



MEMORANDUM

FOR

The Regional Executive Director

DENR MIMAROPA Region

1515 L&S Building, Roxas Blvd., Ermita Manila

THRU

The Assistant Regional Director for Technical Services

FROM

The OIC, PENR Officer

SUBJECT

ENDORSEMENT FROM THE OFFICE OF THE CABINET

SECRETARIAT, OFFICE OF THE PRESIDENT RE: LETTER DATED MARCH 22, 2022 OF MS. NORMA DELA AUSTRIA RELATIVE TO THE RIVER BANK EASEMENT PROJECT OF DPWH THAT WILL AFFECT HER PRIVATE PROPERTY [CO-

2022-90281]

Respectfully submitting the Completed Staff Work (CSW) Report on the validation conducted, regarding the concerns of Ms. Norma dela Austria on the Department of Public Works and Highways' flood control project at Brgy. Budiong, Odiongan, Romblon.

Investigation undertaken revealed that the 230 meter long project is already completed but has violated Section 51 of P.D. 1067, since the Municipal LGU has not classified Bgry. Budiong as an urban area.

A dialogue initiated by the DPWH, with LGU Odiongan and all other involved parties, should be done in order to address future issues surrounding projects as such, and to ensure that projects adhere to environmental laws, rules and policies.

For your information and record.

ARNOLDO A. BLAZA JR.

DENR, PENRO - Romblon Brgy. Tabing-Dagat, Odiongan, Romblon Tel. # 567-6187

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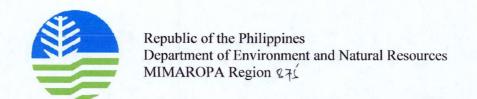
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September 5, 2022

MEMORANDUM

FOR

The OIC, PENR Officer

Odiongan, Romblon

THRU

Chief- TSD

FROM

Chief, Monitoring and Enforcement Section

SUBJECT

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SHEILLA JANE M. FORLALES

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The OIC, PENR Officer

Odiongan, Romblon

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Chief- TSD

FROM

Chief, Monitoring and Enforcement Section

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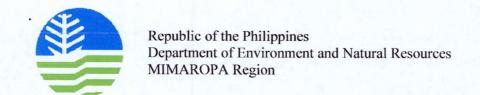
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For your information and record.

SHEILLA JANE MAFORLALES



August 30, 2022

MEMORANDUM

FOR : The OIC, PENRO Rombion

THRU: The Chief, Technical Services Division

FROM: THE INVESTIGATION TEAM

SUBJECT: SUBMISSION OF COMPLETED STAFF WORK (CSW) ON THE

INVESTIGATION CONDUCTED REGARDING THE COMPLAINT OF MS. NORMA DELA AUSTRIA ON THE RIVER BANK EASEMENT PROJECT OF THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS AT BRGY. BUDIONG,

ODIONGAN, ROMBLON

I. FACTUAL BACKGROUND

On August 22, 2022, this Office received a memorandum from the Regional Office regarding the complaint of Ms. Norma Dela Austria on regarding the river bank easement project of DPWH that will affect her private property at Brgy. Budiong, Odiongan, Romblon.

II. LEGAL BASIS

Section 51 of PD 1067 (Water Code of the Philippines)

"The river banks and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas, and forty (40) meters in forest areas, along their 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 salvage or to build structures of any kind".

"Salvage zone is res nullius and cannot be the subject of the commerce of man part of the public domain and intended for public use; and so long as this is so, it cannot be appropriated by any person except through expresses authorization granted in due form by competent authority".

ACTIONS TAKEN III.

On August 24, 2022, PENRO Special Order No. 22-101 Series of 2022 (Annex A) was issued in order to address the complains stipulated on Mrs. Dela Austria's letter. The investigation team composed of Forester II James Mendoza, Special Investigator Ann J. Adriguez and Land Management Inspector Romer F. Gervacio.

FINDINGS IV.

The results of the investigation revealed that:

1. Mrs. Norma dela Austria's complain regarding an "esplanade" is the Flood Control project of the Department of Public Works and Highways located at Brgy. Budiong, Odiongan, Romblon.

A Consultative Assembly called for by the Barangay Local Government of Budiong, the Department of Public Works and Highways and Sunwest Construction and Development Corporation on November 10, 2021. This was participated by the land-owners adjacent to the said flood control project. (Annex B and C)

3. Certificate of Non-Coverage CNC - R4B -0222-0010 was issued by the Environmental Management Bureau on February 11, 2022 for the construction of the said flood mitigation structure. (Annex D)

4. The Notice to Proceed given by DPWH to Sunwest Construction and Development

Corporation was dated February 23, 2022.

5. The Municipal Government of Odiongan does not include Brgy. Budiong on the list of classified urban areas in Odiongan. Only Poblacion, Dapawan, Poctoy and Gabawan. (Annex E)

6. Mrs. Dela Austria's property was not affected by the 230 meter-long flood control project.

COMMENTS AND RECOMMENDATIONS V.

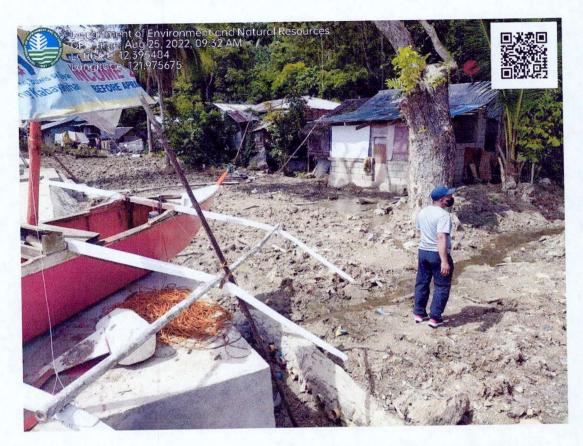
The 230 meter-long project is already completed but has violated Section 51 of P.D. 1067, since the Municipal LGU has not classified Bgry. Budiong as an urban area. Furthermore, projects of DPWH must always adhere to environmental laws and policies. A dialogue between the two agencies may be initiated in order to address future issues surrounding projects as such.

Prepared by:

JAMES M. MENDOZA Forester II

Special Investigator

ROMER'S GERVACIO Land Management Inspector



Forester James Mendoza inspecting the area on August 25, 2022



The Flood Control Project of DPWH at Brgy. Budiong, Odiongan, Romblon



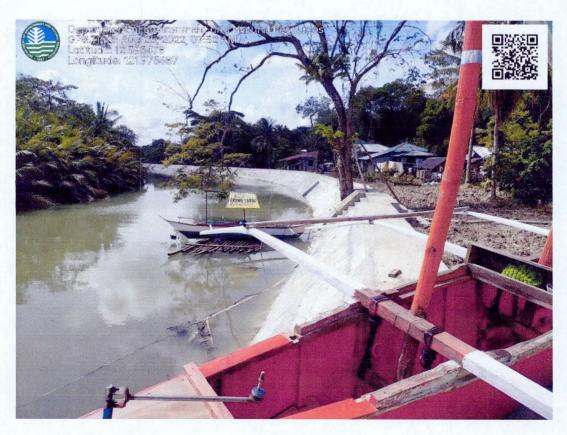
The project ends at the residence of Mr. Ferdinand Magallanes.



DENR, PENRO - Romblon Brgy. Tabing-Dagat, Odiongan, Romblon Tel. # 567-6187

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







-ANNEX A -

August 24, 2022

PENRO SPECIAL ORDER

No. 22-103 Series of 2022

SUBJECT

CREATION OF INVESTIGATION TEAM FOR THE COMPLAINT OF NORMA DELA AUSTRIA REGARDING THE RIVER BANK EASEMENT PROJECT OF DPWH THAT WILL AFFECT HER PRIVATE PROPERTY AT BRGY. BUDIONG,

ODIONGAN, ROMBLON

In the interest of the service and to verify the inquiries of Norma dela Austria regarding the river bank easement project of the Department of Public Works and Highways that will affect her private property at Brgy. Budiong, Odiongan, Romblon, the following personnel are hereby authorized to comprise the investigation team:

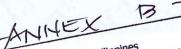
James M. Mendoza – Forester II Ann J. Adriguez – Special Investigator Romer F. Gervacio – Land Management Inspector

The Investigation Team shall coordinate with the concerned individuals/LGU/BLGU and DPWH and investigate the allegations per letters of Mrs. Norma dela Austria dated

They shall submit report with categorical recommendation within three (3) days after the completion of the activity.

This Order takes effect immediately.

Bob an.



DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS Republic of the Philippines DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS ROMBLON DISTRICT ENGINEERING OFFICE ODIONGAN, ROMBLON

MINUTES OF MEETING

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		MINUTES OF MEET Sembly Re-construct: Title	at Budiong Floor	- OUIE	
	- Kative Ass	sembly Re-cons		VENUE DUITDOSE	Hall
	Consultation	TIME ADJO	URNED	Budiong Multi-Purpose	
	TIME STARTE	3:206	M	TOPICS	
DATE CONDUCTED	1:52 pm			iong Flood Control	
Wednesday, November 10, 2	021 ATTENDA	NCE	Buo	,,,,,,,	
				responsible p	erson/s
	attendance Sheet			RESPONSIBLE	

Refer to Attachment 1 for Attendance Sheet

2

r to Attachment I to	n Highlights and Discussion	. Sernando
TOPICS SESSION DEMARKS	M HIGHLIGHT	Rammy F. Fernando Barangay Official
WELCOME REMARKS	nando led the prayer, welcomed and introding.	
1 Kagawad Rammy F. Feb.	ing.	nent from rivers, nent from rivers, special Investigator

Mr. Lee Fradejas explained that the replacement of the government from rivers, Intr. Lee Fradejas explained that the replacement of the government from rivers, in urban area is 3m and rural 20m. It means that the residence in that particular large covered by the project were no longer right to complain because it is DISCUSSION In urban area is <u>3m and rural 20m. It means that the residence in that partials area covered by the project were no longer right to complain because it is</u> Julius Gado Project Engineer of Sunwest Engr. Julius Gado discuss the project. He cited that the project has 230m long started from existing river control contracted by Dala Cruz Construction and it consider as part of the river.

Engr. Julius Gado discuss the project. He cited that the project has 230m long started from existing river control contracted by Dela Cruz Construction and it Lolita Fetalino Land Owner Mrs. Lolita Fetalino asked if those trees that affected by the project to be Dexter Tayam project Engineer of Sunwest

Engr. Dexter Tayam answered that the trees to be cut for the project will be Engr. Dexter Tayam answered that the trees to be cut for the project will f paid for 150.00 per tree and the trees that cuts will remain to the owner. Vanje Ferranculio Land Owner Vanje Ferrancullo asked if the poultry house to be affected by the project will also payable? Julius Gado

Project Engineer of Sunwest Engr. Julius answered that they will compute the cost of the poultry house and also payable? Alexander G. Foja Jr. MPDC they will pay for this. Vanje Ferrancullo

MPDC asked question to Mrs. Vanje if how many chickens they raised in their Land Owner Mrs. Vanje answered that they have more than a hundred of chickens raised. poultry house? Alexander G. Foja Jr. MPDC

MPDC stated that they need a business and sanitary permit when they raised of such number of chicken.





Republic of the Philippines DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS ROMBLON DISTRICT ENGINEERING OFFICE ODIONGAN, ROMBLON

MINUTES OF MEETING

Consultative Assembly Re-construct at Budiong Flood Control Title

DA	TE CONDUCTED	TIME STARTED	TIME ADJOURNED	VENUE
Wednes	sday, November 10, 2021	1:52 pm	3:20PM	Budiong Multi-Purpose Hall
		ATTENDANCE		TOPICS
er to A	ttachment 1 for Attendar	ice Sheet		Budiong Flood Control
PICS	SE	ssion highlights an	D DISCUSSION	RESPONSIBLE PERSON/S
	WELCOME REMARK	(S		
1	Kagawad Rammy F. F participants of the me		welcomed and introduced the	Rammy F. Fernando Barangay Official
	DISCUSSION			
	in urban area is 3m ar	nd rural 20m. It means t roject were no longer rig	nt of the government from rivers, hat the residence in that particular tht to complain because it is	Lee Fradejas Special Investigator I
	Engr. Julius Gado dis started from existing	cuss the project. He cite river control contracted ends to the Magalianes	d that the project has 230m long by Dela Cruz Construction and it property.	Julius Gado Project Engineer of Sunwest
	Mrs. Lolita Fetalino	asked if those trees that constract are pay	at affected by the project to be able?	Lolita Fetalino Land Owner
	Engr. Dexter Tayam ar paid for 150.00 per tre	nswered that the trees to be and the trees that cub	o be cut for the project will be s will remain to the owner.	Dexter Tayam Project Engineer of Sunwest
	Vanje Ferrancullo aske also payable?	d if the poultry house to	be affected by the project will	Vanje Ferrancullo Land Owner
	Engr. Julius answered they will pay for this.	that they will compute th	ne cost of the poultry house and	Julius Gado Project Engineer of Sunwest /
	MPDC asked question to poultry house?	to Mrs. Vanje if how man	ny chickens they raised in their	Alexander G. Foja Jr. MPDC
	Mrs. Vanje answered ti	nat they have more than	a hundred of chickens raised.	Vanje Ferrancullo Land Owner
	MPDC stated that they such number of chicker		nitary permit when they raised of	Alexander G. Foja Jr. MPDC

	Mr. Lee cited that if that's the case, the contractor will not able to pay for the poultry house and the owner will going to relocate that house to the area that will not be affected by the project.	Lee Fradejas Special Investigator I
	Mrs. Vanje agreed on what is Mr. Lee cited.	Vanje Ferranculio Land Owner
	Mr. Danilo Fallaria asked when will the construction be start?	Danilo Fallaria Land Owner
100 m. (100 m.)	Engr. Julius answered that they don't have exact date for the construction. They will coordinate to the barangay before they start the construction so that all the owners will be inform.	Julius Gado Project Engineer of Sunwest
M Santana	ADJOURNMENT	
3	Kagawad Rammy F. Fernando adjourned the meeting.	Rammy F. Fernando Barangay Official
red	by: Appr	oved by:
	JHON KENNETH DAVE B. LILANG Engineering Aide	WINONA F. FADEROGAYA Chief of Planning & Design Section

Meeting with Land Owners November 10, 2021





DPWH - ROMBLON DISTRICT ENGINEERING OFFICE

de/Description:

Brgy. Budiong Consultative Assembly Re-Construct at Budiong Flood Control

Date:	Started:	Adjourned:	· V	/enue:
November 10,2021	1:22 pm.		3	ti-purpose hall
	ATTENE	DANNOES	SHEET	
Name	Posit	ion	Contact Number	Signature
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BARANGAY BUDIONG ATTENDANCE SHEET

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BARANGAY BUDIONG ATTENDANCE SHEET

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Department of Environment and Natural Resources Environmental Management Bureau Regional Office No. IV - B MIMAROPA

CERTIFICATION

(CNC-R4B-0222-0010)

This certification is issued to DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS ROMBLON DISTRICT ENGINEERING OFFICE for the CONSTRUCTION OF FLOOD MITIGATION STRUCTURE ALONG BUDIONG RIVER PHASE 2 (Sta Limits 0+870.00 - 1+100.00 R/S) to be located at BRGY. BUDIONG, ODIONGAN, ROMBLON.

This further certifies that the abovementioned project is an ENVIRONMENTAL ENHANCEMENT OR DIRECT MITIGATION PROJECT (CATEGORY C) and is not covered by the Philippine EIS System (P.D. 1586). Furthermore, the issuance of this certificate is not a source of right or authority to implement the project and shall not exempt the grantee from compliance with applicable environmental laws, rules and regulations including permitting requirements of other government agencies. Moreover, any expansion and/or modification other than specified above may be considered a violation of P.D. 1586 (EIA System) and shall be subjected to imposition of fines/penalties amounting to Php 50,000.00.

Given this 11 February 2022.

Recommending Approval:

ENP. NIGOLE YURI V. DORADO

OIC, Clearance and Permitting Division

Amount Paid: Php 1,000.00

OR No: 7655234

Date: February 02, 2022

Approved:

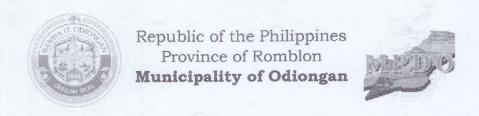
JOE AMILIM. SALINO

Regional Director



R4B-2022-001539





MUNICIPAL PLANNING AND DEVELOPMENT OFFICE

August 31,2022

CERTIFICATION

This is to certify that as per PD 705, PD 1067, and Article IV, Zone Classification, Section 8, Zone Boundaries and Descriptions of the Comprehensive Land Use Plan of the Municipality of Odiongan, the Buffer Strip/Easement along river banks in Barangay Budiong, classified as rural area, is twenty (20) meters.

Issued this 31st day of August 2022 for whatever legal purpose it may serve.

ENP ALEXANDER G. FOJA JR.

Serbisyong May Puso Y

Email Address: mpdcodiongan@gmail.com