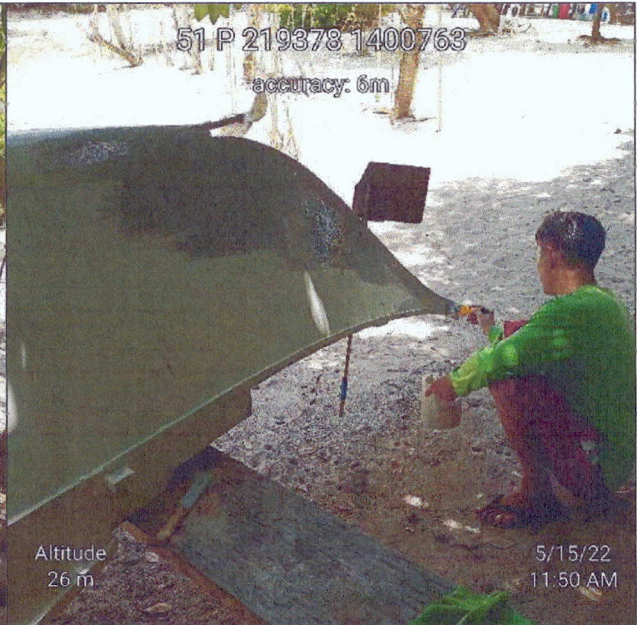


30-footer high speed watercraft with newly installed windshield and roof framing.





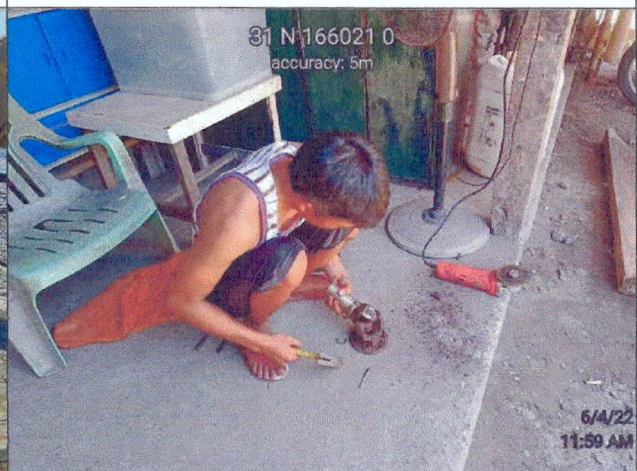
Park Ranger Sherwin Benozza and Forest Ranger Efraim Z. Pagador polishing the new outriggers for the confiscated spotter boat.



Boat Captain Romel Pacaul repainting the boat hull of the confiscated spotter boat.



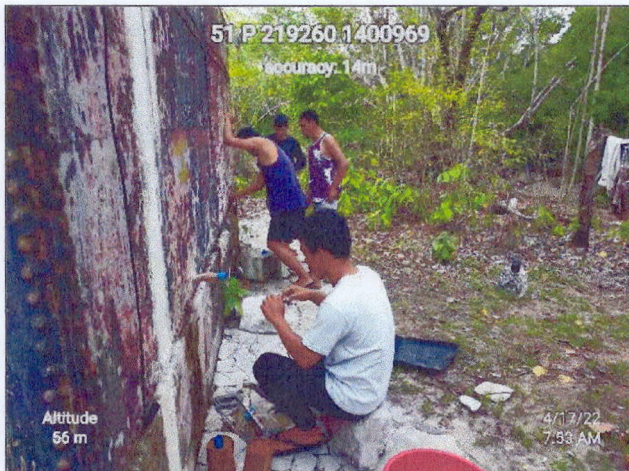
Park Ranger Sherwin R. Benozza cleaning the hull of MBca Jerlyn.



Forest Ranger Efraim Z. Pagador assisting in painting the hull of the 30-footer hi-speed watercraft.



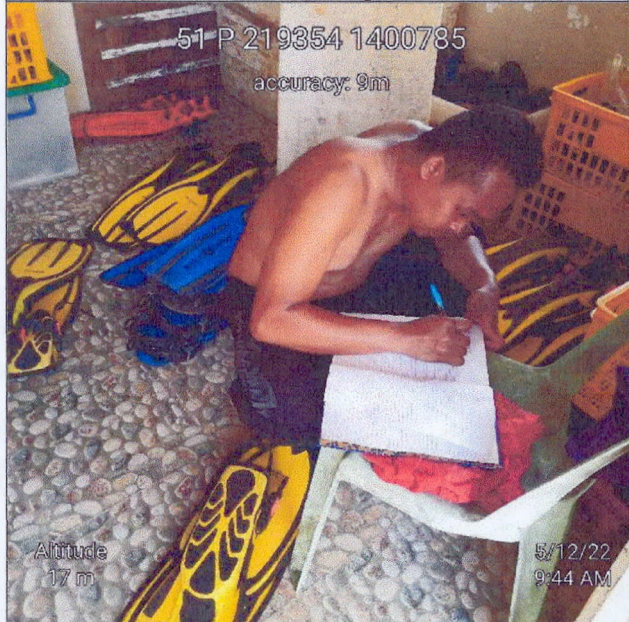
**Annex N. Other repair and maintenance activities conducted from March 9 to June 14, 2022.**



Park Rangers replacing the faucets of the water catchment near the helipad.



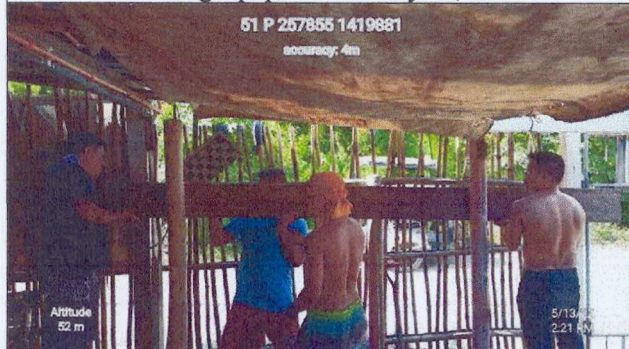
Park Ranger Sherwin R. Benzoza replacing old faucets at the Administrative Building.



Support Staff Ricky Dantayana conducting an inventory of diving equipment on May 12, 2022.



Park Ranger Sherwin R. Benzoza taking out old diving fins for inventory.



Park Rangers building a rack at the jumping off station of ARNP-PAMO on May 13, 2022.



Park Rangers organizing old outboard motors on the newly built rack.

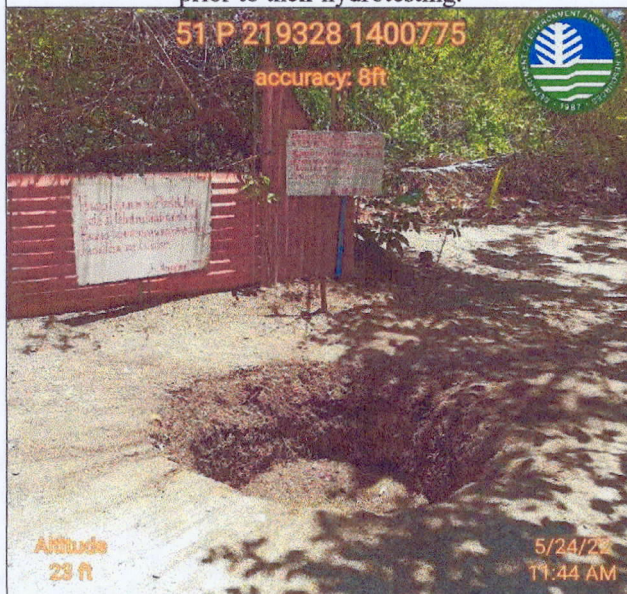




Park Ranger Temart E. Rebito cleaning the diving tanks prior to their hydrotesting.



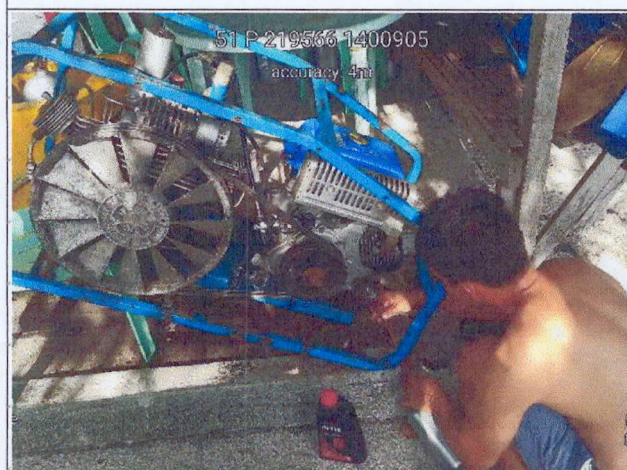
23 diving tanks successfully hydrotested by Aquamundo Sports Inc.



New compost pit at the back of the Ranger's Kitchen.



Park Ranger Kelvin U. Zubiri labelling new segregation bins.



Park Ranger Sherwin R. Benozza changing the oil of the compressor on May 27, 2022.



Park Rangers repairing the water pump at the Administrative Building in Apo Island on May 28, 2022.