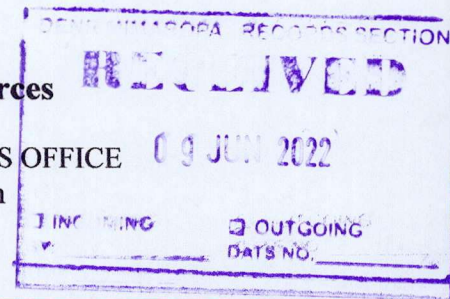




Republic of the Philippines  
**Department of Environment and Natural Resources**  
MIMAROPA Region  
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE  
Bgy. Sta. Monica, Puerto Princesa City, Palawan  
Telfax No. (048) 434 - 8791  
Email Add: [penropalawan@denr.gov.ph](mailto:penropalawan@denr.gov.ph)



May 26, 2022

**MEMORANDUM**

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

**FROM** : The Provincial Environment and  
Natural Resources Officer

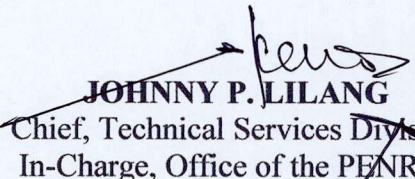
**SUBJECT** : **PORT ZONE DELINEATION (PZD) APPLICATION OF PORT  
MANAGEMENT OFFICE – PALAWAN LOCATED IN SAN  
FERNANDO, EL NIDO, PALAWAN**

Forwarded is the Memorandum from CENRO – Taytay, Palawan dated May 19, 2022 along with the investigation report of ECOMS I Ana Liza D. Marasigan and FT II Christian O. Cuyo in compliance to December 23, 2021 RED Memorandum.

Also attached are digitized sketch map of the area, geo-tagged photos and other pertinent enclosures.

For information and further instruction.

For the PENR Officer:

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

DENR-PALAWAN  
PENRO-RECORDS  
**RELEASED**

By \_\_\_\_\_  
Date JUN 02 2022

Cc:

CENRO – Taytay, Palawan

TSD/File \*kkva  
Doc. Ref. No. 2022-4402







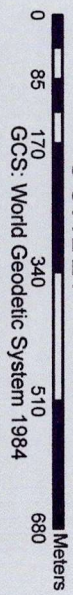


**SKETCH MAP  
SHOWING THE PROPOSED PORT  
ZONE DELINEATION  
OF  
PHILIPPINE  
PORT AUTHORITY**






Located at:

SITIO : SAN FERNANDO  
 BARANGAY : EL NIDO  
 MUNICIPALITY : PALAWAN  
 PROVINCE : PALAWAN  
 PROPOSED PORT ZONE : 998,339 SQ.M  
 USE IN ACTUAL GROUND : 39,081.8 SQ.M  
 AREA WITHIN TIMBERLAND : 6,938.59 SQ.M




**SCALE : 1:10,000**




**Legend**

	Area within Timberland		Proposed Area
	Reclaimed Area		Quarry Area
	Mangrove Area		

**Land Classification**

	Alienable & Disposable		UPF
	Forestland		

  
 Republic of the Philippines  
 Department of Environment and Natural Resources  
 Region IV - MIMAROPA  
 Community Environment and Natural Resources Office  
 Taytay 5312, Palawan

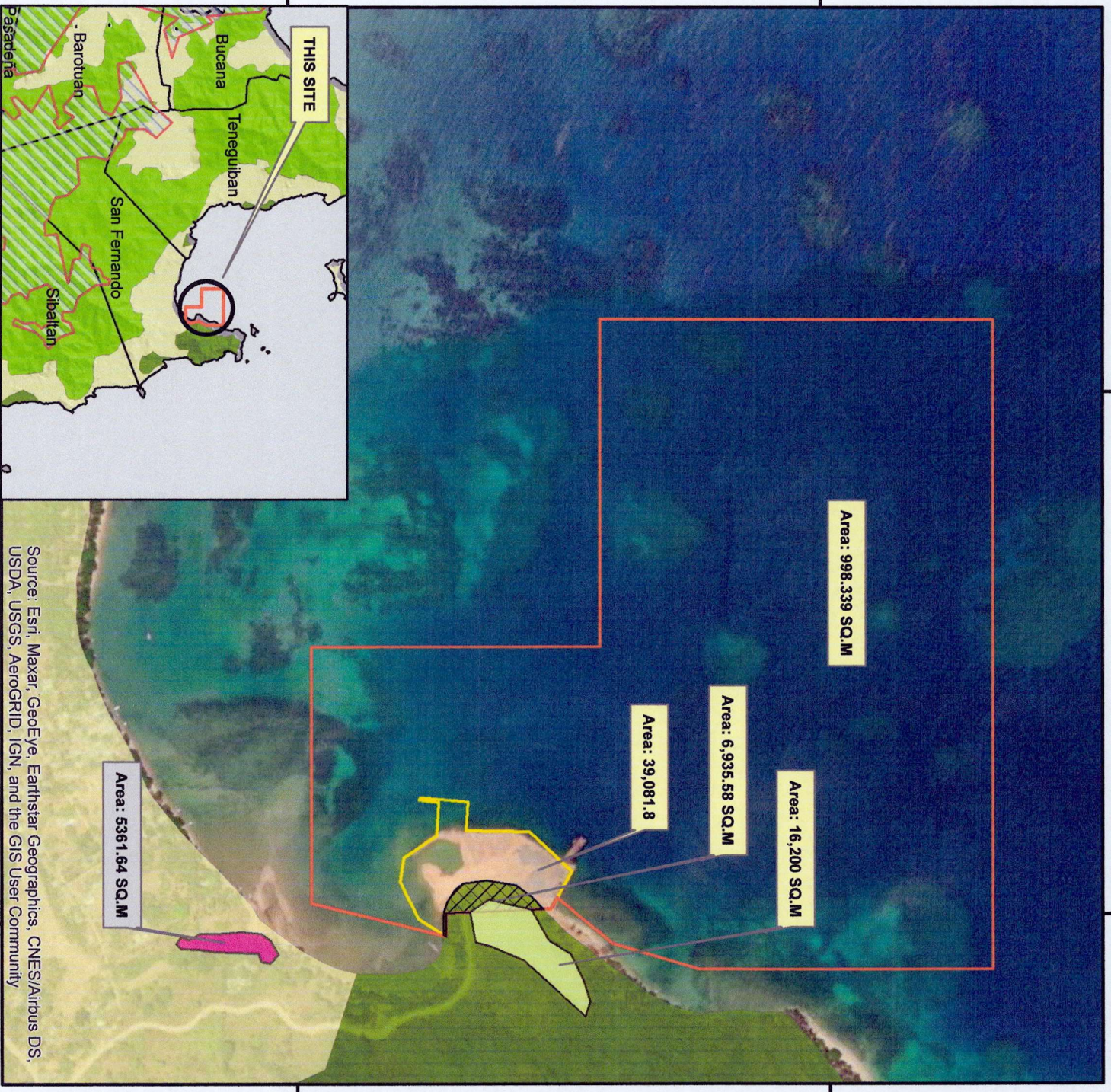
Prepared by:  
**FOR CHRISTIAN O. CUYO**  
 FT II/Chief, Monitoring Unit

Checked and Verified by:

**FOR CLARISSA P. PADOR**  
 FOR. III/Chief, CDS, PASU, MSPLS

Attested by:

**ENGR. ALAN VALLE**  
 ENGR. VICENRO



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

11°19'30"N 11°20'0"N

119°32'0"E

119°32'30"E

11°19'30"N 11°20'0"N

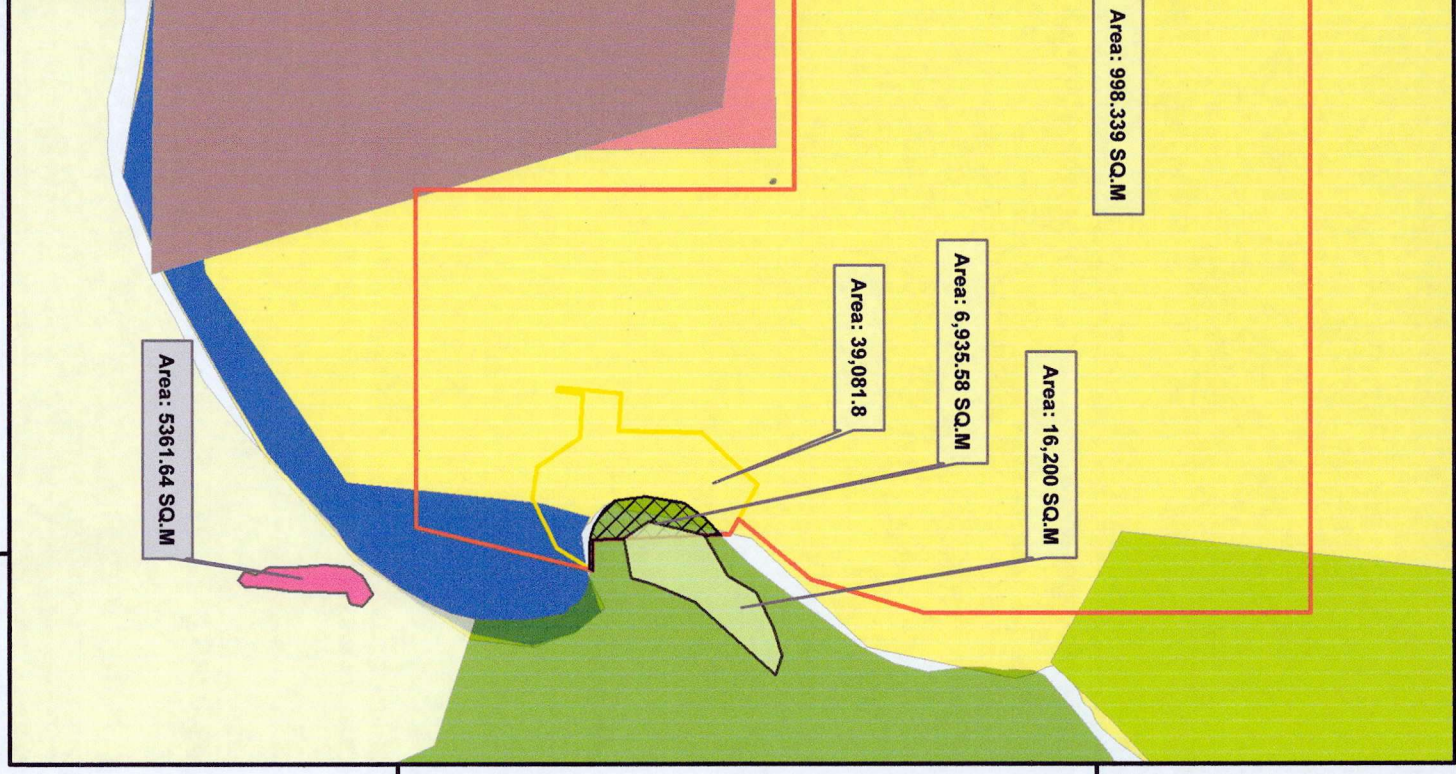
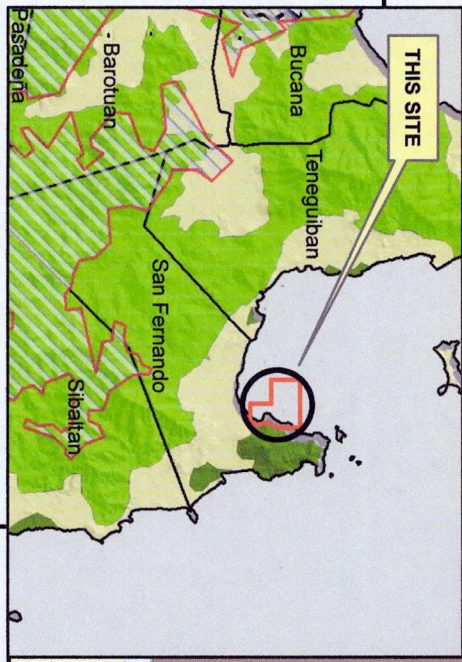
119°32'0"E

119°32'30"E



**Marine Protected Area Zone**

- CZ1-1
- CZ2
- MCA QI
- MUZ Proper
- Mangroves-Maobog
- Maobog CZ
- Multiple Use Zone
- Multiple use zone
- Navigational
- New Palacatan CZ
- Palacatan CZ\_New
- QI Reef
- QI\_CZ
- SFMPA - QI
- SFMPA1
- Sustainable Use-SF MPA

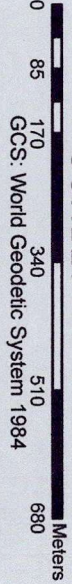


**SKETCH MAP  
SHOWING THE PROPOSED PORT  
ZONE DELINEATION  
OF  
PHILIPPINE  
PORT AUTHORITY**

Located at:

SITIO : SAN FERNANDO  
 BARANGAY : EL NIDO  
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 AREA WITHIN TIMBERLAND : 6,938.59 SQ.M

SCALE : 1:10,000



**Legend**

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	Alienable & Disposable		UPF
	Forestland		



Republic of the Philippines  
 Department of Environment and Natural Resources  
 Region IV - MIMAROPA  
 Community Environment and Natural Resources Office  
 Taytay, 5312, Palawan

Prepared by:  
**FOR CHRISTIAN O. CUYO**  
 FT II/Chief, Monitoring Unit

Checked and Verified by:

**FOR CLARISSA P. PADOR**  
 FOR. III/Chief, CDS, PASU, MSPLS

Attested by:

**ENGR. ALAN L. PALLE**  
**ENGR. MCENRO**







Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
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Mobile: 0926-505-9335 TM 0912-171-3889 TNT  
Email: cenrotaytay@denr.gov.ph

May 5, 2022

MEMORANDUM

**DENR CENRO  
TAYTAY, PALAWAN  
RECEIVED**  
BY: *J. L. V.*  
DATE: *J. 6. 2022*

FOR : 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  
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

- 
- 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.

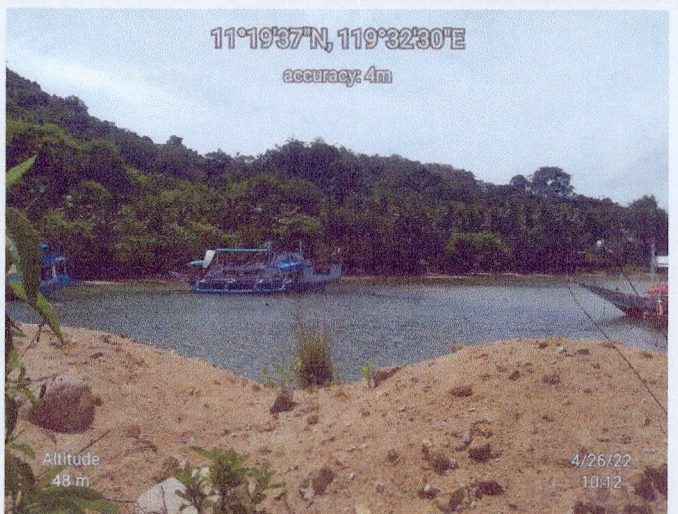
**ANA LIZA D. MARASIGAN**  
Ecosystem Management Specialist 1

**CHRISTIAN O. CUYO**  
Forest Technician II





## 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, 2022.

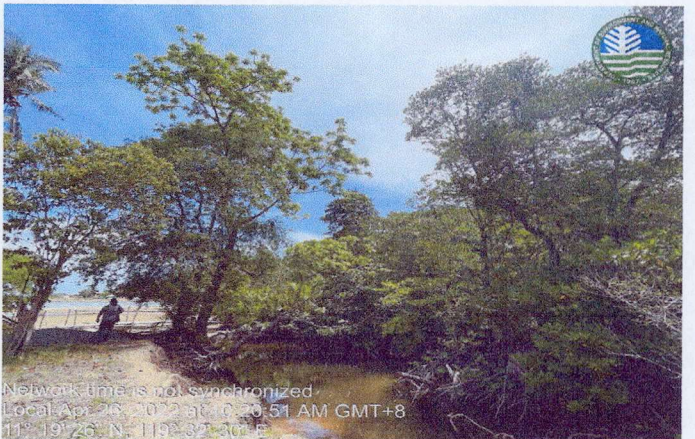
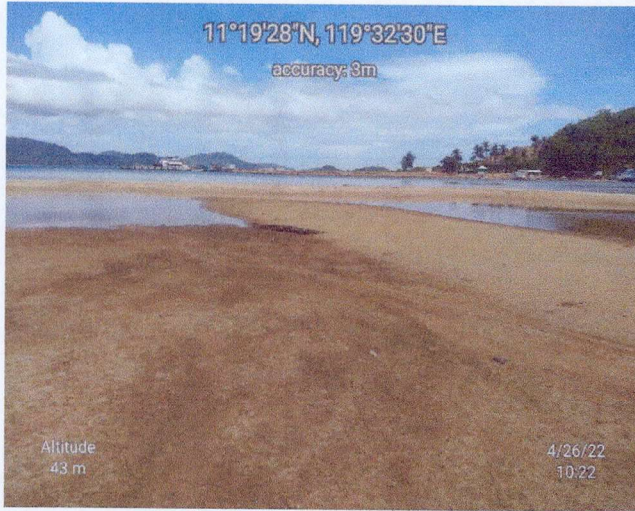
*Marasigan*  
**ANA LIZA D. MARASIGAN**  
Ecosystem Management Specialist I

*Cuyoy*  
**CHRISTIAN O. CUYO**  
Forest Technician II





Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
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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, 2022

*Rosario*

**ANA LIZA D. MARASIGAN**  
Ecosystem Management Specialist I

*Cuyos*

**CHRISTIAN O. CUYO**  
Forest Technician II







- 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:

*“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, Mr. *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 10<sub>a</sub>). The said application was referred to then Forest 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 11<sub>a</sub>)
  - c. Sangguniang Barangay (San Fernando) Resolution 2014-20 endorsing the project (Annex 11<sub>b</sub> to 11<sub>c</sub>).
  - 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, Mr. *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 15<sub>a</sub>) and Sangguniang Panlalawigan (Palawan) Resolution No. 13075, Sries of 2017 dated March 28, 2017 (Annex 15<sub>b</sub> and 15<sub>c</sub>).
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 16<sub>b</sub>).
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 17<sub>a</sub>).
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 August 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<sub>b</sub>, 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:

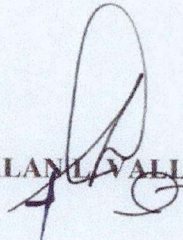
1. *ECC* is defined under item "f" of Section 2 of DAO (DENR) 2000-25 dated March 9, 2000. Section 4 of Presidential Decree No. 1586 dated June 11, 1987: "xxx No person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing Environmental Compliance Certificate xxx"
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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; (2) project components; (3) basis of the program (e.g. master plans, feasibility studies, and pre-feasibility studies); (4) status of program/project preparation/implementation; and (5) 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.
2. 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.

  
ALAN VALLE





June 4, 2019

Annex 18

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-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:

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).
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



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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 referred to then Forest Management Section (FMS). Then, again, Records show no specific action on the letter. The letter cited the following attachment:
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  - b. Sketch Plan of the proposed Roro Port project (Annex 11 and 11a)
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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



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

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 16<sub>h</sub>).
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<sub>a</sub>).

#### 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<sub>h</sub>, 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

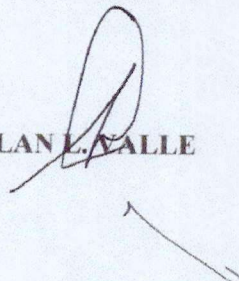
1. The noted violation deserves issuance of corresponding notice and fine appropriate under the law. Stoppage of operation, meantime, should be maintained as called for in this Office' letter dated May 20, 2019 (Annex 18). Item (3)(iii) of Section 17 of Republic Act 7160 mentions about the Provincial 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.
2. 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.

DENR CENRO  
TAYTAY, PALAWAN  
RELEASED  
BY: *JM*  
DATE: 06-04-2019 CN 157

ALAN L. VALLE





ANNEX 1



Republic of the Philippines  
PROVINCIAL GOVERNMENT OF PALAWAN  
Office of the Governor  
Capitol Compound, Puerto Princesa City

July 31, 2014

**FELIZARDO B. CAYATOC**  
Community Environment and Natural Resources Officer  
DENR, Taytay, Palawan

Sir:

This has reference to the proposed **Roll and Roll (RORO) Pier Project** of the Philippines Ports Authority in coordination with the Provincial Government of Palawan to be established at Barangay San Fernando, El Nido, Palwan. **The project has a land area of 25,476 square meters** more or less part of the Salvage Zone and a **Road Right of way of 1,041 meters** more or less from the Corner of the Barangay Road going to the proposed Roro Pier Site.

In this regard, may we have the honor to request for a Certification as to the status of the two (2) areas earlier stated as basis of the Provincial Assessor in its assessment of the area for the issuance of the corresponding Tax Declaration in favor of the Provincial Government of Palawan.

Attached for your reference is the sketch plan of the Proposed RORO Project site and the Road linking from the junction of Barangay Road to the Pier site..

Your consideration on the matter is very much appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "Deo Velasco".

**DEOGRACIAS S. VELASCO**  
Executive Assisgant V  
Authorized Representative

Copy furnished:

**Governor, Provincial Capitol, PPC**  
**Head Executive Assistant, Provincial Capitol, PPC**





Republic of the Philippines  
Department of Environment and Natural Resources  
Region IV-MIMAROPA  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
Taytay 3312, Palawan

CERTIFICATION (Lot Verification)

DENR CENRO  
TAYTAY, PALAWAN  
**RELEASED**  
BY: [Signature]  
DATE: 9/10/2014 CN 0198

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that as per verification made by this Office, the parcel of land being requested for verification as to the Land Status of a portion of Lot No. 2945, Cad 1037-D, with an area of **TWENTY THREE THOUSAND FOUR HUNDRED SEVENTY SIX (23,476)** square meters located at Barangay San Fernando, El Nido, Province of Palawan is verified to be within category of **Timberland per Land Classification Map No.1467, Project 5-B, established on September 16, 1941 for the Province of Palawan.**

CERTIFY FURTHER, that CATEGORY of above described lot is covered by the provisions of Section 84, PD 705 otherwise known as the FORESTRY CODE OF THE PHILIPPINES which state that "tax declaration and receipt are not conclusive evidence of ownership (Director of Lands vs Intermediate Appellate Court 195 SCRA 33,44 March 11, 1991). In like manner, Tax Declaration and receipt issued over portions of the Public Forest are not proof ownership thereof and positions or occupations thereon. However, this position of same is the function of the DENR through the issuance of the tenurial instrument such as Forest Land Use Agreement (FLAg), Forest Land Use Agreement for Tourism Purposes (FLAgT), Special Land Use Permit, Special Use Agreement for Protected Area (SAPA), SIFMA, CBFMA and others.

This certification should not be used for real property taxation.

This corresponding Certification Fee is paid in the amount of Php 116.00 with the O.R. No 2273435 dated September 9, 2014

Issued this SEP 09 2014 at DENR-CENR Office, Taytay, Palawan upon request of Proposed Ro-Ro Port represented by Deogracias S. Velasco.

INSPECTED/VERIFIED:

[Signature]  
RUDYS B. LACAN  
Forest Ranger  
OIC-Chief Engineering Unit

ATTESTED BY:

[Signature]  
RODNEY G. VERIAN  
Chief FMS

SUBSCRIBED AND SWORN to before me this SEP 09 2014 at DENR-CENRO Taytay, Palawan.

[Signature]  
FILIZARDO E. CAYATOC  
OIC-CENRO





Republic of the Philippines  
Department of Environment and Natural Resources  
Region IV-MIMAROPA  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
Taytay 5312, Palawan

DENR IV, Collection

ORDER OF PAYMENT

TO : The Bill Collector  
DENR-CENRO Taytay, Palawan

Please collect the amount of One Hundred Sixteen Pesos only  
(P116.00)

Name of Remitter : Deogracias S. Velasco  
Address of Remitter : Barangay San Fernando, El Nido, Palawan

DESCRIPTION OF PAYMENTS

<u>Certification/Oath Fee</u>	<u>86.00</u>
<u>Verification Fee</u>	<u>30.00</u>
<u>Lot No. 2945, Cad 1037-D</u>	
<u>Barangay San Fernando, El Nido,</u>	
<u>Palawan</u>	
TOTAL P	<u>116.00</u>

FELIZARDO B. CAYATOC  
OIC-CENRO

Payments  
 Cash  
 Check  
 P.M.O.

O.R. No. \_\_\_\_\_  
Date \_\_\_\_\_

GEORGE R. DELA PEÑA  
Special Collecting Officer





Republic of the Philippines  
Department of Environment and Natural Resources  
Region IV-MIMAROPA  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
Taytay 5312, Palawan

ANNEX 3

November 16, 2015

**MEMORANDUM**

**FOR :** The Provincial Environment and  
Natural Resources Officer  
Sta. Monica, Puerto Princesa City, Palawan

**FROM :** The Community Environment and  
Natural Resources Officer


**SUBJECT :** RE: WANTON DESTRUCTION AND USE OF CORALS FOR A  
PIER CONSTRUCTION BARANGAY SAN FERNANDO, EL  
NIDO

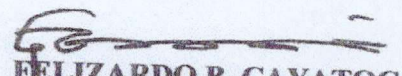
This pertains to the reported wanton destruction and use of corals for pier construction in Barangay San Fernando, El Nido, Palawan. As per verification with the Office of the Palawan Council for Sustainable Development (PCSD) last 03 November 2015, the contractor of the said port project had already been issued with cease and desist order by the said Council last August 2014 from using corals for rip rapping and as filling materials for the said project. Coordination made with PCSD Office in Taytay, Palawan last November 16, 2015 disclosed that their Office had also conducted ocular inspection on the said facility recently and found that the contractor have resumed their construction despite the lack of appropriate clearances for the said project (i.e. SEP clearance and ECC). Accordingly, the legal division of PCSDS is already acting on this matter. The project was also verified to be outside the El Nido Managed Resource Protected Area.

Further, this Office is continuously conducting monitoring and protection activities in the area as well as the conduct of continuous Information Education and Communication (IEC) campaign in the nearby communities to avoid the occurrence of the same.

For your information, reference and record.

DENR CENRO  
TAYTAY, PALAWAN  
RELEASED

BY:   
DATE: 11-17-2015 CN 1240

  
FELIZARDO B. CAYATOC



*11/13/15  
Ph. to  
This office to forward for copy & record.*

RECEIVED  
p13-54  
DEC 23 2015  
137672-2712 18

Republic of the Philippines  
Department of Environment and Natural Resources  
Region IVB-MIMAROPA  
**PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Sta. Monica, Puerto Princesa City, Palawan

**MEMORANDUM**

**ANNEX 4**

FOR : The Regional Director  
DENR Region 4B MIMAROPA  
1515 L&S Building, Roxas Boulevard  
Ermita, Manila

FROM : The Provincial Environment and  
Natural resources Office  
Sta. Monica, Puerto Princesa City

SUBJECT : RE: WANTON DESTRUCTION AND USE OF CORALS FOR A  
PIER CONSTRUCTION AT BGY. SAN FERNANDO, EL NIDO

DATE : November 26, 2015

Forwarded is memorandum dated November 16, 2015 from the OIC CENRO Taytay, Palawan re: Wanton Destruction and Use of Corals for a Pier Construction in barangay San Fernando, El Nido, Palawan.

Per verification made by CENRO concerned it reveals that the Palawan Council for Sustainable Development had issued a cease and desist order to the contractor of the project from using of corals for rip rapping and as filling materials for a pier construction. But upon ocular inspection made by PCSDS in Taytay, Palawan despite of the notice issued, still the contractor continued its activity in the area. Thus, the legal division of PCSD is already preparing its legal action on the matter.

For his information and record.

*JUAN C. DELA CRUZ*  
RIC III  
12-23-15  
PALCEN

DENR - R - IV - B OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR	
DOC. NO.	7264
RECEIVED / RELEASED	
BY: <i>gfp</i>	BY
DATE: 12/9/15	DATE
TIME: 5:00 pm	TIME

C371

lot/lot	lot/lot
DATE: 12/10/15	12/21/15
TIME: 3pm	5pm

DENR R-IV MIMAROPA  
RECEIVED BY  
22 DEC 2015  
283-3



Tech. Dev.



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
Region IVB-MIMAROPA  
1515 L & S Bldg., Roxas Boulevard, Ermita, Manila  
Telephone No. (02) 988 3367 loc 2712  
Email Address [cddmimaropa@gmail.com](mailto:cddmimaropa@gmail.com)

DENR PENRO  
PALAWAN RECORDS  
RECEIVED

BY: *[Signature]*  
DATE: *11/16* CN/16-22-43

*1/27/16*  
*no obors*  
*to Taytay*  
*(File)*

MEMORANDUM

TO : The PENRO  
Puerto Princesa City, Palawan

ATTENTION : CENRO - Taytay

FROM : The Regional Director

SUBJECT : SUBMISSION OF REPORT ON WANTON  
DESTRUCTION AND USE OF CORALS FOR PIER  
CONSTRUCTION AT BRGY. SAN FERNANDO, EL  
NIDO, PALAWAN

DATE :

ANNEX 5

This has reference to your memorandum dated November 26, 2015 regarding the Wanton Destruction and Use of Corals for a Pier Construction at Barangay San Fernando, El Nido, Palawan.

We acknowledge receipt and appreciate the submission of your report. In this regard, you are hereby instructed to coordinate with the Palawan Council for Sustainable Development (PCSD), to conduct continuous monitoring and to prepare status report regarding actions taken and status of activities related on the matter. Protection activities should be continuously conducted to raise awareness of the communities on the laws governing environmental conservation and protection.

For information and compliance within fifteen (15) days upon receipt hereof.

*11/15/15*

*via*

*plc. refer to...*

*to coord Taytay w/ the instruction*

*[Signature]*  
OSCAR C. DOMINGUEZ





Republic of the Philippines  
 Department of Environment and Natural Resources  
 Region IVB-MIMAROPA  
**PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
denrpalawan@yahoo.com Tel/Fax. No. (048)433-5638  
 Sta. Monica, Puerto Princesa City, Palawan

**ANNEX 6**

**MEMORANDUM**

DENR CENRO  
 TAYTAY, PALAWAN  
 RECEIVED  
 BY: *Pineda*  
 DATE: 1/28/16 CN 298

TO : The CENR Officer  
 Taytay, Palawan

ATT'N. : The PASu, ENTMRPA

FROM : The Provincial Environment and  
 Natural Resources Officer  
 Sta. Monica, Puerto Princesa City

SUBJECT : **SUBMISSION OF REPORT ON WANTON DESTRUCTION  
 AND USE OF CORALS FOR PIER CONSTRUCTION AT BGY.  
 SAN FERNANDO, EL NIDO, PALAWAN**

DATE : January 18, 2016

Forwarded is the memorandum from Regional Director, Oscar C. Dominguez received by this office on January 11, 2016 re: above cited subject.

In this regard, you are hereby instructed to conduct continuous monitoring in coordination with the Palawan Council for Sustainable Development (PCSD) and to prepare status report of actions taken and status of activities related to the matter. Further, protection activities should be continuously conducted to raise awareness to the community on the laws governing environmental conservation and protection.

For information and compliance.

*PROCOMS c/o ENR Ann,  
 - spearhead action  
 - get guidance of DENR Alex thru phone*

For the PENRO:

*[Signature]*  
**JOHNNY P. LILANG**  
 Supervising ECOMS/Chief, TSD  
 Office-in-Charge

*1.28.16*





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

**ANNEX 7**

**TO :** Protected Area Superintendent  
El Nido-Taytay Managed Resource Protected Area  
El Nido, Palawan

**FROM :** The Community Environment and Natural Resources

**SUBJECT :** SUBMISSION OF REPORT ON WANTON DESTRUCTION AND  
USE OF CORALS FOR PIER CONSTRUCTION AT BGY. SAN  
FERNANDO, EL NIDO, PALAWAN

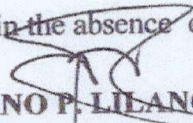
**DATE :** January 25, 2016

Forwarded is the memorandum dated January 14, 2016 from Provincial Environment and Natural Resources Officer Juan C. Dela Cruz re: above cited subject.


As instructed, please conduct continuous monitoring in coordination with the Palawan Council for Sustainable Development (PCSD) and submit report/s progressively on the matter direct to the PENRO furnishing copy to this office. Further, it is suggested that protection activities should be continuous to raise awareness to the community on the laws governing environmental conservation and protection.

Thank you.

For and in the absence of the CENRO:

  
**MARIANO P. LILANG, JR.**  
Development Management Officer IV  
In-Charge of Office

DENR CENRO  
TAYTAY, PALAWAN  
**RELEASED**

BY:   
DATE: 1-28-2016 CN DIR9





Republic of the Philippines  
**PROVINCIAL GOVERNMENT OF PALAWAN**  
Puerto Princesa City, Palawan

DENR CENRO  
TAYTAY PALAWAN  
RECEIVED  
DATE: 8/18/16 2889

18 August 2016

**ANNEX 8**

Forester **FELIZARDO CAYATOC**  
CENRO  
DENR, Taytay, Palawan

Sir:

This has reference to the Roll-on Roll-off (RORO) joint project of the Provincial Government of Palawan and the Philippine Ports Authority located at Barangay San Fernando, El Nido, Palawan.

In a resolution No. 2014-20, Series of 2014 adopted 02 June 2014, the Barangay Council of San Fernando, El Nido, Palawan proposing for the Port Zone delineation for a Roll-on Roll-off project to be established in the said Barangay.

In this connection, may we request for an inspection/assessment and delineation possibly by a joint team to be headed by your office as Chairman with members from the Office of the Governor/representative; Office of the Mayor, LGU of El Nido, Palawan; Chairman, Committee on Environment, Sangguniang Bayan, El Nido, Palawan; Assessor's Office, El Nido, Palawan, NCIP Representative; and Committee Chairman on Environment, Bgy Council, San Fernando, El Nido, Palawan.

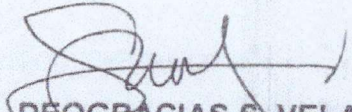
The report of the team will be a part of the documentation process for the issuance of a Forest Land Use Agreement (Roll-on Roll-off Port Project and other Transport Facilities) issued by the Secretary, Department of Environment and Natural Resources.

Your consideration on the matter is very much appreciated.

Very truly yours,

Office of the Governor:

By:

  
**DEOGRACIAS S. VELASCO**  
Executive Assistant V





Republ. of the Philippines  
Department of Environment and Natural Resources  
Region IV- MIMAROPA  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
5312 Taytay, Palawan

RECEIVED  
TAYTAY, PALAWAN  
RELEASED  
BY: *mfb*  
DATE: 8-18-16 CN 1637

August 18, 2016

CENRO SPECIAL ORDER  
No: 019, Series of 2016

ANNEX 9

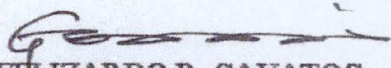
SUBJECT : CREATION OF A JOINT TEAM FOR THE INSPECTION/ ASSESSMENT OF THE PROPOSED ROLL-ON, ROLL-OFF JOINT PROJECT OF THE PROVINCIAL GOVERNMENT OF PALAWAN AND THE PHILIPPINE PORTS AUTHORITY LOCATED AT BGY. SAN FERNANDO, EL NIDO, PALAWAN

In the interest of the service and to support the developmental programs of the Provincial Government of Palawan, a team is hereby created to conduct an inspection and evaluation of the proposed Roll-on, Roll-off joint project of the Provincial Government of Palawan and Philippine Ports Authority located at Barangay San Fernando, El Nido, Palawan to compose of the following:

Forester Rodney G. Verian	-	Team Leader
Noel Sanchez	-	Asst. Team Leader
Office of the Governor, Representative	-	Member
Office of the Mayor, El Nido, Pal. Representative	-	Member
Committee, Chairman, Environment, Sangguniang Bayan of El Nido, Palawan	-	Member
NCIP Representative/ IP Chieftain of Bgy. San Fernando, El Nido, Palawan	-	Member
Environment Committee Chairman, Bgy. Council San Fernando, El Nido, Palawan	-	Member
PCSDS- DMO	-	Member
Jenuel Casel	-	Member
Rodolfo Roble	-	Member

The team shall submit a report of their findings together with their comment and recommendation for further evaluation and endorsement by this office.

This ORDER shall take effect immediately.

  
FELIZARDO B. CAYATOC  
DMO V/ OIC-CENRO





Republic of the Philippines  
**PROVINCIAL GOVERNMENT OF PALAWAN**  
Puerto Princesa City, Palawan

**ANNEX 10**

09 November 2016

FELIZARDO B. CAYATOC  
CENRO  
DENR, Taytay, Palawan

**DENR CENRO  
TAYTAY, PALAWAN  
RECEIVED**

BY: Wan  
DATE: 11/09/16 CH 3918

Sir:

This has reference to our letter dated 18 August 2016 relative to our request for an inspection/assessment of the Roll-on Roll-off (RORO) joint project of the Provincial Government of Palawan and the Philippine Ports Authority located at Barangay San Fernando, El Nido, Palawan.

In connection thereof, may we have the honor to submit herewith the application of the Provincial Government of Palawan for a **Forest Landuse 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 (3.2 Hectares)** located at San Fernando, El Nido, Palawan.

The area subject of application is a Foreshore covered by **Tax Declaration No. 13-014-0317** in the Name of the Republic of the Philippines, owned/administered by the Provincial Government of Palawan.

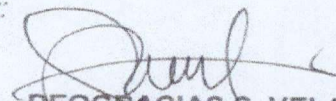
Attached are documents for your reference, evaluation and endorsement as follows:

- a.) Copy of the Tax Declaration No. 13-014-0317
- b.) Sketch plan of the proposed Roro Port project.
- c.) Sangguniang Barangay Resolution, Indorsing the proposed Port Zone Delineation at Barangay San Fernando, El Nido, Palawan.
- d.) DENR Certification dated September 09, 2014.

Very truly yours,

**Office of the Governor:**

By:

  
**DEOGRACIAS S. VELASCO**  
Executive Assistant V





Republic of the Philippines  
Province of Palawan  
Municipality of EL Nido

**ANNEX 15**

**OFFICE OF THE SANGGUNIANG BAYAN**

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF EL NIDO, PALAWAN HELD AT THE SANGGUNIANG SESSION HALL ON FEBRUARY 6, 2017.

Present:

HON. LEONOR D. CORRAL	Municipal Vice Mayor, PO
HON. LUNINGNING L. BATOY	SB Member
HON. HELSON B. GONZALES	-do-
HON. CHRISTINE NICOLE LIM-ZABALA	-do-
HON. MATEO A. CANTUBA	-do-
HON. BERNARDO D. LEGASPI	-do-
HON. ROSANO G. LLANERA	-do-
HON. GERALDO B. DIAZ	-do-
HON. JUN M. MONES	-do-
HON. ARACEL A. BACOLOD	-do-, ABC President

xxx

xxx

xxx

**RESOLUTION NO. 17-22**

**A RESOLUTION ENDORSING FOR THE CONSTRUCTION OF THE RORO PORT AT BARANGAY SAN FERNANDO, EL NIDO, PALAWAN.**

Authored by: Hon. Rosano G. Llanera

WHEREAS, the Provincial Government of Palawan will construct a RORO Port located at Barangay San Fernando, El Nido, based on Governor letter request dated February 3, 2017.

WHEREAS, the said proposed project is one of the facilities in connection with the BIMPEAGA (Brunei, Indonesia, Malaysia, Philippines- East Asia Growth Areas).

WHEREAS, the PGP has already apply for an ECC Permit at DENR office.

WHEREAS, one of the requirements for the issuance of the ECC permit is the Resolution of Endorsement thru the Sangguniang Bayan and the Barangay Resolution. The latter has already endorsed for the said project.

WHEREAS, considering that this project is of national interest and once it is completed, the Municipality of El Nido and its people are the direct beneficiaries in terms of economic activities, employment opportunities, etc.

WHEREAS, based on the foregoing, the Members of the Sangguniang Bayan find it appropriate to endorse the said RORO project.

NOW, THEREFORE, on motion of SB Member Llanera and was duly seconded by SB Member Zabala, be it



**ANNEX 15a**

RESOLVED, AS IT IS HEREBY RESOLVED, to endorse for the construction of the RORO Port at Barangay San Fernando, El Nido, Palawan.

RESOLVED FINALLY, that copy of this resolution be furnished to the Hon. Nieves C. Rosento, Municipal Mayor, to the Provincial Government of Palawan and to the Hon. Isidro F. Bacaltos, Punong Barangay of Barangay San Fernando for their information and appropriate action.

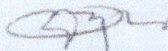
ADOPTED.

xxx

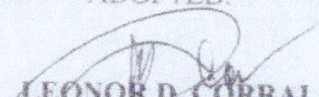
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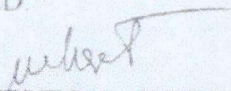
I HEREBY CERTIFY to the correctness of the foregoing resolution.

  
**MIGUEL F. GACASA**  
Secretary to the Sanggunian

ATTESTED AND CERTIFIED TO BE DULY  
ADOPTED:

  
**LEONOR D. CORRAL**  
Municipal Vice Mayor, PO

APPROVED:

  
**NIEVES C. ROSENTO**  
Municipal Mayor





Republic of the Philippines  
 Provincial Government of Palawan  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
 Puerto Princesa City

**EXCERPT FROM THE MINUTES OF THE 38<sup>TH</sup> REGULAR SESSION OF THE  
 42<sup>ND</sup> SANGGUNIANG PANLALAWIGAN HELD AT THE SANGGUNIANG  
 PANLALAWIGAN SESSION HALL ON MARCH 28, 2017  
 CITY OF PUERTO PRINCESA**

**ANNEX 15b**

**PRESENT:**

Hon. Leoncio N. Ola,	Acting Vice Governor and Presiding Officer
Hon. David Francis P. Ponce de Leon,	S.P. Member - 1 <sup>st</sup> District, Acting Floor Leader
Hon. Winston G. Arzaga,	Asst. Floor Leader- 1 <sup>st</sup> District
Hon. Sharon Abiog-Onda,	Asst. Floor Leader - 2 <sup>nd</sup> District
Hon. Albert G. Rama,	Asst. Floor Leader - 3 <sup>rd</sup> District
Hon. Cherry Pie B. Acosta,	S.P. Member - 1 <sup>st</sup> District
Hon. Eduardo Modesto V. Rodriguez,	S.P. Member - 2 <sup>nd</sup> District
Hon. Sunny G. Batul,	S.P. Member - 2 <sup>nd</sup> District
Hon. Dennis M. Sabando,	S.P. Member - ABC President

**ABSENT:**

Hon. Roseller S. Pineda,	Floor Leader
Hon. Marivic H. Roxas,	S.P. Member - 2 <sup>nd</sup> District
Hon. Clarito D. Demaala IV,	S.P. Member - PCL Federation President

xxx

xx

xxx

**RESOLUTION NO. 13075**  
**SERIES OF 2017**

**INTERPOSING NO OBJECTION ON THE PROJECT AND ACTIVITIES SUBMITTED TO THE SANGGUNIANG PANLALAWIGAN BY THE PROVINCIAL GOVERNMENT OF PALAWAN FOR THE FOREST LAND USE AGREEMENT (FLAg) FOR OTHER LAWFUL PURPOSES (PORT ACCESS ROAD, ROLL-ON-ROLL-OFF PORT AND OTHER PORT FACILITIES) LOCATED AT BARANGAY SAN FERNANDO, EL NIDO, PALAWAN FOR CONCURRENCE BY THE PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT PURSUANT TO PROVINCIAL ORDINANCE NO. 682, SERIES OF 2003**

Authored by:

**THE COMMITTEE ON ENVIRONMENTAL PROTECTION**  
**AND NATURAL RESOURCES**

**WHEREAS**, the august Body has enacted Provincial Ordinance No. 682, series of 2003 mandating that all projects and activities in the Province of Palawan with environmental impact, whether public or private should have the concurrence by the Sangguniang Panlalawigan pursuant to Section 27 of the Local Government Code;

K



WHEREAS, the project and activities submitted by the Provincial Government of Palawan for the Forest Land Use Agreement (FLAg) for other lawful purpose (Port Access Road, Roll-on-Roll-off Port and other Port Facilities) located at Barangay San Fernando, El Nido, Palawan was referred to the Provincial Board for evaluation and appropriate action;

WHEREAS, after thorough deliberations thereon, the Sangguniang Panlalawigan interposes no objection on the said project and activities;

NOW, THEREFORE, on motion of the Honorable Albert G. Rama duly seconded, be it

RESOLVED, as it is hereby resolved, to interpose no objection on the project and activities submitted to the Sangguniang Panlalawigan by the Provincial Government of Palawan for the forest Land Use Agreement (FLAg) for other lawful purpose (Port Access Road, Roll-on-Roll-off Port and other Port Facilities) located at Barangay San Fernando, El Nido, Palawan, for concurrence by the Palawan Council for Sustainable Development pursuant to Provincial Ordinance No. 682, series of 2003;

RESOLVED FURTHER, that a copy of this resolution be furnished to Mr. Deogracias S. Velasco, Representative, Provincial Government of Palawan, for his information and appropriate action.

CARRIED UNANIMOUSLY.

XXV

XXX

XXX

I CERTIFY to the correctness of the above-quoted resolution.

ANGELA RODRIGUEZ-PEÑA  
Secretary to the Sanggunian

ATTESTED:

LEONCIO NOLA  
Acting Vice Governor and Presiding Officer

APPROVED:

VICTORINO DENNIS M. SOCRATES  
Acting Governor

04/07/17  
Date

This document is not valid without Sangguniang Panlalawigan Seal



PPX file copy

Republic of the Philippines  
Province of Palawan  
Municipality of El Nido  
Barangay San Fernando

June 14, 2014

T R A N S M I T T A L

The General Manager  
Phil. Port Authority  
Province of Palawan  
Fuerte Princesa City

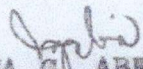
Sir/Madam..

The undersigned have the honor to submit into your good office the Resolution No. 2014-20 of Sangguniang Barangay of San Fernando, El Nido, Palawan.

Hoping for your consideration and Immediate Action.

God Bless and More Power...

Respectfully Yours,

  
VILMA G. ABRINA  
Barangay Secretary





Republic of the Philippines  
 Department of Environment and Natural Resources  
**Region IV- MIMAROPA**  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
 5312 Taytay, Palawan

to ANNEX 16

May 10, 2019

**MEMORANDUM**

**FOR :** The OIC, CENR Officer  
 Taytay, Palawan

**FROM :** The Undersigned

**SUBJECT :** INITIAL REPORT TO THE ALLEGED RECLAMATION  
 ACTIVITY ON THE BEACHFRONT OF THE PROPERTY OF  
 RUBY RAESS-DANTE AT BRGY. SAN FERNANDO, EL NIDO,  
 PALAWAN.

*Informants to complainant - draft letter to complainant in forming that an instruction report was already submitted - draft letter to violation of PPA, informing contractor to stop the activity until legally permitted to submit this report to DENR - memo submitted to DENR to tackle their at present*

DATE: 5-14-19 ON 1933 11

Per DENR CENRO-TAYTAY Travel Order as numbered, the undersigned together with Voltaire M. Delos Angeles, Richard M. Valones, both are personnel of DENR-CENRO Taytay, and Peter Abobot, EMB Personnel detailed in CENRO-Taytay, proceeded, coordinated and conducted investigation in response to the complaint of Ruby Raess-Dante regarding the reclamation of the beachfront of her property at Brgy. San Fernando, El Nido, Palawan.

**Background Information**

On 06 May 2019, Ruby Raess-Dante went to the office of CENRO-Taytay to complaint about the plan to reclaim the beachfront area of her property as part of the Pier Construction Project adjacent to her property. Upon knowing the complaint, CENRO Alan L. Valle immediately form a composite team consisting of MGB, DENR and EMB technical personnel to conduct investigation as soon as possible.

**Purpose and Scope**

1. The fieldwork aims validate the veracity of the complaint and to recommend necessary action to address the issue. The field investigation includes the ocular inspection of the reclaimed beach front in Brgy. San Fernado and the ocular inspection of the origin of the materials used for the land reclamation. Prior to the inspection the team made a courtesy call to LGU of Barangay of San Fernando. Unfortunately, Brgy. Capt. Isidro F. Bacaltos is on other engagement outside the office. However, the team had a dialogue/ interview with Barangay Kagawad Liza T. Castaño who also joined in the ocular inspection.



**Findings and Observation**

1. The subject area is located 34 kilometers northeast of the Town Proper of El Nido, Palawan. The subject area is accessible by any land vehicles via well paved Palawan circumferential road and barangay road.
2. On 09 May 2019, the investigating team conducted a field investigation in the area. Actual extraction and reclamation are observed adjacent to the property of Mrs. Raess-Dante, extending along the shoreline. (Photo No. 1)
3. The said extraction and reclamation activity were conducted by the Provincial Government of Palawan as part of the pier construction. Consequently, heavy equipment such as dump trucks and backhoe belonging to the provincial government are observed in the area. (Photo No. 2)
4. According to Kag. Castaño, there is a fish sanctuary adjacent to the pier construction area and she has no knowledge about the actual plan of the pier. (Photo No. 3)
5. Based from the Google Earth Image dated 10 November 2016 and Topographic Map from the National Mapping and Resource Authority with a title of 2953-IV *Dipnay*. The reclaimed area overlies a fringing coral reef. (Photo Nos. 8 & 9)
6. As seen in ocular inspection, filling materials used in the reclamation activity are from the adjacent hill. The filling materials is composed of earth materials ranging from silt to boulder size. (Photo Nos. 4 & 5)
7. Another contractor is also present in the area. It is the HG-III Construction and Development Corporation. According to Mr. Jet Edillor, foreman of HG-III, they are only contracted to install pile foundation for the pier by the Philippine Port Authority. However, Mr. Edillor added that any further information should be address to their project engineer, a certain Engr. Chris (Mr. Edillor can't remember the full name of Engr. Chris). Unfortunately, Engr. Chris is on other engagement outside the area. The team instructed Mr. Edillor to inform Engr. Chris about the ongoing investigation and communicate with investigating team to have a dialogue/interview. (Photo Nos. 6 & 7)
8. To check the legality of the reclamation and extraction activity, and whether it will affect the beach front area of Mrs. Raess-Dante. The investigating team went to the field office of the provincial engineering department in the area, to ask for a copy of the work plan of the pier and supporting documents of the legality of the reclamation



and extraction and activity. In the field office, the team was entertained by one of the truck drivers of the project, Mr. Rudolfo Villegas. (Photo No. 2)

9. According to Mr. Villegas, based from his knowledge the reclamation will continue to expand affecting the beach front property of Mrs. Raess-Dante and the adjacent fish sanctuary. However, he added that to ensure accuracy of the information, we must address an inquiry to their foreman, Mr. Rolly Felipe. Unfortunately, Mr. Felipe is on other engagement outside the area. The team instructed Mr. Villegas to inform Mr. Felipe about the ongoing investigation and communicate with investigating team to have a dialogue/interview.

### Comments and Recommendations

1. Based on the field findings, the reclamation and extraction activity in Brgy. San Fernando, El Nido, Taytay will be deemed to be unlawful unless it possesses legitimate mining and other environmental permit.

It's worth to mention that the reclamation activity should have an Environmental Compliance Certificate (ECC). ECC should not be taken for granted since the activity is environmentally critical due to its consequence to the marine biodiversity in the area.

2. As for the earth materials extraction used for the above-mentioned project, the Provincial Government shall have a Government Gratuitous Permit pursuant to Section 73.a of DENR Administrative Order No. 2010-21, which states that:

*"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 No. 8-3B) with the Provincial Governor/City Mayor through the Provincial/City Mining Regulatory Board for a period coterminous with the construction stage of the project but not to exceed one (1) year in public/private land(s) covering an area of not more than two (2) hectares. The applicant shall submit a project proposal stating where the materials to be taken shall be used and the estimated volume needed."*

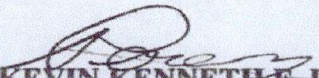
3. If the provincial government failed to acquire a Government Gratuitous Permit prior to the extraction, the earth materials extracted from the area will be categorized under illegally-sourced mineral/mineral products. By the definition of illegally-sourced mineral/mineral products as provided by **Section 116, Chapter XII of DENR Administrative Order 2010 – 21;**



*"Section 116. – Illegally-sourced minerals/mineral products are those which are mined, extracted, removed and/or disposed of without the authority or permit under existing mining laws, rules and regulations."*

4. Hence, it is recommended that any further extraction and reclamation activity in the project should *cease and desist* until all the supporting documents is provided.
5. It is also recommended that the reclamation activity should be reported to the Philippine Reclamation Authority for proper assessment.

For the CENRO's information and further action.

  
**KEVIN KENNETH E. PEREZ**  
Science Research Specialist II

cc: **The Regional Director**  
Mines and Geosciences Bureau  
MIMAROPA Region  
7/F DENR Bldg., 1515 Roxas Blvd. Ermita, Manila



Photo Documentation



**Photo No. 1: Picture of Reclamation and Extraction Activity at Brgy. San Fernando, El Nido, Palawan**



**Photo No. 2: Picture of the field office together with the heavy equipment belonging to the Provincial Government of Palawan.**





**Photo No. 3: Picture facing the Fish Sanctuary and beachfront of Mrs. Ruby Raess-Dante's property where the reclamation is planned to extend**



**Photo No. 4: Picture of the adjacent hill where the filling materials used for the Pier Construction are extracted.**





**Photo No. 5: Boulder size rocks extracted from the adjacent hill, used as a basement filling material for the reclamation. Notebook as a scale**



**Photo No. 6: Picture of a safety signage bearing the name of HG-III Construction and Development Corporation.**



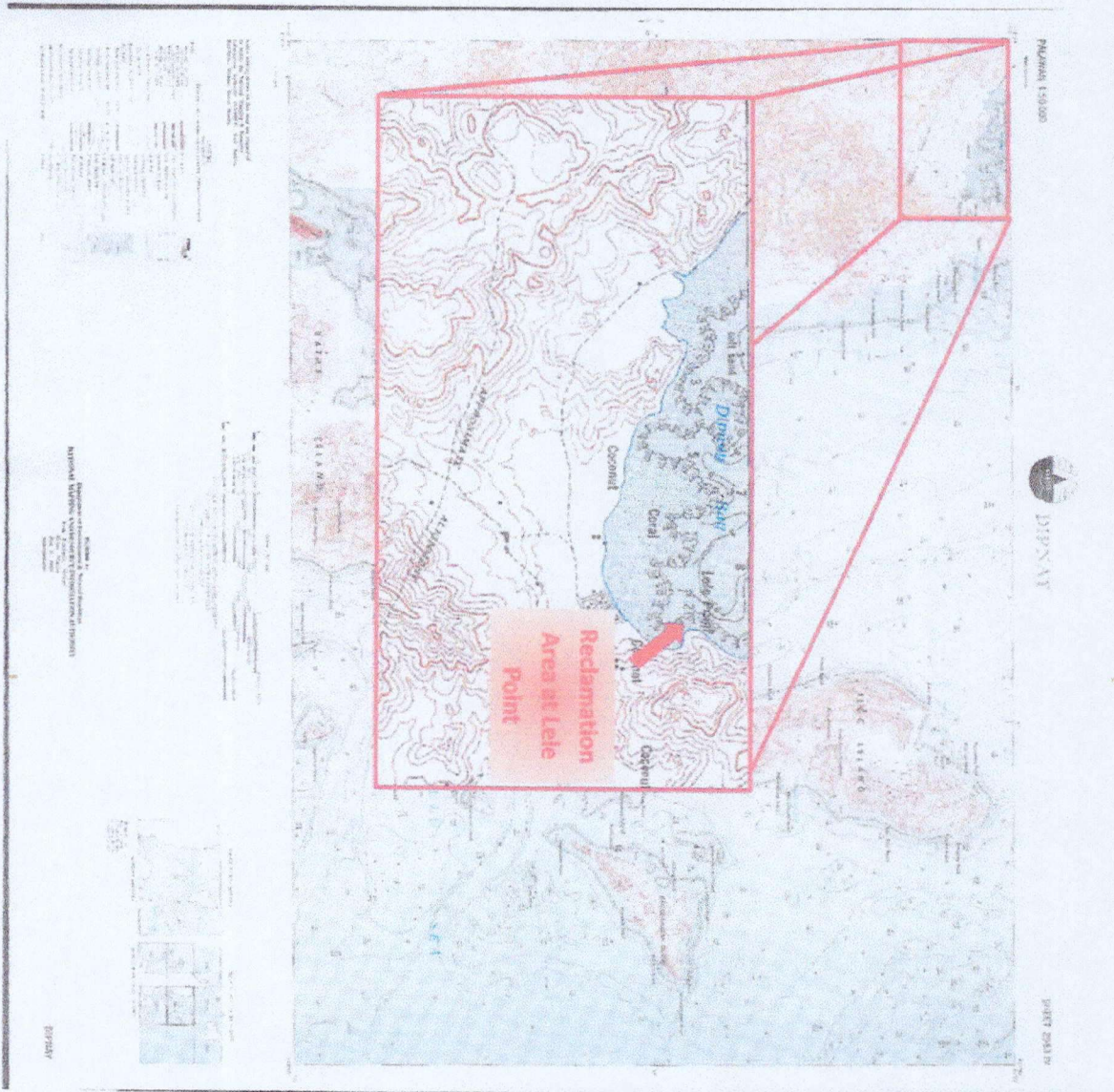


**Photo No. 7: Picture of the Pile Foundation Installation project of HG-III Construction and Dev't Corp.**



**Photo No. 8: Google Earth Image of the reclaimed area dated November 11, 2016. Fringing reef are visible prior to the reclamation activity.**













Republic of the Philippines  
Department of Environment and Natural Resources  
**Region IV – MIMAROPA**  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
5312 Taytay, Palawan

**ANNEX 17a**

June 4, 2019

**MR. NELSON P. DEVANADERA**  
Executive Director  
Palawan Council for Sustainable Development Staff  
PCSD Building, Sta. Monica, Puerto Princesa City

**DENR CENRO  
TAYTAY, PALAWAN  
RELEASED**  
BY: [Signature]  
DATE: Jun 4 2019 CN 11720

Sir,

Greetings!

Enclosed is a copy of the letter of then Community Environment and Natural Resources Officer of this jurisdiction respectfully requesting an update on the result of hearing of the Adjudication Board on the reported wanton destruction and use of corals for port/pier purposes in San Fernando, El Nido, Palawan.

Inasmuch that the records show none of your precious answer, it is requested, with due respect, that we be furnished/refurnished of your response.

Thank you very much.

Very truly yours,

[Signature]  
**ALAN H. VALLE**  
Community Environment and  
Natural Resources Officer





Republic of the Philippines  
Department of Environment and Natural Resources  
**Region IV- MIMAROPA**  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
5312 Taytay, Palawan

**ANNEX 18** May 20, 2019

**HON. JOSE C. ALVAREZ**  
Governor  
Province of Palawan

**ATTENTION: Haziell Pascua**  
PMRB Secretariat

**DENR CENRO**  
**TAYTAY, PALAWAN**  
**RELEASED**

BY: J-SW  
DATE: 05-20-2019 CM 1984

Hon. Alvarez,

This is in relation to the ongoing investigation of this office in response to the complaint of Ruby Raess-Dante dated 6 May 2019 regarding an alleged illegal reclamation and extraction activity at Brgy. San Fernando, El Nido, Palawan.

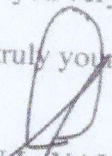
Please be informed that during the on-site investigation of our technical personnel, it is found out that the reclamation and extraction activity is part of the Pier construction project of the Provincial Government of Palawan. According to Rolly Felipe, foreman of the project, all the inquiries about the above-mentioned construction project are must be address to your office.

In this regard, may we request for a copy of Environmental Compliance Certificate (ECC), Mining Permit, Reclamation Permit and all supporting documents of the above-mentioned project in Brgy. San Fernando, El Nido, Palawan to be used as a reference material for our report.

It is highly appreciated if you can submit the above-mentioned document within 7 days upon receiving this letter.

Thank you very much for your usual support and cooperation.

Very truly yours,

  
**ALAN L. VALLE**  
OIC, CENRO  
*RP*

cc: **Eriberto B. Saños**  
PENR Officer – Palawan  
Sta. Monica, Puerto Princesa City