August 22, 2022

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OUTGOING

#### **MEMORANDUM**

FOR

The Regional Executive Director

DENR MIMAROPA Region 1515 L & S Bldg. Ermita, Manila

THRU

The ARD for Technical Services

FROM

The OIC, PENR Officer

**SUBJECT** 

LETTER-COMPLAINT DATED JULY 22, 2022 OF MS. VICTORIA CABALLERO RE: ILLEGAL RECLAMATION OF

MR. JONATHAN SURDILLA AT PUROK BAGONG SILANG, BRGY. CAMINAWIT, SAN JOSE, OCC. MINDORO (E-2022-

91352)

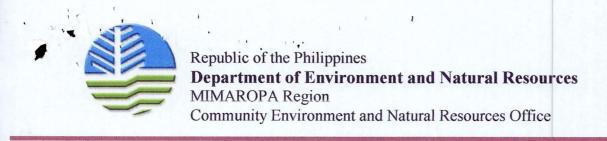
Respectfully forwarded is the Memorandum dated August 11, 2022 from CENRO San Jose, Occ. Mindoro regarding the above-mentioned subject.

In this regard, please be informed that a consultation meeting with the LGUs and other stakeholders was conducted on August 3, 2022 at the Municipal Disaster Risk Reduction and Management Office of LGU-San Jose, Occ. Mindoro.

For information, record and further instruction.

ERNESTO E. TAÑADA

TSD/RPS



AUG 11 2022

#### **MEMORANDUM**

**FOR** 

The Regional Executive Director **DENR-MIMAROPA** Region

Roxas Blvd., Ermita, Manila

ATT'N:

The Assistant Regional Director for Technical Services

THRU

The OIC, PENR Officer

Mamburao, Occidental Mindoro

**FROM** 

The CENR Officer

**SUBJECT** 

LETTER - COMPLAINT DATED JULY 22, 2022 MS. VICTORIA CABALLERO RE: ILLEGAL RECLAMATION OF MR. JONATHAN SURDILLA AT PUROK BAGONG SILANG, BRGY. CAMINAWIT, SAN JOSE, OCCIDENTAL

MINDORO (E-2022-91352)

This has reference to the Memorandum dated July 29, 2022 from the Assistant Regional Director for Technical Services- Maximo C. Landrito regarding the aforementioned subject.

Please be informed that this Office immediately conducted site investigation upon receipt of the complaint on July 25, 2022 in coordination and presence of Barangay LGU of Caminawit, San Jose, Occidental Mindoro. The investigation team verified that a small house with kitchen made from light materials was indeed constructed at the said salvage zone/ easement.

Accordingly, Mrs. Lilibeth Surdilla (wife) in the absence of Mr. Jonathan Surdilla was duly informed about the prohibition under existing laws of Article 51 of the Presidential Decree No. 1067 also known as the Water Code of the Philippines wherein Surdilla admitted the violation and expressed the willingness to vacate the area if instructed by the government.

Furthermore, in order to solicit a collaborative recommendations and solution to the complaint, this Office conducted a consultation meeting with the concerned Offices of LGU San Jose, Barangay LGU of Caminawit and other concerned agencies (Philippine Coast Guard, Philippine Ports Authority, Bureau of Fisheries and Aquatic Resources) on August 03, 2022.

Please be informed also that the above-cited salvage zone/ easement in Caminawit was previously reclaimed illegally by Mr. Federico Gaudiel wherein on March 28, 2019, the undersigned advised Mr. Gaudiel to immediately cease all activities leading to reclamation as well as the construction of any structures within the area. That on April 23, 2019, OIC-PENR Officer Ernesto E. Tañada issued notice to cease and desist for the illegal occupation and reclamation of the foreshore area. Then, on July 22, 2019, the Philippine Reclamation Authority issued a Cease and Desist Order (CDO) to Mr. Federico Gaudiel where the violator immediately stopped all operations on the salvage zone/ easement.

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#### Attached are the copy of pertinent documents as follows:

1. Investigation Report with geo-tagged photos;

2. Report of the Consultation Meeting with attendance, geo-tagged photos and highlights of the meeting;

3. Invitation Letters for the Consultation Meeting

- 4. Letter of the undersigned to Mr. Federico Gaudiel (March 28, 2019)
- 5. Notice of Cease and Desist from OIC, PENRO Ernesto E. Tañada (April 23, 2019)
- 6. Cease and Desist Order issued by the Philippine Reclamation Authority (July 22, 2019)

For information, record and further instruction.

EFREN L. DELOS REYES



#### **Community Environment and Natural Resources Office**

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

# INVESTIGATION REPORT ON THE ALLEGED PLAN OF MR. RAYMOND GAUDIEL TO BUILD A STRUCTURE IN THE MARINE ZONE AT PUROK BAGONG SILANG, BARANGAY CAMINAWIT, SAN JOSE, OCCIDENTAL MINDORO

#### **BACKGROUND INFORMATION**

On July 25, 2022, this office received a complaint letter from Ms. Victoria Caballero thru our Regional Office regarding the illegal reclamation and building of establishment by Mr. Jonathan Surdilla in the "marine-zone" at Purok Bagong Silang, Brgy. Caminawit, San Jose, Occidental Mindoro. Based on the complaint, Mr. Surdilla built a kitchen with a concrete stove as an extension of his residence and also planning for the construction of a concrete floor which may affect the interest of the public. The said area serves as docking station for small boats and recreation are for children. In view of this, Ms. Caballero requested this agency to take action on the said matter.

In response to the aforementioned complaint, the Enforcement and Monitoring Section staffs Forester I Jomar B. Serquina and Forest Technician II Loren Kaye A. Garcia were dispatched to investigate to determine the veracity of the complaint.

#### **PURPOSE AND SCOPE**

The team conducted the investigation by monitoring the said activity and to verify its legality at Purok Bagong Silang, Brgy. Caminawit, San Jose, Occidental Mindoro. The team also coordinated and requested assistance from Brgy. Captain Danilo Centeno of Brgy. Caminawit, San Jose, Occidental Mindoro in which the team was accompanied by Brgy. Police Danilo Junsay.

#### FINDINGS AND OBSERVATION

Presented below are the observation/findings of the team during their conduct of investigation:

- 1. The investigated site is located at Purok Bagong Silang, Brgy. Caminawit, San Jose, Occidental Mindoro.
- 2. That on July 25, 2022, after coordinating with the Brgy. LGU of Brgy. Caminawit, San Jose, Occidental Mindoro, the team headed to the said area and a constructed small house with kitchen made from light materials at the said area and the nearby residents stated that it belonged to Mr. Jonathan Surdilla. Because Mr. Jonathan Surdilla was not around at that time, the team the conducted interview with Mrs. Lilibeth Surdilla, wife of Mr. Jonathan Surdilla and Mr. Arnel Miradora who were both residents of the said area and present at that time. Mrs. Surdilla stated that her husband Mr. Jonathan Surdilla constructed the said small house with kitchen for dwelling and recreation of the kids residing in the area. Mrs. Surdilla also stated that only light materials were used to build the said small house with kitchen so that they can easily remove it if problem persist. Mrs. Surdilla also stated that it was Mr. Jonathan Surdilla who planted the Talisay trees within the area. (See Annex I)

- 3. After the interview, the team compared the pictures in the complaint letter sent by Ms. Monette Caballero and it was discovered that the pictures in the complaint letter were taken on 1<sup>st</sup> quarter of CY 2019 while the Cease and Desist Order addressed to Mr. Federico Gaudiel was issued on 3<sup>rd</sup> quarter of CY 2019 (See Annex II). This proves that the pictures attached in the complaint letter of Ms. Victoria Caballero that includes the illegal dumping of sand and building of concrete hollow block fence at the said area were already investigated and resolved by the DENR in which a Cease and Desist Order was issued to Mr. Federico Gaudiel. (See Annex III)
- 4. That on August 03, 2022, a consultative meeting was held regarding the reclamation activities and solid waste status of Brgy. Caminawit, San Jose, Occidental Mindoro. The said meeting was initiated by DENR CENRO San Jose and was actively participated by Department Heads of LGU San Jose, Occidental Mindoro, Bureau of Fisheries and Aquatic Resources, Philippine Coast Guard and other concerned agencies. (See Annex IV)
- 5. The said consultative meeting briefly discussed the said matter. CENRO San Jose presented the aerial shot of the houses within the illegal reclamation area of Brgy. Caminawit, San Jose, Occidental Mindoro and stated that an action must be taken as soon as possible in which the participants consisting of the concerned officials and agencies delivered their opinion and expertise to come up with a solution for the emerging problem.
- 6. That it was agreed upon the meeting that DENR CENRO San Jose would conduct survey and inventory of all the houses/residence violating Section 52 and 53 of Presidential Decree 705/Revised Forestry Code of the Philippines and Section 51 of Presidential Decree 705/Water Code of the Philippines. The said inventory of the household must be updated to the Local Government Unit of San Jose, Occidental Mindoro, in which accordingly, LGU San Jose will provide a relocation area for the said household. Moreover, the Bureau of Fisheries and Aquatic Resources (BFAR) identified and proposed one of its non-functional fishponds that had slight siltation and also located at Brgy. Caminawit, San Jose, Occidental Mindoro to be used as the relocation area of the said household.
- 7. Furthermore, it was also agreed upon the meeting, that no more houses or establishments shall be added to the said area at Brgy. Caminawit, San Jose, Occidental Mindoro.

#### COMMENTS AND RECOMMENDATIONS

Hereunder are the comments and recommendations of the team in the view of the foregoing findings:

- 1. The office is hereby recommended to produce a special order for concerned DENR CENRO San Jose Employees to conduct delineation of foreshore and survey and inventory of households violating:
  - a. Section 52 and 53 of the Presidential Decree 705 otherwise known as "Revised Forestry Reform Code of the Philippines"

"Henceforth, no person shall enter into forest lands and cultivate the same without lease or permit"

"Kaingeros, squatters, cultural minorities and other occupants who entered into forest lands and grazing lands before May 19, 1975, without permit or authority, shall not be prosecuted: Provided, That they do not increase their clearings: Provided, further, That they undertake, within two (2) months from notice thereof, the activities to be imposed upon them by the Bureau in accordance with management plan calculated to conserve and protect forest resources in the area: Provided, finally, That kaingineros, squatters, cultural

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minorities and other occupants shall whenever the best land use of the area so demands as determined by the Director, be ejected and relocated to the nearest accessible government resettlement area."

b. Article 51 of Presidential Decree 1067 otherwise known as "A Decree Instituting a Water Code, thereby Revising and Consolidating the Laws Governing the Ownership, Appropriation, Utilization, Exploitation, Development, Conservation and Protection of Water Resources"

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

- 2. Moreover, the Barangay LGU of Caminawit, San Jose, Occidental Mindoro and Municipal LGU of San Jose, Occidental Mindoro together with concerned agencies should be advised that any construction of establishments/infrastructure is incompliant with the provisions of the said environmental/forestry laws.
- 3. This office should also coordinate with the Municipal LGU of San Jose, Occidental Mindoro and other concerned agencies to request for assistance for implementation of the aforementioned laws and for further action regarding this matter.

Attached are the geotagged photographs, map and related documents for reference.

For information and further action.

Prepared by:

LOREN KAYE A. GARCIA

Forest Technician II/Team Leader-San Jose

Noted by:

AUGRETA'S. ALIGUMBA

## ANNEX I – Initial Investigation of Enforcement and Monitoring Section of CENRO San Jose regarding the complaint of Ms. Victoria Caballero.



July 25, 2022 - Geotagged Photograph taken of Forest Technician II Loren Kaye A. Garcia with Forester I Jomar B. Serquina conducting an interview with Mrs. Lilibeth Surdilla and Mr. Arnel Miradora regarding the issue of building an establishment within the marine-zone of So. Bagong Silang, Brgy. Caminawit, San Jose, Occidental



July 25, 2022 - Geotagged Photograph taken of the said establishment: house with kitchen with chicke coup that was built by Mr. Jonathan Surdilla within the marine-zone of So. Bagong Silang. Brgv. Caminawit. San Jose. Occidental Mindoro



July 25, 2022 - Geotagged Photograph taken of houses/establishments within the said area and marine zone of Purok Bagong Silang, Brgy. Caminawit, San Jose, Occidental Mindoro.

# ANNEX II

PHOTO ATTACHED IN THE REPORT OF MS.MONNETE CABALLERO OF THE SAID RECLAMATION AREA AT. SO. BAGONG SILANG, BRGY. CAMINAWIT SAN JOSE, OCCIDENTAL MINDORO

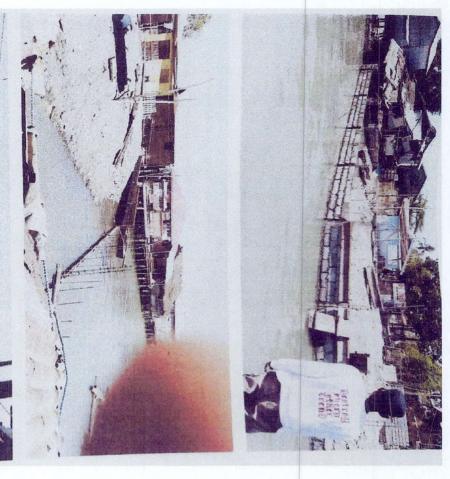


PHOTO TAKEN BY THE ENFORCEMENT AND MONITORING SECTION OF CENRO SAN JOSE OF THE SAID RECLAMATION AREA AT SO. BAGONG SILANG, BRGY. CAMINAWIT, SAN JOSE, OCCIDENTAL MINDORO (JULY 25, 2022)







PHOTO ATTACHED IN THE REPORT OF MS.MONNETE CABALLERO OF THE SAID RECLAMATION AREA AT. SO. BAGONG SILANG, BRGY. CAMINAWIT SAN JOSE, OCCIDENTAL MINDORO



PHOTO TAKEN BY THE ENFORCEMENT AND MONITORING SECTION OF CENRO SAN JOSE OF THE SAID RECLAMATION AREA AT SO. BAGONG SILANG, BRGY. CAMINAWIT, SAN JOSE, OCCIDENTAL MINDORO (JULY 25, 2022)







#### **Community Environment And Natural Resources Office**

Brgy. Labangan, San Jose, Occidental Mindoro Tel. number (043) 457- 0236

Email: cenrosanjose@denr.gov.ph

AUG 0 8 2022

#### **MEMORANDUM**

FOR

The OIC, PENR Officer

Mamburao, Occidental Mindoro

**FROM** 

The CENR Officer

SUBJECT

CONSULTATION MEETING CONDUCTED AT SAN JOSE,

OCCIDENTAL MINDORO ON AUGUST 3, 2022

Respectfully submitted is the report of Forest Technician II Aina Krizia S. Viray on the above-mentioned subject that was held to gather collaborative solutions addressing the environmental issues prevailing at Brgy. Caminawit, San Jose, Occidental Mindoro.

Attached are the photos, attendance, invitation letters and highlights of the meeting.

For information and record.

EFREN L. DELOS REYES



#### **Community Environment And Natural Resources Office**

Brgy. Labangan, San Jose, Occidental Mindoro Tel. number (043) 457- 0236 Email: cenrosanjose@denr.gov.ph

## REPORT OF THE CONDUCTED CONSULTATION MEETING AT THE MUNICIPALITY OF SAN JOSE, OCCIDENTAL MINDORO

In order to address prevailing environmental issues at Brgy. Caminawit, San Jose, Occidental Mindoro, a consultation meeting was conducted by this Office at the Municipal Disaster Risk Reduction and Management Office - LGU San Jose on August 03, 2022.

The meeting was attended by Punong Baranagay Danilo Centeno, with representatives from Philippine Coast Guard, Philippine Ports Authority and the Bureau of Fisheries and Aquatic Resources together with the Heads of the concerned Offices from LGU San Jose including the Municipal Disaster Risk Reduction and Management Office (MDRRMO), Municipal Planning and Development Office (MPDO), Municipal Agriculture Office (MAO), Municipal Engineering's Office (MEO) and the Municipal Environment and Natural Resources Office (MENRO).

Deputy CENRO- DMO IV Nilo P. Salvador presided the consultation meeting and presented its objective. He discussed the complaints received by this Office emphasizing the improper solid waste disposal and management and the continuous illegal reclamation and occupation of the salvage zone/ easement in Brgy. Caminawit.

To be able to explain the status of reclaimed areas in Caminawit, a google Map was presented showing the area in 2009, 2014, 2020 and 2022. The Map shown clearly the addition of occupants within the salvage zone/ easement in the barangay.

After the presentation, forum immediately followed. Attached herewith is the copy of the highlights of the meeting.

Prepared by:

AINA KRIZIA S. VIRAY

Forest Technic on II/Information Officer

Noted by:

KARINA TRICIA D. SY

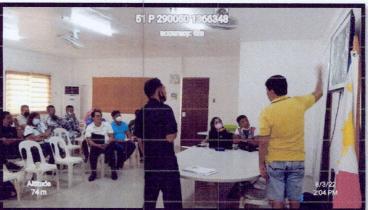
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#### PHOTOS (AUGUST 3, 2022)



Deputy CENRO presides the consultation meeting held at the Municipal Disaster Risk Reduction and Management Office- LGU San Jose.





Punong Barangay Danilo Centeno shows the area that was illegally reclaimed as well as the proposed area for relocation at the Google Map.

AGENCY/	HIGHLIGHTS OF THE MEETING TOPIC/ DISCUSSION	
OFFICE		REMARKS/ AGREEMENT
Engr. Ronald Reyes (Asst. MPDO)	The household must be inventoried. MPDO identified the area's land use as house and stilts	DENR will conduct inventory to identify the households
D " G	There is an area planned as relocation area	
Danilo Centeno (Punong Barangay)	There is a resolution passed in 2004 prohibiting the illegal occupation of the salvage zone/easement.	PB Centeno committed to provide names of residents/ household in the barangay
	Caminawit has an estimated population of 4, 700 households in and an estimate of 1, 000 to 1, 100 households are residing at the salvage zone/easement.	It was also agreed to provide Socio- demographic profile of the Barangay
	Relocation area must support the livelihood of the residents	
Edgar Payas (OIC, Provincial Fishery Officer)	The fishpond lease identified to Mayor Rey Ladaga is presently terminated.	The DENR will be collaborating with the Fisheries for the resolution to turn- over the management of fishpond to DENR
	Fishpond of Dinglasan is terminated as well.	
Marie Joy Domingo (MGADM-I)	The household must be inventoried in order to identify the need for the relocation and to identify the no build zone.	
Danilo Centeno (Punong Barangay)	Improper Solid Waste Disposal Issue	
	According to PB Centeno, three days of collection schedule is not enough to collect all the wastes generated within their Barangay.	PB Centeno committed to allot fundin for the procurement of the dump truck in Caminawit.
	There is difficulty in the implementation of proper solid waste segregation at source.	
Iny Lourdes S. Peroy (MENRO)	It was stated by MENRO Peroy that Barangay Caminawit is one of the most problematic areas in San Jose concerning the implementation of proper Solid Waste Disposal and Management	It was explained that there is an upcoming Memorandum from EMB Regional Director mandating the Municipalities to comply with the no segregation, no collection policy.
	In addition to this, according to MENRO, the implementation of no segregation, no collection policy amplified the problem with SWM since the Barangays do not comply resulting into increasing bulk of mixed wastes uncollected.	
Marie Joy Domingo (MGADM-I)	LGU San Jose has plan to draft the local settlers plan presently.  Census the residents/household shall be conducted and identify the no build zone	Mr. Edgar Payas committed to submirreport of termination of the Fishpond Lease Agreements in Caminawit and will be waiting for the certificate of finality in order to facilitate the turnover of management and jurisdiction of the said areas to the DENR for a possible relocation.

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		It was agreed that the DENR will inventory the households residing at the easement in Caminawit  BLGU and LGU will be crafting request for assistance to identify relocation area. LGU San Jose will be requesting for assistance to delineate the coastal areas.
Engr. Nilo P. Salvador (Deputy CENRO)	Pertaining to all the issues discussed during the meeting	The DENR will be conducting inventory and will assist to delineate the coastal areas immediately in order to identify the actual occupants and to ensure that there will be no other households to occupy the salvage zone/easement.  The DENR will be collaborating with MENRO and the barangay to come up with strategies to execute in addressing the improper solid waste disposal in Caminawit.
		The proposed area for possible relocation of the households residing at the salvage zone/ easement as per the agreement of the B/LGU and BFAR will be at the Fishpond areas with Lease to be terminated.  The relocation will be discussed upon receipt of the certificate of finality from BFAR and after the areas' management be turned-over to DENR's jurisdiction.

Prepared by:

AINA KRIZIAS. VIRAY
Forest Technicias II/Information Officer

Attested by:

NILOY: SALVADOR DMO IV Deputy CENRO



# Republic of the Philippines DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES Region IV-MIMAROPA

Region IV-MIMAROPA COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

# Consultation Meeting Re: Prevailing Environmental Issues

San Jose, Occidental Mindoro August 3, 2022

	15. ROMEL B. CHUNGADAN	14. Frederick R. Down	13. AUNAMPRIE K. ONKUA	12. Wave Joy Domeso	11. Gu di Genbrano	10. Ronald V. Rayes	9. (Daring Mayle P. Jam Juse	8. Rubbi Ray R. Chie	7 JORLY B. FUSIN	6. Wandpains A. GAROLA	5. Miles 1 Cares S.	4. Ski John, Erick Rodal	3. Pol Japeth Rubi	2. Edgar S. Payas	1. Ronnelle T. Fictories		NAME
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# Republic of the Philippines DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES Region IV-MIMAROPA COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

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#### Community Environment And Natural Resources Office

Brgy. Labangan, San Jose, Occidental Mindoro Tel. number (043) 457- 0236 Email: cenrosaniose@denr.gov.ph

July 29, 2022

ATTY. REY C. LADAGA Municipal Mayor San Jose, Occidental Mindoro

Dear Mayor Ladaga:

Isang maka-KALIKASANG pagbati po sa inyo!

Please be informed that this Office has been continuously receiving complaints from concerned citizens regarding the **improper solid waste disposal and management, continuous illegal reclamation and occupation of the salvage zone/ easement** at Brgy. Caminawit, San Jose, Occidental Mindoro.

Relative to this, the undersigned is respectfully requesting for the attendance of the Heads of the concerned Offices in order to solicit collective recommendations to come up with the best solution to address the issues as follows:

- 1. Municipal Disaster and Risk Reduction Office;
- 2. Municipal Planning and Development Office;
- 3. Municipal Agriculture Office;
- 4. Municipal Engineering's Office; and
- 5. Municipal Environment and Natural Resources Office.

Likewise, we are requesting from your good Office the permission to conduct the meeting at the Municipal Disaster and Risk Reduction Office on August 3, 2022, one o' clock (1:00) in the afternoon.

Furthermore, be informed also that aside from the said Offices under your administration, other concerned agencies were also invited including the Barangay Local Government Unit of Caminawit, Philippine Coast Guard and the Bureau of Fisheries and Aquatic Resources.

Should you have any concerns and clarifications, you may reach us through this Office's e-mail-cenrosaniose@denr.gov.ph or through Deputy CENRO Nilo P. Salvador at 09982719999 and Information Officer Aina Krizia S. Viray at 09354104596.

Thank you very much and we are hoping for your positive response on our letter.

OFFICE OF THE MUNICIPAL MAYOR SAN JOSE, OCCIDENTAL MINDORO

Very truly yours,

EFREN L. DELOS REYES
CENR Officer



## Department of Environment and Natural Resources MIMAROPA Region

#### Community Environment And Natural Resources Office

Brgy. Labangan, San Jose, Occidental Mindoro Tel. number (043) 457-0236 Email: cenrosanjose@denr.gov.ph

July 29, 2022

**EDGAR PAYAS** 

Provincial Fishery Officer Bureau of Fisheries and Aquatic Resources San Jose, Occidental Mindoro

Sir:

Isang maka-KALIKASANG pagbati po sa inyo!

Please be informed that this Office has been continuously receiving complaints from concerned citizens regarding the improper solid waste disposal and management, continuous illegal reclamation and occupation of the salvage zone/ easement at Brgy. Caminawit, San Jose, Occidental Mindoro.

Relative to this, the undersigned is respectfully inviting you for a meeting to be held on August 3, 2022, one o'clock (1:00) in the afternoon at the Municipal Disaster and Risk Reduction Office- San Jose in order to solicit collective recommendations to come up with the best solution to address the above-mentioned issues.

Furthermore, be informed also that other concerned agencies and Offices were also invited including the Municipal Local Government Unit of San Jose, Barangay Local Government Unit of Caminawit and the Philippine Coast Guard.

Should you have any concerns and clarifications, you may reach us through this Office's e-mail- <a href="mailto:cenrosanjose@denr.gov.ph">cenrosanjose@denr.gov.ph</a> or through Deputy CENRO Nilo P. Salvador at 09982719999 and Information Officer Aina Krizia S. Viray at 09354104596.

Thank you very much and we are hoping for your positive response on our letter.

Very truly yours,

EFREN L. DELOS REYES
CENR Officer

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#### Community Environment And Natural Resources Office

Brgy. Labangan, San Jose, Occidental Mindoro Tel. number (043) 457- 0236

Email: cenrosaniose@denr.gov.ph

July 29, 2022

HON. DANILO CENTENO

Punong Barangay Caminawit, San Jose, Occidental Mindoro

Sir:

Isang maka-KALIKASANG pagbati po sa inyo!

Please be informed that this Office has been continuously receiving complaints from concerned citizens regarding the improper solid waste disposal and management, continuous illegal reclamation and occupation of the salvage zone/ easement at Brgy. Caminawit, San Jose, Occidental Mindoro.

Relative to this, the undersigned is respectfully inviting you for a meeting to be held on August 3, 2022, one o'clock (1:00) in the afternoon at the Municipal Disaster and Risk Reduction Office- San Jose in order to solicit collective recommendations to come up with the best solution to address the above-mentioned issues.

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Thank you very much and we are hoping for your positive response on our letter.

Very truly yours,

or

EFREN L. DELOS REYES

CENR Officer

Received by:



#### Community Environment And Natural Resources Office

Brgy. Labangan, San Jose, Occidental Mindoro Tel. number (043) 457-0236

Email: cenrosanjose@denr.gov.ph

July 29, 2022

#### **CGE ENS MARCO D GRANADOS**

Station Commander Coast Guard Station Occidental Mindoro

Sir:

Isang maka-KALIKASANG pagbati po sa inyo!

Please be informed that this Office has been continuously receiving complaints from concerned citizens regarding the improper solid waste disposal and management, continuous illegal reclamation and occupation of the salvage zone/easement at Brgy. Caminawit, San Jose, Occidental Mindoro.

Relative to this, the undersigned is respectfully inviting you or your authorized representative for a meeting on August 3, 2022, one o'clock (1:00) in the afternoon at the Municipal Disaster and Risk Reduction Office- San Jose in order to solicit collective recommendations to come up with the best solution to address the above-mentioned issues.

Furthermore, be informed also that other concerned agencies and Offices were also invited including the Municipal Local Government Unit of San Jose, Barangay Local Government Unit of Caminawit, and the Bureau of Fisheries and Aquatic Resources.

Should you have any concerns and clarifications, you may reach us through this Office's e-mail- cenrosanjose@denr.gov.ph or through Deputy CENRO Nilo P. Salvador at 09982719999 and Information Officer Aina Krizia S. Viray at 09354104596.

Thank you very much and we are hoping for your positive response on our letter.

Very truly yours,

Peceived by:

CG PO2 LA Ingreso

291430H July 2022

EFREN L. DELOS REYES CENR Officer



#### Community Environment And Natural Resources Office

Brgy. Labangan, San Jose, Occidental Mindoro Tel. number (043) 457- 0236 Email: cenrosaniose@denr.gov.ph

July 29, 2022

**DELFIN V. LAZARO, JR.** 

Port Manager Philippine Ports Authority San Jose, Occidental Mindoro

Sir:

Isang maka-KALIKASANG pagbati po sa inyo!

Please be informed that this Office has been continuously receiving complaints from concerned citizens regarding the improper solid waste disposal and management, continuous illegal reclamation and occupation of the salvage zone/ easement at Brgy. Caminawit, San Jose, Occidental Mindoro.

Relative to this, the undersigned is respectfully inviting you or your authorized representative for a meeting on August 3, 2022, one o'clock (1:00) in the afternoon at the Municipal Disaster and Risk Reduction Office- San Jose in order to solicit collective recommendations to come up with the best solution to address the above-mentioned issues.

Furthermore, be informed also that other concerned agencies and Offices were also invited including the Municipal Local Government Unit of San Jose, Barangay Local Government Unit of Caminawit, Philippine Coast Guard and the Bureau of Fisheries and Aquatic Resources.

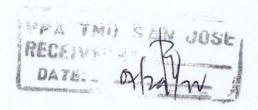
Should you have any concerns and clarifications, you may reach us through this Office's e-mail-cenrosanjose@denr.gov.ph or through Deputy CENRO Nilo P. Salvador at 09982719999 and Information Officer Aina Krizia S. Viray at 09354104596.

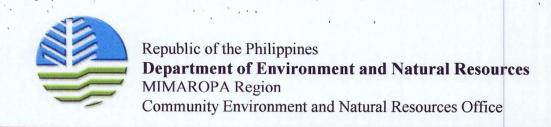
Thank you very much and we are hoping for your positive response on our letter.

Very truly yours,

EFREN L. DELOS REYES
CENTR Officer

18





AUG 11 2022

#### HON. DANILO A. CENTENO

Punong Barangay Caminawit, San Jose, Occidental Mindoro

Dear PB Centeno,

Isang maka-KALIKASANG pagbati po sa inyo!

Please be informed that in response to the recent complaint of Ms. Victoria Caballero against Mr. Jonathan Surdilla regarding the illegal construction of small house with kitchen within the salvage zone/ easement of Purok Bagong Silang, Brgy. Caminawit, San Jose, Occidental Mindoro, this Office conducted an investigation on the said matter which was also coordinated to your office.

That after the investigation, a consultation meeting was conducted on August 3, 2022 that was attended by the heads of the concerned offices of LGU San Jose and other agencies where you have participated actively. In which, one of the agreements is to conduct survey and inventory of the households and establishments within the coastal area/ salvage zone of your barangay.

Relative thereto and as agreed upon in the said meeting, may we request for the list of households residing within the coastal area/ salvage zone of your barangay as well as other relevant data that will serve as the salient information and guidance of the multi-sectoral team to be organized for the conduct of survey and inventory.

Thank you for your continued support and efforts for the conservation and protection of our environment and natural resources.

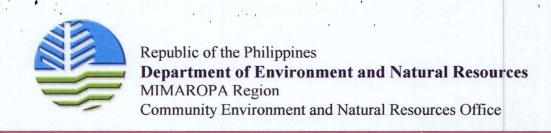
Very Truly Yours,

EFREN L. DELOS REYE

CENR Officer

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627

Email: cenrosanjose@denr.gov.ph



AUG 1 1 2022

#### MR. JONATHAN SURDILLA

Brgy. Caminawit, San Jose Occidental Mindoro

G. Surdilla,

Isang maka-KALIKASANG pagbati po sa inyo!

Ito ay ukol sa isang sulat reklamo na dumating sa aming tanggapan noong ika-25 ng Hulyo, taong 2022 patungkol sa iyong paggawa o pagbuo ng maliit na bahay na mayroong kusina sa salvage zone/ easement sa Purok Bagong Silang, Brgy. Caminawit, San Jose, Occidental Mindoro.

Na noon ding ika-25 ng Hulyo, taong 2002 ay nagsagawa ng imbestigasyon sa inyong lugar ang aming mga otorisadong kawani kasama ang mga kinatawan ng Brgy. Caminawit kung saan ay kinumpirma sa pamamagitan ng pakikipag-usap sa inyong maybahay na si Mrs. Lilibeth Surdilla, na kayo ay gumawa o bumuo ng isang maliit na bahay na mayroong kusina na gawa sa kawayan, yero at nipa na nakatayo sa nasabing salvage zone. Ibig po naming ipabatid sa inyo na ang pagtatayo ng anumang establisyimento sa loob ng salvage zone ay mahigpit na ipinagbabawal ng batas alinsunod sa Article 51 ng Presidential Decree 1067 o ang Water Code of the Philippines.

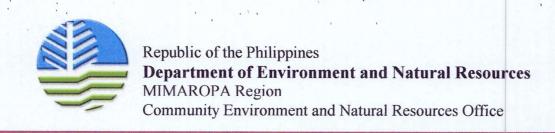
Upang masiguro ang inyong kaligtasan sa panahon ng mga hindi inaasahang bagyo at sakuna, kayo ay aming pinapayuhang tanggalin ang inyong ginawa o binuo na maliit na bahay na mayroong kusina sa ipinagbabawal na salvage zone/ easement para sa inyong proteksyon.

Maraming salamat po.

8/11/2021

EFREN Z. DELOS REYES

**CENR** Officer



AUG 11 2022

#### MS. VICTORIA CABALLERO

Brgy. Caminawit, San Jose Occidental Mindoro

Dear Ms. Caballero,

Isang maka-KALIKASANG pagbati po sa inyo!

This has reference to your complaint letter to DENR thru email dated July 25, 2022 and follow-up complaint letter on August 06, 2022 against Mr. Jonathan Surdilla regarding the illegal construction of a house with kitchen within the salvage zone/ easement of Purok Bagong Silang, Brgy. Caminawit, San Jose, Occidental Mindoro.

Please be informed that this Office immediately conducted site investigation upon receipt of your complaint on July 25, 2022 in coordination with Barangay LGU of Caminawit, San Jose, Occidental Mindoro. It was verified that a small house with kitchen made from light materials was indeed constructed at the said salvage zone/ easement. During the investigation, Mrs. Lilibeth Surdilla in the absence of Mr. Jonathan Surdilla was duly informed about the prohibition under existing laws of Article 51 of the Presidential Decree No. 1067 also known as the Water Code of the Philippines, prohibiting the construction of permanent structure or establishment within the 20-meters easement/ salvage zone.

In which, Mrs. Surdilla admitted the violations committed and that they recognize the need to obey the law. She said that they will remove the said establishment they have constructed once instructed by the government.

Please be informed also that this Office conducted a consultation meeting with the concerned Offices of LGU San Jose, Barangay LGU of Caminawit and other concerned agencies (Philippine Coast Guard, Philippine Ports Authority, Bureau of Fisheries and Aquatic Resources) on August 03, 2022 to address the issues on solid wastes, wastewater and informal settlers on the subject area.

Thank you for your concern and involvement in the protection of our environment and natural resources.

Very Truly Yours,

EFREN L. DELOS REYES

FNR Officer

Sent thru email: monette caballens 2 yaho 2 cm

DALLY JOY PMRA ROCA

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627

Email: cenrosanjose@denr.gov.ph



# VIOLATION OF DENR SAN JOSE OCCIDENTAL MINDOR ENFORCEMENT OF CONSTRUCTION IN A MARINE ZONE

R4B CENRO SanJose <cenrosanjose@denr.gov.ph>
To: "monettecaballero@yahoo.com" <monettecaballero@yahoo.com>

Thu, Aug 11, 2022 at 1:48 PM

Good day po.

Please see the attached file and acknowledge receipt of this email.

Thank you

**DENR-CENRO San Jose** 

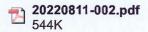


Department of Environment and Natural Resources

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE - SAN JOSE

Address: Brgy. Labangan Poblacion, San Jose, Occidental Mindoro, Philippines, 5100

Tel. Nos. (043) 457-0236 (Globe) or (043) 742-6627 (PLDT)





Aerial Photographs last 2020, Geotagged Photos on July 25, 2022



Google Imagery as of March 2022 and Geotagged Photos on July 25, 2022





Republic of the Philippines Department of Environment and Natural Resources MIMAROPA Region 218 139 1515 L & S Bldg., Roxas Boulevard, Ermita, Manila

AUG 1 9 2019

#### MEMORANDUM

The PENR Officer

Mamburao, Occidental Mindoro

ATT'N : The CENR officer

San Jose, Occidental Mindoro

FROM

The Regional Executive Director

SUBJECT:

CEASE AND DESIST ORDER (CDO) ISSUED TO MR. FEDERICO GAUDIEL ON THE REPORTED ILLEGAL/UNAUTHORIZED RECLAMATION ACTIVITIES LOCATED AT SITIO BAGONG SILANG, BARANGAY PAG-ASA, SAN JOSE OCCIDENTAL

MINDORO

This refers to the Cease and Desist Order (CDO) issued by Philippine Reclamation Authority (PRA) to Mr. Federico Gaudiel for alleged illegal occupation and for allegedly conducting reclamation activities at foreshore area at Sitio Bagong Silang, Barangay Caminawit, San Jose, Occidental Mindoro without securing first necessary approval or clearance from PRA.

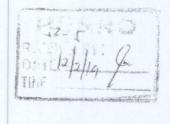
In this regard, you are hereby instructed to monitor compliance of Mr. Gaudiel to the said Order. Submit to this office update on his compliance.

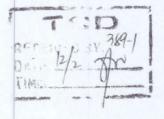
This -

ATTACK MY. DATE TIME.



1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000 DENR VOIP (632) 7553300/7553330 loc. 2700/2701 Direct line. (632) 4050157; facsimile; (632) 4050046 Email dem réminarope a gmail com







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

2 R HAR Z019

MR. FREDERICO GAUDIEL

Brgy, Caminawit San Jose, Occidental Mindoro

Dear Mr. Gaudiel.

Isang maka-KALIKASANG araw po sa inyo!

This has reference to the reported reclamation activity at So. Bagong Silang, Caminawit, San Jose, Occidental Mindoro that was confirmed by a team/staff of this office during a series of their monitoring activities in February and March 2019.

That based on their coordination with the concerned Barangay Officials, Punong Barangay Danilo A. Centeno disclosed that you are the proponent of the said activity.

Be informed that the reclamation activity is in violation of our existing environmental laws, rules and regulations considering that is located within the forestlands and also within the foreshore area, as follows:

1. Section 1 of Presidential Decree 3-A otherwise known as "Amending Section 7 of Presidential Decree No. 3 dated September 26, 1972, by providing for the Exclusive Prosecution by Administration or by Contract of Reclamation Projects."

"The provisions of any law to the contrary notwithstanding, the reclamation of areas under water, whether foreshore or inland, shall be limited to the National Government or any person authorized by it under a proper contract."

"All reclamation made in violation of this provision shall be forfeited to the State without need of judicial action"

2. Section 3 of Executive Order No. 672 otherwise known as "Defining and Clarifying the Responsibilities of the Department of Natural Resources (DENR) and Philippine Reclamation Authority (PRA) in the Approval and Implementation of Reclamation Projects Nationwide."

"Prior to the implementation of the duly approved reclamation projects, the Environmental Compliance Certificate (ECC) shall be secured from the DENR and that no reclamation works shall commence without the required ECC"

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3. Section 52 and 53 of Presidential Decree 705 otherwise known as "Revised Forestry Reform Code of the Philippines."

"Henceforth, no person shall enter into forest lands and cultivate the same without lease or permit"

4. Article 51 of Presidential Decree 1067 otherwise known as "A Decree Instituting a Water Code, thereby Revising and Consolidating the Laws Governing the Ownership, Appropriation, Utilization, Exploitation, Development, Conservation and Protection of Water Resources."

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

In this regard, this office is hereby advising you to immediately cease any activity leading to and in connection to the reclamation and construction of any structures herein. Also we are inviting you to a dialogue to be held on April 1, at 10:00 in the morning at the office to further clarify issues and concerns on the matter. Be advised also to bring with you any document to justify your reclamation.

For queries and other concerns related to the subject of this communication, please feel free to get in touch with us.

Thank you very much.

Very truly yours,

The Officer-in-Charge
CENRO San Jose, Occidental Mindoro

CC: Hon Danilo A. Centeno
Punong Barangay
Brgy Caminawii, San Jose, Occidental Mindoro

Hon. Romulo M. Festin Mayor San Jose. Occidental Mindoro

DECEIVED

MAR 2 0 2019

By: 6 MACANI



#### Tepublic of the Philippines IPPINE RECLAMATION AUTHORIT

7<sup>th</sup> floor, Legaspi Towers 200 Bldg., 107 Paseo de Roxas St., Legaspi Village, 1226 City of Makati Tei. No.: (02) 459-5000 \* Facsimile No.: (02) 815-2662 Website: www.pea.gov.ph \* Email: info@pea.gov.ph



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1115

MATE.

22 July 2019

MR. FEDERICO GAUDIEL

Resident of Sitio Bagong Silang Barangay Pag-asa, San Jose Occidental Mindoro

> Desist Order (CDO) on the Subject: Cease and Illegal/Unauthorized Reclamation Activities Located at Sitio Bagong Silang, Barangay Pag-asa, San Jose Occidental Mindoro

Dear Mr. Gaudiel:

On 27 June 2019, we received a letter dated 7 June 2019, informing us of your alleged illegal occupation and on-going reclamation at a foreshore area at Sitio Bagong Silang, Barangay Caminawit, San Jose, Occidental Mindoro.

Per our records, no clearance or approval was issued by our Agency allowing you to undertake such reclamation works in the said area. Thus, the said reclamation activities are deemed illegal and/or unauthorized.

As the government agency solely responsible for regulating all reclamation projects throughout the country pursuant to existing laws and issuances, i.e., Presidential Decree (P.D.) Nos. 3-A and 1084, as amended, Executive Order (E.O.) Nos. 525, and 543 (copies attached for reference), effective immediately, you and your accomplices are hereby ordered to Cease and Desist from undertaking further reclamation works in the said area including its surrounding submerged areas until necessary clearance and/or permit is issued by this Agency.

Be advised that this Order is without prejudice to the authority of PRA to forfeit the subject reclaimed land as provided by law.

In the meantime, you are hereby advised to prepare and submit to this Office copies of documents/permits issued by other concerned Government Agencies for the said reclamation project, if any, prior to the conduct of the site inspection of this Agency tentatively scheduled on 21-23 August 2019.

//RRO:RFB/MHLT/DMT/JJML;OGM:JCL

TIME

144-1

PHILIPPINE RECLAMATION AUTHORITY 07-159-2019.0223 135466670083

July 26, 2019 11:24:51

For any clarifications on the foregoing, please coordinate with our Reclamation Department at telephone no. (02) 459-5000, loc. nos. 7408 to 7409 and look for Engr. Diomedes M. Tan or Engr. Romeo F. Beltran.

Thank you.

Very truly yours,

ATTY. JANKLO E. RUBIATO General Manager and

HIS EXCELLENCY RODRIGO R. DUTERTE

Republic of the Philippines

Malacañang Complex, J.P. Laurei Street, San Miguel, Manila 1005

HON. ROY A. CIMATU

Department of Environment and Natural Resources (DENR)

Visayas Avenue, Diliman, Quezon City 1100

HON, EDUARDO M. AÑO

Secretary

Department of Interior and Local Government

DILG NAPOLCOM Center, EDSA corner Quezon Avenue, Quezon City

MR. VICENTE 8. TUDDAO, JR., Ph.D., CESO XV Assitant Regional Director for Technical Services

DENR MIMAROPA Region

1515 LB S Building, Roxas Boulevard, Ermita, Manila 1000

MR. ERNESTO E. TAÑADA OIC-PENRO

PENR Office Occidental Mindoro

Pag-asa, Barangay Payompon, Mamburao, Occidental Mindoro tsdoconin04@gmail.com

PBGEN TOMAS C APOLINARIO JR

Police Regional Office MIMAROPA Regional Headquarters

Camp Efigenio C Nevarro, Brgy. Suqui, Calapan City, Mindoro Oriental (043) 288-1405

PCOL JOSEPH B BAYAN

Provinctal Director

Occidental Mindoro Police Provincial Office

Camp Winston Sibley Ebersole, San Jose, Occidental Mindoro (043) 491-2468

//RRO:RFB/MHLT/DMT/JJML;OGM:JCL





#### CEASE AND DESIST ORDER

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The OIC-PENR Officer Mamburao, Occ. Mindoro

To:

Mr. Frederico Gaudiel Brgy. Pag-asa, San Jose, Occidental Mindoro

APR 23 2019 Date

DENR-GENRU SAN JOSE MIMARUPA REGION RECEIVED BY TAG

Re:

Notice to Cease and Desist for Illegal Occupation and Reclamation of Foreshore Area

Dear Mr. Gaudiel.

This letter is served upon you due to the illegal occupation and reclamation of the salvage zone and foreshore area situated at Sitio Bagong Silang, Brgy. Caminawit, San Jose, Occ. Mindoro.

#### If you do not cease the aforementioned activity a lawsuit will be commenced against you.

If the activity continues we will immediately file a case against you and your accomplices in this matter. We will also seek monetary damages to be proved at the proceeding. Hopefully this recourse is not necessary, but we are mandated to protect the environment and uphold the right of access of the public to foreshore area and will vigorously do so.

You will not receive another warning letter. If you do not confirm in writing to us by the 30th day of April 2019, that you will cease violating environmental laws, rules and regulations, a lawsuit will be commenced immediately.

Sincerely,

ERNESTO OIC-PEMR Officer

Copy Furnished:

The Regional Executive Director DENR-MIMAROPA

Roxas Blvd., Ermita, Manila

Hon. Romulo M. Festin Municipal Mayor

5/6/19

San Jose, Occ. Mindoro

Hon. Danilo A. Centeno Punong Barangay

The CENR Officer San Jose, Occ. Mindoro

# ANNEX'IV - Consultative Meeting headed by CENRO San Jose with the participation of LGU San Jose, Occidental Mindoro, BLGU Caminawit and concerned agencies.



August 03, 2022 - Geotagged Photograph taken of DMO IV Nilo P. Salvador discussing the status of the marine zone of Brgy. Caminawit, San Jose, Occidental Mindoro.



August 03, 2022 - Geotagged Photograph taken of participants of the said consultative meeting re: illegal settlers of marine zone at Brgy. Caminawit, San Jose, Occ. Mindoro



August 03, 2022 - Geotagged Photograph taken of Brgt. Captain of Caminawit Danilo Centeno explaining the situation and status of the marine zone of Brgy. Caminawit, San Jose, Occidental Mindoro.