



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

DENR MIMAROPA RECORDS SECTION	
RECEIVED	
27 SEP 2022	
<input type="checkbox"/> INCOMING	<input type="checkbox"/> OUTGOING
BY:	DATE NO.

September 15, 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 : **COMPLETED STAFF WORK (CSW) RE: BINGA BEACH
BROTHERS, INC. AT SITIO LUMAMBONG, BARANGAY
BINGA, SAN VICENTE, PALAWAN**

Forwarded is the Completed Staff Work (CSW) dated August 22, 2022 from CENRO Pablo L. Cruz relative to the complaint of Binga Beach Brothers, Inc. (BBB) on the illegal occupation of Diamond Explore Security Agency over their claimed parcel of land located in Barangay Binga, San Vicente, Palawan.

This Office concurs with the recommendations of the CENRO, (1) to immediately file an appropriate case in court against the respondents as soon as all the required evidence and documents are at hand; and (2) to intensify our Information Education Campaign (IEC) regarding environmental laws, rules and regulations.

For your review, evaluation and further instruction.


FELIZARDO B. CAYATOC

Cc:

CENRO – Roxas, Palawan

TSD/File *kkva
Doc. Ref. No. 2022-7754

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By Rhea
Date: 21 SEP 2022 CN 2022-2447



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647; Email address: cenroroxaspalawan@denr.gov.ph

August 22, 2022

MEMORANDUM

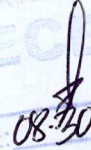
FOR : The Regional Executive Director
MIMAROPA Region
1515 Roxas Blvd. Ermita, Manila

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

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : **COMPLETED STAFF WORK (CSW) RE: BINGA
BEACH BROTHERS, INC. AT SITIO LUMAMBONG
BGY. BINGA, SAN VICENTE, PALAWAN**

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: 
DATE: 08-30-2022 22-7754

I. BACKGROUND

On April 24, 2019, this Office received a memorandum from PENRO dated 15 April 2019 referring the memorandum from RED Adornado dated March 18, 2019 with enclosures of the letter complaint dated February 26,, 2019 from Atty. Ma. Louella Martinez-Aranas, Managing Partner, LMA Law Offices, legal counsel for Binga Beach Brothers, Inc. (BBB) of re: illegal occupation by Diamond Explore Security Agency over a parcel of land owned by (BBB) located at Brgy. Binga, San Vicente, Palawan thereby instructing this Office to conduct an immediate investigation on the matter in coordination and consultation with both parties concerned.

On May 20, 2019, the CENRO-Roxas investigation team conducted an inspection, verification and investigation on the complaint in coordination with the heirs of Diones Distal Sr., Mr. David Le Smith, representative of BBB and the on-site security guards of Diamond Explore Security Agency and at the same time, the team, served our Letter to Vacate dated May 20, 2019 to the representative of Diamond Explore Security Agency, Mr. Ricky Dalupan and also a copy to the uniformed security guard in the area and took some photos for documentation of the area followed by manual measurement using measuring tape on the legal water easement or salvage zone per Article 51 of Presidential Decree No. 1067 or the Water Code of the Philippines including the width of the creek/stream adjacent to the concerned lots (Lot No. 3969 Cad 860-D and Lot No. 6958-A which was originally known as Lot No. 3970 Cad 860-D) purportedly illegally occupied area.

Per inspection, verification and investigation, subject lots (Lot No. 3969 Cad 860-D and Lot No. 6958-A which was originally known as Lot No. 3970 Cad 860-D) had existing perimeter fences made of round timber posts and barbed wires with two guard outposts assigned with three (3) security guards and a house of Mr. Ricky Dalupan and family. Further, the subject lots are entirely within the salvage zones or water easements measuring from the stream and sea that are bordering said subject lots per Article 51 of Presidential Decree No. 1067.

In an interview with the heirs of Distal, the existing perimeter fences were allegedly constructed by the representative of Diamond Explore Security Agency on November 21, 2018 at about 9:00 P.M.

Based on the findings of the team, they recommended that fence constructed by Diamond Explore Security Agency in Lot No. 6958-A which was originally known as Lot No. 3970 Cad 860-D be removed and the subject area shall be open for public. Further, case be filed against the Diamond Explore Security Agency, if failed to conform the Letter to Vacate as demanded.

II. CHRONOLOGY OF THE EVENTS

Date Received/ Released	Document	Action Undertaken
24 April 2019	- Memorandum from PENRO dated 15 April 2019 referring the memorandum from RED Adornado dated March 18, 2019 with enclosures of the letter complaint from LMA Law Offices, dated February 26, 2019 re: illegal occupation by Diamond Explore Security Agency over a parcel of land owned by Binga Beach Brothers Inc. (BBB) located at Brgy. Binga, San Vicente, Palawan (Enclosed as Annex "A").	<p>Letter to Vacate was sent to Mr. Ricky Dalupan from In-Charge of Office, Mr. Ronnie Lilang, dated May 10, 2019 for illegal occupation of water easements at Sitio Lumambong, Bgy. Binga, San Vicente, Palawan (Attached as Annex "B").</p> <p>Conducted investigation with submitted report dated 20 May 2019 regarding the letter complaint dated February 26, 2019 on the illegal occupation by Diamond Explore Security Agency over a parcel of land owned by Binga Beach Brothers, Inc. located at Bgy. Binga, San Vicente, Palawan dated 03 June 2019 (Attached as Annex "C").</p> <p>Issuance of Notice to Vacate to Mr. Jerry Supleto, dated 07 June 2019 (Attached hereto as Annex "D").</p> <p>Memorandum forwarded for RED dated 05 July 2019 on the investigation report dated 20 May 2019 regarding the letter complaint dated February 26, 2019 on the illegal occupation by Diamond Explore Security Agency (Attached as Annex "E").</p>
25 June 2019	- Letter from Atty. Tomas MR Timbancaya dated 21 June 2019 requesting for an actual verification of the involved lots (Lot No. 3969 Cad 860-D and subdivided lots which was originally known as Lot No. 3970 Cad 860-D) as to their land classification and to hold off any further action on the matter as	Reply letter from late CENRO Emer D. Garraez to Atty. Tomas MR Timbancaya dated 08 July 2019 (Attached as Annex "F").

		stated in the Letter to Vacate to Mr. Jerry Suplito (<i>Enclosed as Annex "E"</i>).	
09 July 2019	-	Memorandum from OIC-PENRO Saños dated 27 June 2019 regarding the letter complaint dated 29 April 2019 re: on the illegal occupation and fencing of Lot No. 3969 Cad 860-D and Lot No. 6958-A Cad 860-D which was originally known as Lot No. 3970 Cad 860-D with attached previous investigation report of Forest Ranger Agerico C. Baltar, Jr. (<i>Enclosed as Annex "G"</i>).	Memorandum for PENRO dated 02 August 2019 in compliance with previous memorandum regarding the Distal complaint, dated 27 June 2019 on the illegal occupation of beach front lot of actions taken, received in the PENRO 05 August 2019 (<i>Attached as Annex "H"</i>).
01 October 2019	-	Memorandum from RED Adornado, dated 20 September 2019, acknowledging receipt of the investigation report dated 20 May 2019 regarding the letter complaint dated February 26, 2019 on the illegal occupation by Diamond Explore Security Agency and to submit report on action taken if continuous to defy lawful order, to file a case in court (<i>Enclosed as Annex "I"</i>).	<p>Issuance of 2nd and Final Notice to Vacate to Mr. Jerry Suplito, dated 27 January 2020 sent thru Post Office (<i>Attached as Annex "J"</i>).</p> <p>A letter dated 28 February 2020 of the CENRO sent thru e-mail and snail mail to Municipal Mayor Amy R. Alvarez on the assistance requested for the removal and demolition of the structures and fences illegally erected/constructed/built formerly by Diamond Explore Security Agency (<i>Attached as Annex "K"</i>).</p> <p>A follow-up letter dated 28 July 2020 of the CENRO sent thru e-mail and snail mail to Municipal Mayor Amy R. Alvarez on the assistance requested for the removal and demolition of the structures and fences illegally erected/constructed/built formerly by Diamond Explore Security Agency (<i>Attached as Annex "L"</i>).</p>
30 September 2020	-	A follow-up letter dated 30 September 2020 of the Atty Kim Gaza of LMA Law Offices sent thru e-mail on the status for the removal and demolition of the structures and fences illegally erected/constructed/built formerly by Diamond Explore Security Agency (<i>Enclosed as Annex "M"</i>).	<p>Acknowledgment dated 14 October 2020 on the receipt of our furnished copy of the follow-up letter dated 12 October 2020 of the CENRO to Mun. Mayor Alvarez of San Vicente, Palawan (<i>Attached as Annex "N"</i>).</p> <p>A follow-up letter dated 12 October 2020 of the CENRO sent thru e-mail to Municipal Mayor Amy R. Alvarez copy furnished LMA Law Offices on the assistance requested for the removal and demolition of the structures and fences illegally erected/constructed/ built formerly</p>

			by Diamond Explore Security Agency (<i>Attached as Annex "O"</i>).
14 December 2020	-	Memorandum of RED dated 07 December 2020 instructing to dispatch survey team to conduct ground validation/verification survey in the subject area covering Lot 3969 and Lot 3970 preferably using Real-Time Kenimatics (RTK) survey equipment (<i>Enclosed as Annex "P"</i>).	Copy furnished memorandum received in this Office dated April 29, 2021, of PENRO to RED dated 23 MARCH 2021, endorsing the survey report of Engr. Donna Belle Luengo on the subject area covering Lot 3969 and Lot 3970 in compliance to Memorandum of RED, dated 07 December 2020 (<i>Attached as Annex "Q"</i>).
28 April 2022	-	Memorandum of RED, dated April 2022 in connection with the letter of Atty. Ma. Louella Martinez-Aranas of LMA Law Offices dated March 09, 2022 (<i>Enclosed as Annex "R"</i>)	Investigation report, dated, 04 May 2022 regarding the memorandum of RED dated in connection with the letter of Atty. Ma. Louella Martinez-Aranas of LMA Law Offices dated March 09, 2022 (<i>Attached as Annex "S"</i>)
24 May 2022	-	Memorandum of PENRO, dated 11 May 2022 regarding the letter of Atty. Ma. Louella Martinez-Aranas of LMA Law Offices dated March 09, 2022 re: the classification of Binga Beach Brothers (BBB) Inc. located in Sitio Lumambong, Barangay Binga, San Vicente, Palawan (<i>Enclosed as Annex "T"</i>).	Follow-up investigation report dated 30 May 2022 regarding the memorandum of RED dated in connection with the letter of Atty. Ma. Louella Martinez-Aranas of LMA Law Offices dated March 09, 2022 (<i>Attached as Annex "U"</i>)
20 July 2022	-	Memorandum of PENRO, dated 12 July 2022 referring the Memorandum of Maximo C. Landrito, OIC Assistant Regional Director for Technical Services of MIMAROPA Region dated 1 July 2022 regarding the letter of Atty. Ma. Louella Martinez-Aranas of LMA Law Offices dated 20 May 2022 re: request of Binga Beach Brothers (BBB), INC. regarding the removal and demolition of structures including fences illegally constructed within the salvage zone and protected area located in Binga, San Vicente, Palawan, and instructing to monitor, conduct investigation and submit updated report with recommendation on the matter of Monitoring purposes (<i>Enclosed as Annex "V"</i>).	<p>Memorandum for PENRO dated 19 July 2022, reply on the previous referred memorandum of Maximo C. Landrito, OIC Assistant Regional Director for Technical Services of MIMAROPA Region dated 01 July 2022 (<i>Attached as Annex "W"</i>).</p> <p>Follow-up investigation report dated 02 August 2022 regarding the referred memorandum of Maximo C. Landrito, OIC Assistant Regional Director for Technical Services of MIMAROPA Region dated 01 July 2022 (<i>Attached as Annex "X"</i>).</p>

III. COMMENTS

- I. Filing of appropriate case in court by our office was held in abeyance against the Diamond Explore Security Agency pending to the result of the conducted ground survey validation/verification in the subject area by Engr. Donna Belle Luengo of the PENRO and further instruction of the next action for the resolution of the matter.

2. Further, with the instruction of the RED to file a case against the Diamond Explore Security Agency was put on hold until now because of the take-over of the LAB Security and Investigation Agency in guarding the area which changed eventually the target respondent to the case. In the event of the changeover in guarding the subject area, there were demolitions made of the previously erected barbed wire fences, the two guard outposts, and the dwelling of Mr. Ricky Dalupan, but the LAB Security and Investigation Agency constructed a hut made of temporary materials which serves as shed during the shifts and roving of guards and a short blockade fence in portions with passageway for public use across the creek through the conflicted salvage/beach area.
3. Moreover, in our previous investigation is the appearance of the E Luengo Development Corporation who allegedly hired the services of the LAB Security and Investigation Agency to guard the subject area which palpably pointing the probable culpable respondent of this wearisome case which violated Section 78 of P.D. No 705, as amended, Article 51 of P.D No. 1067 and Item "o" and "v" of Section 20 in R.A No. 7586 as amended in Section 18 of R.A No. 11038.
4. Development in our recent investigation is the removal of fences allegedly by the Security guards of LAB Security and Investigation Agency, but the hut made of temporary materials which serves as shed during the shifts and roving of guards was still in place.

IV. RECOMMENDATION

1. To immediately file an appropriate case in court against the respondents as soon as all the required evidence and documents are at hand; and
2. To intensify our Information Education Campaign (IEC) works in the aforementioned barangay regarding environmental laws, rules and regulations.

For information, evaluation and further instruction.


PABLO L. CRUZ

GENP-CENP RD 3
RELEASED
DATE AUG 22 2022
BY: [Signature]
GOC NO. 2022-08-1325



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

MES, 4/24/19
For immediate att.
[Signature]

April 15, 2019

MEMORANDUM

TO : The Community Environment and Natural Resources Officer
Roxas, Palawan

FROM : The OIC-Provincial Environment and Natural Resources Officer

SUBJECT : **LETTER COMPLAINT DATED FEBRUARY 26, 2019 RE-ILLEGAL OCCUPATION BY DIAMOND EXPLORE AGENCY OVER A PARCEL OF LAND OWNED BY BINGA BEACH BROTHERS INC. (BBB) LOCATED AT BRGY. BINGA, SAN VICENTE, PALAWAN**



Documents

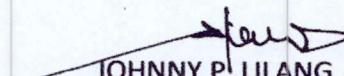
Attached : Memorandum from Regional Executive Director dated March 18, 2019 with enclosures.

Actions Desired:

- ☒ For information and record verification.
- ☐ For investigation, comment and recommendation
- ☒ Lacking Requirements/ Special Instruction

Please conduct in-depth record verification and field investigation and submit report compliant to the instruction of the Regional Director.

For the PENRO:


JOHNNY P. LILANG
Chief Technical Services Division
Officer In-Charge

Copy furnished:

THE Regional Executive Director
DENR-MIMAROPA, 1515 L and S Bldg.
Roxas, Blvd, Ermita, Manila

Atty. Ma. Louella Martinez-Aranas
LMA Law Offices, Unit 22, 2nd Floor
Zeta Bldg., 191 Salcedo St.
Legaspi Village, Makati City

Doc. Ref. No. 2015- 2858
TSD/*jcv

**DENR PENRO
PALAWAN RECORDS
RELEASED**

BY: [Signature]
DATE: 4-16-19 CH 19-2858



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

April 15, 2019

MEMORANDUM

TO : The Community Environment and
Natural Resources Officer
Roxas, Palawan

FROM : The OIC-Provincial Environment and
Natural Resources Officer

SUBJECT : **LETTER COMPLAINT DATED FEBRUARY 26, 2019 RE-ILLEGAL
OCCUPATION BY DIAMOND EXPLORE AGENCY OVER A
PARCEL OF LAND OWNED BY BINGA BEACH BROTHERS INC.
(BBB) LOCATED AT BRGY. BINGA, SAN VICENTE, PALAWAN**

Documents

Attached : Memorandum from Regional Executive Director dated March 18, 2019
with enclosures.

Actions Desired:

- ☒ For information and record verification.
- ☐ For investigation, comment and recommendation
- ☒ Lacking Requirements/ Special Instruction

Please conduct in-depth record verification and field investigation and submit report
compliant to the instruction of the Regional Director.

For the PENRO:

JOHNNY P. LILANG
Chief Technical Services Division
Officer In-Charge

Copy furnished:

THE Regional Executive Director
DENR-MIMAROPA, 1515 L and S Bldg.
Roxas, Blvd, Ermita, Manila

Atty. Ma. Louella Martinez-Aranas
LMA Law Offices, Unit 22, 2nd Floor
Zeta Bldg., 191 Salcedo St.
Legaspi Village, Makati City

Doc. Ref. No. 2019-2842
TSD/*jcv

**DENR PENRO
PALAWAN RECORDS
RELEASED**

DATE: 4-16-19 BY: 19-2842



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region 51-244

MAR 08 2019

MEMORANDUM

TO : The PENRO- Palawan
ATT'N : The CENRO-Roxas
FROM : The Regional Executive Director
SUBJECT : **LETTER COMPLAINT DATED FEBRUARY 26, 2019 RE: ILLEGAL OCCUPATION BY DIAMOND EXPLORE SECURITY AGENCY OVER A PARCEL OF LAND OWNED BY BINGA BEACH BROTHERS INC. (BBB) LOCATED IN BRGY. BINGA, SAN VICENTE, PALAWAN**

**DENR PENRO
PALAWAN RECORDS
RECEIVED**
BY:
DATE: 04/10/19 CN 19-2858
9:31 AM

Referred is the letter-complaint dated February 26, 2019 of Atty. Ma. Louella Martinez-Aranas, Managing Partner, LMA Law Offices, legal counsel for Binga Beach Brothers, Inc. (BBB) regarding the above subject.

Based on said complaint, Diamond Explore Security Agency and its employees have illegally occupied/fenced Lot Nos. 3969 and 6958-A, both covered by CAD 860-D which was acquired by Binga Beach Brothers, Inc. (BBB) from Mr. Nestor R. Distal, through a Deed of Absolute Sale on May 28, 2018.

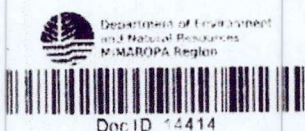
In this connection, you are hereby directed to advise CENRO-Roxas to conduct an immediate investigation on the matter in coordination and consultation with the concerned parties.

Submit report together with your specific recommendation/s within seven (7) working days upon receipt of this instruction as basis for further action by this Office.

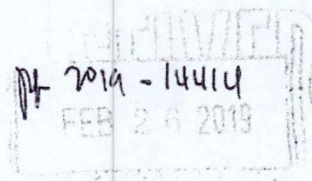
For compliance.

HENRY A. ADORNADO, Ph.D.

Cc: Atty. Ma. Louella Martinez-Aranas
Managing Partner
LMA Law Offices, Unit 22, 2nd Floor,
Zeta Bldg., 191 Salcedo St.,
Legaspi Village, Makati City 1229



Doc ID: 14414



26 February 2019

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA Region
1515, L & S Building, Roxas Boulevard, Ermita, Manila

ATTENTION: **Dr. Henry A. Ardonado**
Regional Executive Director (RED)
MIMAROPA Region

RE: **UNLAWFUL OCCUPATION OF LAND**

Dear Dr. Ardonado:

We write on behalf of our client, **BINGA BEACH BROTHERS INC. ("BBB")**, as represented by Mr. David Le Smith.

This refers to the parcels of land situated in Brgy. Binga, San Vicente, Palawan particularly described as follows:

1. Lots 3947-E covered by TCT 065-2018001432 in the name of BINGA BEACH BROTHERS INC. ("**Property 1**"); and
2. Lots No. 3969 and No. 6958-A, both covered by CAD 860-D in the names of HRS. OF DIONES DISTAL SR. RESPECTIVELY ("**Property 2**").

It has come to our attention that Diamond Explore Security Agency and its employees ("**Diamond**") have illegally occupied/fenced Property 2 that our client BBB has acquired pursuant to a Deed of Sale (Attached as Annex A).

On 4 December 2018, BBB sent a letter addressed to the National Bureau of Investigation (NBI) requesting for an investigation against Diamond and its employees for what appears to be an illegal occupation/fencing of Property 2. (Attached as Annex B).

On 21 January 2019, the Hrs. of Diones Distal Sr. filed a barangay complaint reiterating their request with regard to the case filed against Diamond. (Attached as Annex C).

BBB asserts full ownership and lawful possession over Property 2 and thereby respectfully request your assistance to **(1) affirm BBB's ownership** over Property 2 and **(2) demand Diamond to vacate** the said premises and to have the fences dismantled and/or removed.

It should be noted that despite the classification of said Properties as timber land, the Agency has no legal right to occupy/fence the same. Presidential Decree No. 705 specifically Section 69 states that:

Sec. 69. "**Any person who enters and occupies or possesses**, or makes kaingin for his own private use or for others any forest land **without authority under a license agreement**, lease, license or permit, or in any manner destroys such forest land or part thereof, or causes any damage to the timber stand and other products and forest growths found therein, or who assists, aids or abets any other person to do so, or sets a fire, or negligently permits a fire to be set in any forest land shall, **upon conviction, be fined** in an amount of not less than five hundred pesos (P500.00) nor more than twenty thousand pesos (P20,000.00) **and imprisoned** for not less than six (6) months nor more than two (2) years for each such offense, and be liable to the payment of ten (10) times the rental fees and other charges which would have been accrued had the occupation and use of the land been authorized under a license agreement, lease, license or permit"

Thus, it should be taken into account that Diamond is not the lawful owner of Property 2 nor does it have any authority under any license agreement/permit to enter, occupy and fence the same.

As a result, we are humbly appealing in your good office to intervene and assist us in demanding Diamond to vacate Property 2 and to have the fences dismantled and/or removed therein and such other relief your good office may deem appropriate.

We trust that you will give this matter preferential attention.

Thank you.

Very truly yours,

LMA LAW OFFICES

By:



MA. LOUELLA MARTINEZ-ARANAS
Managing Partner

Cauban, Binga,
San Vicente, Palawan
January 21, 2019

ANNEX " C "

Hon. NERIE A. VARQUEZ
Barangay Chairman
Brgy. Binga, San Vicente, Palawan

Sir:

Greetings!

Reiterating our request from your good office relative to the case filed against the posting of Security Guards and the individuals concerned in the fencing and pulling out of monument (landmark) and posts of our Lots No.3969 and No.6958-A, both CAD 860-D in the name of Hrs. of Diones Distal Sr. respectively.

May we request again for a call to hearing whatever time is convenient to you either on the 24th or 25th of January, 2019 of the concern individuals.

Further, we may request again for the copy of minutes of all the hearing relative to and a Certificate to File Action if ever what the result of hearing may come unsolved.

Your usual cooperation and approval is highly appreciated.

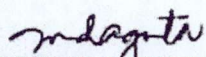
Very truly yours,



HARRIET D. CABUGUAS

Heir

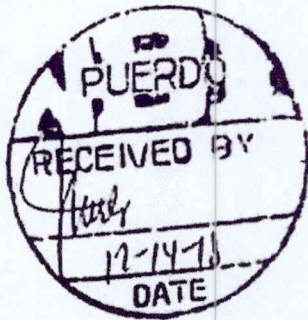
Representative



MERLIE D. AGANTA

Heir

Representative



04 December 2018

ANNEX "B"

NATIONAL BUREAU OF INVESTIGATION

Taft Street, Taft Street
Puerto Princesa,
5300 Palawan

Re: Request for Investigation

Gentlemen:

We write on behalf of our client, **BINGA BEACH BROTHERS INC.**, as represented by Mr. David Le Smith.

This letter is to request for an investigation to be conducted against Diamond Explore Security Agency and all of its employee for what appears to be an illegal occupation/fencing of a lot that our client has bought.

As proof of ownership attached in this letter is a Deed of Sale between our client and Nestor Distal the previous owner of the said lot as provided in the tax declaration of the lot.

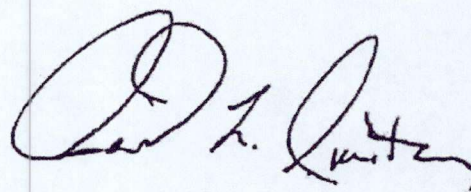
We trust for your preferential attention on our request. Thank you.

Very truly yours,

LMA Law

By: 

MA. LOUELLA MARTINEZ-ARANAS
Managing Partner


David Le Smith

DEED OF ABSOLUTE SALE

KNOW ALL MEN BY THESE PRESENTS:

This Deed of Absolute Sale ("Deed") is made and entered by and between:

MR. NESTOR R. DISTAL, of legal age, Filipino, married to Amelita Walog Distal and a resident of Barangay San Jose, Puerto Princesa City, Palawan, hereinafter referred to as the **"SELLER"**;

- and -

BINGA BEACH BROTHERS, INC., a corporation duly registered and existing under the laws of the Philippines with principal office address at Unit 2916, Tower D, Jazz Residences, Jupiter cor. Nicanor Garcia Streets, Barangay Bel-air, Makati City, herein represented by its incorporator **MR. PHILIP JAMES DEMACK**, of legal age, British and with the same address, hereinafter referred to as the **"BUYER"**

WITNESSETH:

WHEREAS, the SELLER is the absolute, registered and owner in fee simple of the following described properties, to wit:

- a. A parcel of land [Lot 3947-E of the Plan No. PSD-4B-006641, being a portion of Lot 3947, San Vicente Cadastre, Rec. No. Free Patent] situated in Barangay of Binga, San Vicente, Palawan, with an area of Five Thousand Two Hundred Eighty Two (5,282) square meters, more or less, and covered by Transfer Certificate of Title (TCT) No. 065-2015000712 issued by the Registry of Deeds for the Province of Palawan and covered by Tax Declaration No. 21-003-0853, both in the name of Nestor R. Distal ("Land No. 1"); and
- b. A parcel of land [Lot 6958(P) of the Cadastral Survey No. CAD 860-D, situated in Barangay of Binga, San Vicente, Palawan, with an area of Four Hundred Sixty (460) square meters, more or less, and covered by Tax Declaration No. 21-003-0971 in the name of Nestor R. Distal ("Land No. 2");

WHEREAS, the SELLER has offered to sell and the BUYER have agreed to buy the above-mentioned parcels of land;

NOW, THEREFORE, for and consideration of the foregoing premises and the covenants and stipulations hereinafter set forth, the PARTIES hereto have agreed, and by these present, hereby agree as follows, to wit:

1. That for a sum of **SEVENTEEN MILLION FIVE HUNDRED THOUSAND PESOS (Php 17,500,000.00)**, Philippine currency, hand paid by the BUYER to the SELLER, receipt of which is hereby acknowledged received by the SELLER to his full and complete satisfaction, the SELLER do hereby SELL, TRANSFER, and CONVEY by way of absolute sale unto the said BUYER, its heirs and assigns the subject parcels of land, free from any and all liens and encumbrances of whatsoever nature, including all rights and interest in and to said Property, and together with the existing improvements and furnishings found thereon;
2. That out of the above-mentioned amount/consideration, the SELLER hereby acknowledges to have earlier received from the BUYER the amount of **FIVE HUNDRED THOUSAND PESOS (Php 500,000.00)**, representing the earnest money which to be deducted from the agreed price, thereby, leaving a balance of **SEVENTEEN MILLION PESOS (Php 17,000,000.00)**, which shall be paid upon the execution and notarization of this Deed of Absolute Sale;
3. That the capital gains tax or its equivalent creditable withholding tax, value-added tax (if applicable), and the broker's commission (if applicable) shall be for the account of the BUYER. Any additional charges/taxes that the Assessor's Office of San Vicente, Palawan, or Bureau of Internal Revenue may assess or impose as back real property taxes, or capital gains tax or creditable withholding tax or value-added, as the case may be, shall be for the account of the BUYER;
4. That the SELLER shall ensure that real property taxes and all other assessments, fees and charges by the local government, if any, on the subject properties are fully satisfied at the time of the execution of this deed of absolute sale;
5. That documentary stamps tax, notarial fees, transfer tax imposed by the local government of San Vicente, Palawan, and Registration Fees imposed by the Registry of Deeds, related to the issuance of a new transfer certificate of title under or in the name of the BUYER, shall be for the account of the BUYER;
6. That the SELLER hereby expressly represents and warrants that:
 - a. The SELLER has the full legal capacity, right and authority to sell and convey the above-described parcels of land to the BUYER by himself with the marital consent of his wife;
 - b. The SELLER is the actual, legal, beneficial and lawful owner of and has full and absolute title and ownership over the above-described properties free from any and all forms of defects in ownership, as well as any and all kinds of encumbrances and liens, and/or claims of any and all persons, entities or parties, or government agencies, including and without limitation the public utility charges consumed in said properties such as electricity, water, telephone and other utilities;

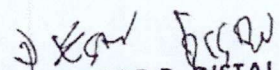
- Confidential Page 3 of 4
- c. The BUYERS shall, upon execution of this deed, acquire good, lawful and valid title to the above-described properties free from any and all forms of defects in ownership, as well as any and all kinds of liens and encumbrances, and/or claims of any and all persons, entities or parties, or government agencies;
- d. The properties subject of this deed is free from any and all liens and encumbrances, adverse claims, options granting any person or entity the right to buy, acquire ownership of or to use or occupy the same; and no contract, understanding or any other agreement is existing granting any person or entity the said right, except this deed;
- e. The properties subject of this deed has not been mortgaged, encumbered as collateral, imposed of any lien, or serves as guarantee for any obligation of the SELLER or any other person or entity, to any third party or entity and has not been sold to any person or entity other than and only to the BUYER;
- f. There is no suit or proceeding pending in any court or government agency or body by any other person or entity in respect of or affecting the subject properties, whether or not against the SELLER's interest in the above-described properties;
- g. The SELLER has perfect title to the above-described properties hereby sold and SELLER hereby undertakes to defend the title of the BUYER, its heirs, successors and assigns from any and all adverse claims whatsoever on the same;
- h. The SELLER shall transfer actual and constructive possession and ownership of the above-described properties upon execution of this deed after the BUYER have given to the SELLER the full and complete amount of the agreed consideration;
- i. The SELLER shall execute, deliver and submit to the BUYER all documents to affect the transfer of the title to the above-described properties to and in favor of the BUYER; and
- j. The SELLER has paid all real estate taxes due from the previous years and up to the execution of this deed on said properties;
7. That the SELLER further warrants that there is no adverse claim or pending or threatened litigation involving the property, whether in court or in any administrative office, or any other claim that would affect the BUYERS' possession and ownership of the subject parcels of land after the sale;
8. That it is agreed that the foregoing representations and warranties are all material in nature such that any breach by the SELLER of any or all of the foregoing warranties shall entitle the BUYER to rescind this contract and demand the return of all money or payments tendered or paid by the BUYER to the SELLER or demand that such breach be corrected by the SELLER, at the BUYERS' sole option;
9. Pursuant to his warranties, the SELLER undertakes to defend the title and possession of the BUYER against any and all kinds of claims of
- PSDemark.

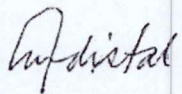
any person, corporation or entity whatsoever that might arise out of, in relation to, or in connection with this deed;

10. The parties agree to execute and deliver such other documents and instruments as may be necessary to implement and/or consummate this transaction;

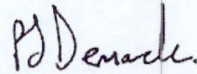
11. That the herein parties hereby affirm that they have executed the foregoing instrument out of their own voluntary free will without force, intimidation or violence upon their person, that they have hereby received their just and proper share and have no claim or demand against each other.

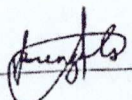
IN WITNESS WHEREOF, the parties have hereunder affixed their signature this ____ day of _____ 201_ at Makati City.


MR. NESTOR R. DISTAL
(SELLER)


AMELITA WALOG DISTAL
(SELLER'S WIFE)

BINGA BEACH BROTHERS, INC.
(BUYER)

By: 
MR. PHILIP JAMES DEMACK
(BUYER'S REPRESENTATIVE)

Signed in the Presence of: 1. :

WITNESS to the signature of
2. Mr. Philip James DEMACK

ACKNOWLEDGMENT

Republic of the Philippines)
City of **CITY OF MAKATI** SS.

BEFORE ME, appeared the following persons with their respective valid Identification Cards, namely:

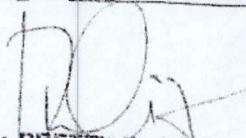
Nestor Distal
Binga Beach Brothers, Inc.
Philip James Demack

I.D./Passport No. 18670;
SEC Certificate of Registration CS201805823
I.D./Passport No. 537023626;

known to me to be the same persons who executed the foregoing DEED OF ABSOLUTE SALE, consisting of four (4) pages, including this page where the acknowledgment is written each, sign on each page by the parties and their instrumental witnesses, and they acknowledged to me that the same is their free and voluntary act and deed, and of the corporation he represents.

WITNESS MY HAND SEAL, this ____ day of MAY 28 2018 201_ at CITY OF MAKATI

Doc. No. 222
Page No. 45
Book No. 2
Series of 2018

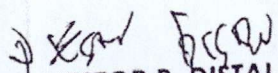

Atty. PRETTY B. CELIZ
Notary Public - City of Makati
Until December 31, 2018
IBP No. 015958; Lifetime
MCLE Compliance No. V-0024405
Appointment No. M-237 (2017-2018)
PTR No. 6617700; January 5, 2018
Roll No. 43340
Unit 22 Zeta Building II, 191 Salcedo Street
Legaspi Village, Makati City
Deed of Absolute Sale

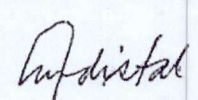
any person, corporation or entity whatsoever that might arise out of, in relation to, or in connection with this deed;

10. The parties agree to execute and deliver such other documents and instruments as may be necessary to implement and/or consummate this transaction;

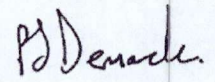
11. That the herein parties hereby affirm that they have executed the foregoing instrument out of their own voluntary free will without force, intimidation or violence upon their person, that they have hereby received their just and proper share and have no claim or demand against each other.

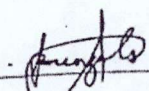
IN WITNESS WHEREOF, the parties have hereunder affixed their signature this ____ day of _____ 201_ at Makati City.


MR. NESTOR R. DISTAL
(SELLER)


AMELITA WALOG DISTAL
(SELLER'S WIFE)

BINGA BEACH BROTHERS, INC.
(BUYER)

By: 
MR. PHILIP JAMES DEMACK
(BUYER'S REPRESENTATIVE)

Signed in the Presence of: 1.  _____

WITNESS to the signature of
2. Mr. Philip James DEMACK

ACKNOWLEDGMENT

Republic of the Philippines)
City of **CITY OF MAKATI** SS.

BEFORE ME, appeared the following persons with their respective valid Identification Cards, namely:

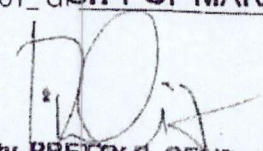
Nestor Distal
Binga Beach Brothers, Inc.
Philip James Demack

I.D./Passport No. 184 70;
SEC Certificate of Registration CS201805823
I.D./Passport No. 537023624;

known to me to be the same persons who executed the foregoing DEED OF ABSOLUTE SALE, consisting of four (4) pages, including this page where the acknowledgment is written each, sign on each page by the parties and their instrumental witnesses, and they acknowledged to me that the same is their free and voluntary act and deed; and of the corporation he represents.

WITNESS MY HAND SEAL, this ____ day of MAY 28 2018 201_ at **CITY OF MAKATI**

Doc. No. 222;
Page No. 45;
Book No. 2;
Series of 2018.


Atty. PRETTY B. CELIZ
Notary Public -- City of Makati
Until December 31, 2018
IBP No. 015958; Lifetime
MCLE Compliance No. V-0024405
Appointment No. M-237 (2017-2018)
PTR No. 6617700; January 5, 2018
Roll No. 43340
Unit 22 Zeta Building II, 191 Salcedo Street
Legaspi Village, Makati City
Page 4 of 4
Deed of Absolute Sale

CONSULATE GENERAL OF THE)
REPUBLIC OF THE PHILIPPINES)
HONG KONG SAR) S.S.

I, PAULO V. SARET Consul of the Republic of the
Philippines in and for Hong Kong SAR, duly commissioned and qualified,
do hereby certify that CHUNG TO CHAN whose
signature and seal are affixed to the annexed DEED OF ABSOLUTE SALE
SIGNED BY PHILIP JAMES DEMACK.

was at the time he signed the document on 14 MAY 2018
a NOTARY PUBLIC in and for
Hong Kong SAR, and I verily believe that his signature affixed thereto is genuine.

For the contents of the annexed document, the Consulate General
assumes no responsibility.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal
of the Consulate General of the Republic of the Philippines at Hong Kong SAR, this
15th day of MAY 2018


PAULO V. SARET
Consul

Attachment:
— Deed of Absolute Sale xxx

Total pages : Six (6)
including this page

Doc. No. LD-07245
Book No. 1
Page No. 163
Series of. 2018
Svc. No. 31587
O. R. No. 0178
Fee Paid HK\$ 280.00

"Validity of this Certification shall follow the validity of the attached underlying document"

To all to whom these presents shall come:

I, Chung To Chan

of 8th Floor, Grand Building, 18 Connaught Road Central, Hong Kong.

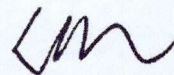
Notary Public,

duly Admitted, Authorised and Sworn, practising in Hong Kong SAR

Do hereby certify that to the best of my knowledge and belief, the signature subscribed to the annexed document is the signature of Mr. Philip James DEMACK which I have compared with his specimen signature filed in my records.

Attestation only. No advice sought or given.

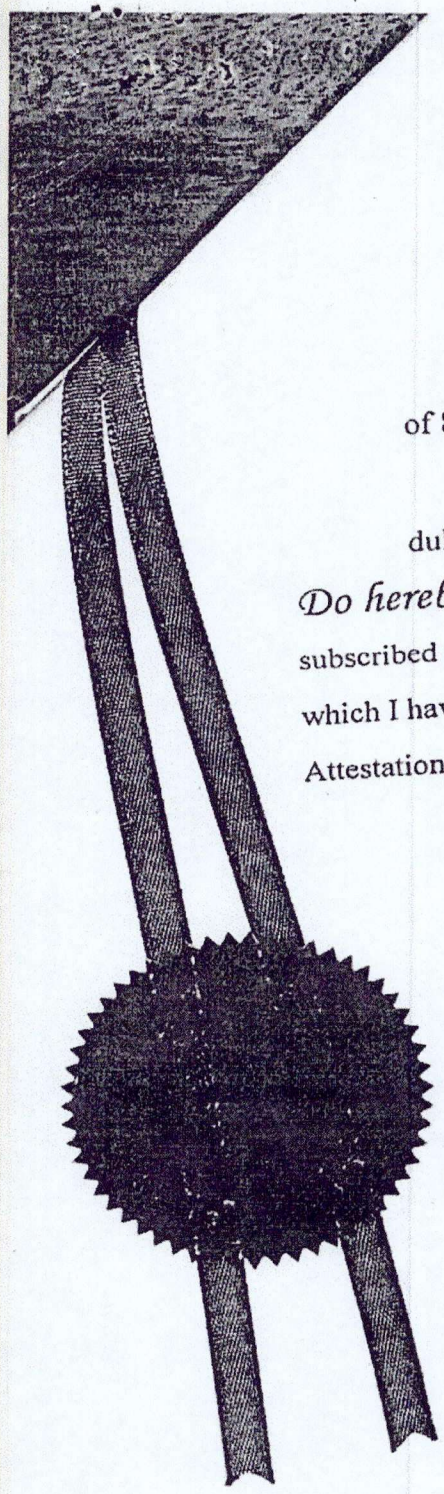
In Testimony whereof I have hereto subscribed my name and affixed my Seal of Office this 14th day of May in the year of Two Thousand and Eighteen.



Chung To CHAN

Notary Public,

Hong Kong SAR.





Republic of the Philippines

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

10 May 2019

G. RICKY DALUPAN
DIAMOND EXPLORE SECURITY AGENCY
Binga, San Vicente, Palawan

Ginoong Dalupan

Nakarating po sa kaalaman ng Tanggapang ito na diumano inyong binakod and ilang pag-aari sa baybayin ng Barangay Binga (partikular sa Sitio Lumambong), San Vicente, Palawan; bahagi ng lupang sadyang milaan ng umiral na mga batas upang malayang madaanan ng lahat.

Ang Article 51 ng Water Code (PD 1067) ay naglaan ng dalawampung (20m) metrong lawak ng easement sa mga lupang maaari nang pagmay-arin (agricultural), apatnapung (40) metro sa mga lupaing-gubat (forest lands), at tatlong (3) metro sa urban areas.

Kung totoo ang ulat, mangyari po na kayo na mismo ang kusang magtanggai ng naturang bakod o mga harang.

Ang inyong pagsasantabi sa pakiusap na ito, ay ibibilang na kawalan sa inyong panig at hahantong sa kaukulang aksiyong legal.

Kayo nawa ay aming nagabayan at marami pong salamat sa inyong pakikipagtulungan.

Sumasainyong Lubos,

Para sa CENR Officer

RONNIE P. LILANG
Chief, Regulation & Permitting
In-Charge of Office

copy Ms JANE DISTAL-ESTEBAN
Binga (So. Lumambong), San Vicente, Palawan

Received by: [Signature]
Date: May 20, 2019

[Signature] [Signature] [Signature]
May 20, 2019

file

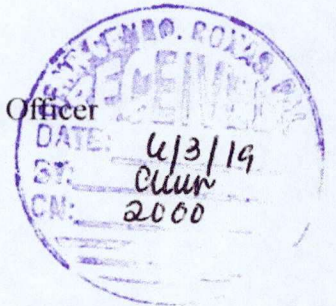


Republic of the Philippines
Department of Environment and Natural Resources
Region-IV MIMAROPA
Community Environment and Natural Resources Office
Roxas, Palawan
Email address: denroxaspal@gmail.com

May 20, 2019

MEMORANDUM

FOR : The Community Environment and Natural Resources Officer
THRU : The Chief, Monitoring and Enforcement Section
FROM : The Undersigned Investigation Team
SUBJECT : **INVESTIGATION REPORT REGARDING THE LETTER COMPLAINT DATED FEBRUARY 26, 2019 ON THE ILLEGAL OCCUPATION BY DIAMOND EXPLORE SECURITY AGENCY OVER A PARCEL OF LAND OWNED BY BINGA BEACH BROTHERS INC. (BBB) LOCATED AT SO. LUMAMBONG, BRGY. BINGA, SAN VICENTE, PALAWAN**



This has reference with the Memorandum dated April 15, 2019 of the Chief Technical Services Division, Officer-In-Charge, PENRO-Palawan in relation to the Memorandum dated March 08, 2019 of the Regional Director re: above subject.

I. INTRODUCTION:

On May 20, the Undersigned Investigation Team conducted site inspection and verification regarding the matter in coordination with the Heirs of Diones Distal Sr., Mr. David Le Smith, representative of Binga Beach Brothers Inc (BBB) and the On-Site Security Guard of Diamond Explore Security Agency.

The Team served the Letter to Vacate dated May 20, 2019 signed by Ronnie P. Lilang, Chief Regulation and Permitting Section, Officer-In-Charge to the representative of Diamond Explore Security Agency in the name of Mr. Ricky Dalupan and also a copy to the uniformed security guard in the area and conducted photo documentation and manual measurement using measuring tape of legal easement per Article 51 of Presidential Decree No. 1067 dated December 31, 1976 otherwise known as The Water Code of the Philippines.

The team measures the wide of the creek/stream adjacent to Lot 3969 CAD 860-D and Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D and also measures the distance of shore from the highest tide going to the above-subject lot.

II. FINDINGS:

Per our investigation, the Team found out:

1. That Mr. Ricky Dalupan is not an employee of the Security Agency, instead he is residing in the area (Lot No. 3969) for more or less 10 years;
2. That according to Heirs of Distal the Lot No. 3969 CAD 860-D and Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D has existing perimeter fenced made of round timber posts and barbed wire allegedly constructed by the representatives of Diamond Explore Security Agency on November 21, 2018 at about 9:00 PM;
3. That the subject lots has 3 security guards with 2 outposts and the house of the family of Mr. Dalupan;
4. That the creek/stream ranges from 11 meters to 13 meters wide;
5. That the total wide of the land of Lot No. 3969 is more or less 25 meters and about 22 meters from the highest tide;
6. That the Lot No. 3969 CAD 860-D is already covered by KOT Blg. E-28655 and portion of the land falls within Alienable and Disposable land per Project No. 9-A, Block VIII, LC No. 1614 dated September 23, 1952 and Forestland per Project No. 9-A, Block J, LC No. 1614 dated September 23, 1952;
7. That the Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D falls within Forestland per Block J, Project No. 9-A, LC No. 1614 dated September 23, 1952;
8. That the widest portion of Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D is only 55 meters it covered within easement from the stream and the shores;

III. COMMENTS:

Per our findings, it was noticed that either of the two (2) subject Lots are within salvage zone and/or within easement of public use per Article 51 of Presidential Decree No. 1067 dated December 31, 1976 otherwise known as The Water Code of the Philippines how does that our Office issue a certificate of title in favour of the Heirs of Distal.

Art. 51 of P.D. 1067 states that "The banks of rivers 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, 20 meters in agricultural areas and 40 meters in forest areas, along 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 and salvage or to build structures of any kind."




IV. RECOMMENDATIONS:

With the above, the Team recommended the following:

1. The fence constructed by Diamond Explore Security Agency in Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D be removed and the subject area shall be open for public use per Sec. 69 of P.D. 705 and Art. 51 of P.D. 1067. However, the Lot No. 3969, even it is within salvage zone the state granted the Heirs of Distal a Certificate of Title KOT Blg. E-28655, over which the DENR no longer has jurisdiction and any issue arising shall be filed in the proper court;
2. No teneurial application shall be allowed and/or accepted in the area identified as Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D for it is within the easement for public use;
3. Removal of the fence and filing of cases against Diamond Explore Security Agency if they fail to obey as demanded in our Letter to Vacate in Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D due to that the subject area belongs to the state;

For your information and record.


DIOGENES A. ESQUILLO, JR.
FI/Asst. Chief, MES


ALBERT A. ABOROT
LMO I



GEORGE S. DELA PENA
LMO II



Figure 1: Pictures showing the measurement of the easement within lot No. 3969 CAD 860-D

Purok Centro, Bgy. III, Roxas, Palawan



Figure 1: Pictures showing the fences made by the Diamond Explore Security Agency within Lot. No 3969 CAD 860-D and Lot. No 3970 CAD 860-D

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'G' shape with a horizontal line extending to the left.

A handwritten signature in black ink, consisting of a stylized, circular shape with a vertical line extending upwards.

Purok Centro, Bgy. III, Roxas, Palawan



Republic of the Philippines

Region-IV MIMAROPA

Community Environment and Natural Resources Office
Roxas, Palawan

NOTICE TO VACATE

June 7, 2019

Jerry Supleto
Chief Security Guard
Diamond Explore Security Agency
Bigy Bnga, San Vicente, Palawan

This is to notify you that your structures built within Lot known as Lot 3970 CAD 860-D is within the Forestland (Timberland) Project No. 9-A, Block J, LC No. 1614 dated September 23, 1952 and also within Lot known as Lot 3969 CAD 860-D is within the Legal Easement (Salvage Zone) per our Presidential Decree 1067, dated December 31, 1976. By reason thereof, you are hereby directed to voluntarily **REMOVE THE STRUCTURE/S** you built and **VACATE THE AREA** you are occupying in violation of any or all of the following provisions of law, viz:

1. **Presidential Decree No. 705** as amended, otherwise known as Revised Forestry Code of the Philippines:

Section 20. No person may utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx;

Section 78. "Any person who enters and occupies or possesses xxx any forestland or grazing land or part thereof xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof.

2. **Presidential Decree No. 1067**, otherwise known as Revised Water Code of the Philippines

Article 51. "The banks of rivers 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, 20 meters in agricultural areas and 40 meters in forest areas, along 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 and salvage or to build structures of any kind."

In view hereof, this Office is giving you **TEN (10) DAYS** upon receipt of this **NOTICE** to comply, or present legal documents evidencing your lawful occupation over the area, otherwise, we will file a case/s against you before the proper court.

We are hoping that you will give this matter your preferential and utmost attention in order to avoid costly litigation.

Very truly yours,

6/14/19
EMER D. GABRALZ



Republic of the Philippines

Region-IV MIMAROPA

Community Environment and Natural Resources Office

Roxas, Palawan

Email address: denrokbaspale@gmail.com

July 5, 2019

**DENR PENRO
PALAWAN RECORDS
RECEIVED**

BY *[Signature]*
DATE *July 10, 2019*

1.34 PM

MEMORANDUM

FOR

The Regional Executive Director
1515 L&S Building, Roxas Blvd.,
Ermita, Manila

THRU

The Provincial Environment and Natural Resources Officer

FROM

The Community Environment and Natural Resources Officer

SUBJECT

**INVESTIGATION REPORT REGARDING THE LETTER
COMPLAINT DATED FEBRUARY 26, 2019 ON THE ILLEGAL
OCCUPATION BY DIAMOND EXPLORE SECURITY
AGENCY OVER A PARCEL OF LAND OWNED BY
BINGA BEACH BROTHERS INC. (BBB) LOCATED AT
SO. LUMAMBONG, BRGY. BINGA, SAN VICENTE, PALAWAN**

Respectfully forwarding the investigation report in reference to the Memorandum dated April 15, 2019 of the Chief Technical Services Division, Officer-In-Charge, PENRO-Palawan in relation to the Memorandum dated March 08, 2019 of the Regional Director re: above subject.

Based on the investigation made by the representatives of this Office it was found out that the two (2) subject lots (Lot No. 3969 Cad 860-D and Lot No. 6958-A which is part of Lot No. 3970 Cad 860-D) are within the legal easement per Article 51 of Presidential Decree No. 1067 dated December 31, 1976 otherwise Known as The Water Code of the Philippines. Further found out that Lot No. 6958-A which is part of Lot No. 3970 CAD 860-D falls within Forestland per Block J, Project No. 9-A, I.C No. 1614 dated September 23, 1952.

This Office has already sent a letter dated 10 May 2019 to Mr. Ricky Dalupan, representative of Diamond Explore Security Agency to self-demolish the fences within the subject area. However, during the investigation dated May 20, 2019, Mr. Dalupan denied that he is an employee of that agency but a mere resident.

Also a Notice to Vacate dated June 7, 2019 was sent to Mr. Jerry Supleto which was served and received by him on 14 June 2019. Mr. Supleto was the addressee of that Notice to Vacate to the reason that he identified himself as the Chief Security Guard of the above-mentioned security agency during the conduct of the investigation on May 20, 2019.

Attached is a copy of investigation report dated 20 May 2019, letter dated 10 May 2019 to Mr. Ricky Dalupan, representative, Notice to Vacate dated June 7, 2019 was sent to Mr. Jerry Supleto an also sketch map showing the Land Classification Status of the salvage areas of the subject lots.

For further instruction if any on our part.

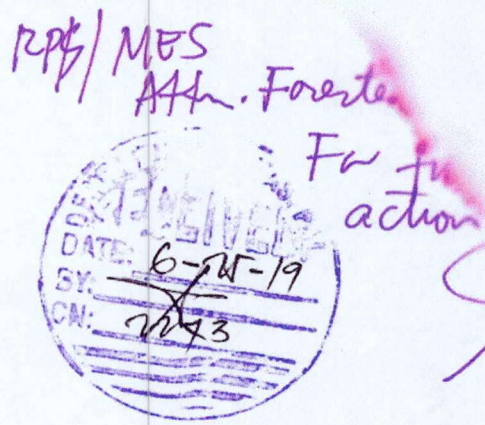
[Signature]
EMERD. GARRAEZ
CENRO

CA # 2019-07-350
7/10/19

Forok Contrin, Bgy. III, Roxas, Palawan

21 June 2019

EMER D. GARRAEZ
CENRO
Rexas, Palawan



Dear CENRO Garraez,

I am writing with regard to your letter dated 07 June 2019 addressed to Jerry Suplito as Chief, Security Guard of the Diamond Explore Security Agency giving him ten (10) days upon receipt thereof "to comply, or present legal documents evidencing [his] lawful occupation over the area, otherwise, we will file a case/s against [him] before the proper court."

Please recall that Ronnie P. Lilang, as acting CENRO, wrote a letter dated 10 May 2019 to G. Ricky Dalupan of the Diamond Explore Security Agency directing him to voluntarily remove the fence or barrier on an unspecified lot/s in Lumambong, Binga, Palawan "kung totoo ang ulat", which only means that the letter was merely based on an unconfirmed report. We then wrote a letter dated 21 May 2019 (and received by your office on 23 May 2019) to Ronnie P. Lilang on the assumption that he was referring to Lot No. 3970, Cad. 860-D requesting for a verification with prior notice to us. To date, I have not received any letter of response from your office.

It therefore came as a surprise that Jerry Suplito received your 07 June 2019 letter without a verification having been conducted of the involved lots with the presence my client's representative.

Nonetheless, we reiterate our request for an actual verification of the involved lots and the so-called LC No. 1614, especially considering that your office recommended the issuance of a free patent (which led to the issuance of a certificate of title) over Lot No. 3969, Cad. 860-D which is adjacent to Lot No. 3970, Cad. 860-D and considering further that the DENR has approved private subdivision surveys of Lot No. 3970, Cad. 860-D, which should not have been done if the area is indeed timberland.

Pending such verification, we respectfully request that your office hold off any further action on the matter. Thank you.

Very truly yours,

Tomas MR Timbancaya
43 Fernandez St.
Puerto Princesa City



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
ROXAS, PALAWAN
Email Address: denroxaspal@gmail.com

08 July 2019

Atty. Tomas MR Timbancaya
43 Fernandez St.
Puerto Princesa City, Palawan

Sir:

Greetings!

This regards your letter dated 21 June 2019 requesting the verification of lots Lot No. 3969 Cad 860-D and Lot No. 6958-A which is part of Lot No. 3970 Cad 860-D at So. Lumambong, Brgy. Binga, San Vicente, Palawan.

Please be informed that representatives of this Office also conducted an investigation and verification on May 20, 2019 the same day they sent the letter dated 10 May 2019 addressed to Mr. Ricky Dalupan.

Based on the investigation, it was found out that the two (2) subject lots (Lot No. 3969 Cad 860-D and Lot No. 6958-A which is part of Lot No. 3970 Cad 860-D) are within the legal easement per Article 51 of Presidential Decree No. 1067 dated December 31, 1976 otherwise known as The Water Code of the Philippines. Further it was found out that Lot No. 6958-A which is part of Lot No. 3970 CAD 860-D falls within Forestland per Block J, Project No. 9-A, LC No. 1614 dated September 23, 1952.

Please be informed further that occupation of forestland (timberland) areas is prohibited by law per **Presidential Decree No. 705** as amended, otherwise known as Revised Forestry Code of the Philippines:

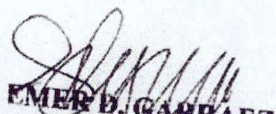
1. **Section 20. License Agreement, License, Lease, or Permit** - No person may utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx; and
2. **Section 78. Unlawful occupation xxx** - Any person who enters and occupies or possesses xxx any forestland or grazing land or part thereof without authority under license agreement xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof;

Furthermore, **Presidential Decree No. 1067**, otherwise known as Revised Water Code of the Philippines allows no person to stay in easements longer than what is necessary:

1. **Article 51.** "The banks of rivers 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, 20 meters in agricultural areas and 40 meters in forest areas, along 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 and salvage or to build structures of any kind".

We hope that we have informed you properly. Thank you.

Very truly yours,


EMER D. GARRAEZ
CENRO

21 June 2019

EMER D. GARRAEZ
CENRO
Roxas, Palawan



Dear CENRO Garraez,

I am writing with regard to your letter dated 07 June 2019 addressed to Jerry Suplito as Chief, Security Guard of the Diamond Explore Security Agency giving him ten (10) days upon receipt thereof "to comply, or present legal documents evidencing [his] lawful occupation over the area, otherwise, we will file a case/s against [him] before the proper court."

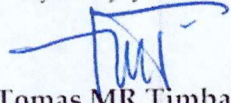
Please recall that Ronnie P. Lilang, as acting CENRO, wrote a letter dated 10 May 2019 to G. Ricky Dalupan of the Diamond Explore Security Agency directing him to voluntarily remove the fence or barrier on an unspecified lot/s in Lumambong, Binga, Palawan "kung totoo ang ulat", which only means that the letter was merely based on an unconfirmed report. We then wrote a letter dated 21 May 2019 (and received by your office on 23 May 2019) to Ronnie P. Lilang on the assumption that he was referring to Lot No. 3970, Cad. 860-D requesting for a verification with prior notice to us. To date, I have not received any letter of response from your office.

It therefore came as a surprise that Jerry Suplito received your 07 June 2019 letter without a verification having been conducted of the involved lots with the presence my client's representative.

Nonetheless, we reiterate our request for an actual verification of the involved lots and the so-called LC No. 1614, especially considering that your office recommended the issuance of a free patent (which led to the issuance of a certificate of title) over Lot No. 3969, Cad. 860-D which is adjacent to Lot No. 3970, Cad. 860-D and considering further that the DENR has approved private subdivision surveys of Lot No. 3970, Cad. 860-D, which should not have been done if the area is indeed timberland.

Pending such verification, we respectfully request that your office hold off any further action on the matter. Thank you.

Very truly yours,


Tomas MR Timbancaya
43 Fernandez St.
Puerto Princesa City



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

MBS,

7/9/19
Attention: For: Esquela
For immediate action

CENRO's File

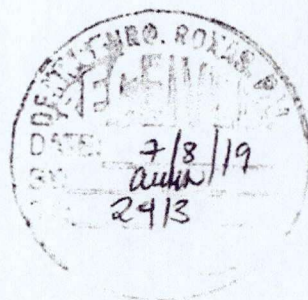
June 27, 2019

MEMORANDUM

TO : The Community Environment and Natural Resources Officer
Roxas, Palawan

FROM : The OIC-Provincial Environment and Natural Resources Officer

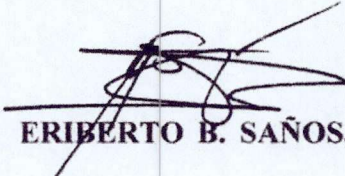
SUBJECT : CC: LIHAM MAY PETSANG ABRIL 29, 2019 NI GNG. JANE DISTAL ESTEBAN KAY CENR OFFICER EMER D. GARRAEZ PATUNGKOL SA SA ILLEGAL NA PAGPASOK AT PAGBABAKOD SA MGA LOTENG BAYBAYIN NG SO. LUMAMBONG, BINGA, SAN VICENTE, PALAWAN NA MAYROONG LOT NOS. 3969 CAD 860-D AT 6958-A CAD 860-D (PART OF LOT NO 3970)



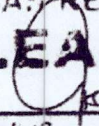
Attached is a copy of the subject letter addressed to that office requesting for an investigation and/ or legal action. Along with the letter are copies of an investigation report of Forest Officer Agerico C. Baltar, Sr. dated June 19, 2007, a subdivision plan of Lot No. 6843 A, Lot No. 860-D and PSD Plan of Lot No. 3947 Cad 860-D.

Please furnish this office with the action/s taken on the matter to include a completed staff work for record and appropriate action.

For priority action.


ERIBERTO B. SAÑOS, CESE

**DENR PENRO
PALAWAN RECORDS
RELEASED**

BY: 
DATE: 7-01-19 CN 19-3300

DAIF Ref. No. 2019-3300
TSD-UT1
GBB

Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 433-5638
Email Add: denrpalawan@yahoo.com

Sitio Lumambong, Brgy Binga,
San Vicente, Palawan
April 29, 2019

Ms. EMER D. GARRAEZ
CENR Officer
CENRO, Roxas, Palawan

Dear Madam;

**DENR PENRO
PALAWAN RECORDS
RECEIVED**

BY: *[Signature]*
DATE: 04/29/19 19:3300
1:34pm

Pagbati sa ngalan ng ating Panginoon!

Sa ngalan ng aking mga kapatid at kapitbahay, nais po naming iparating at ipaalam sa inyong tanggapan ang illegal na pagpasok at pagbabakod sa mga sumusunod na loteng baybayin ng Sitio Lumambong, Binga, San Vicente, Palawan na naturingang Lot No.3969 CAD 860-D at Lot No.6958-A CAD 860-D (part of Lot No. 3970) na karatig ng aming mga tituladong lupa na nagsisilbing "right of way" namin palabas sa tabing dagat. Ito po ay nangyari noon pa pong hatinggabi ng Nobyembre 21, 2018.

Dahilan po dito ay nawalan na po kami ng karapatan sa "access" na makalabas o makadaan papuntang aplaya kasama na po ang aming mga kapitbahay na mangingisda sa paglabas-pasok sa aplaya upang asikasuhin ang kanilang mga Bangka at pangingsda. Dagdag pa po ang aming mga tanim na niyog na hindi na namin napakinabangan simula bakurin ang mga ito.

Kalakip po dito ang mga Xerox copies ng mga approved plan at Memorandum Letter ng "Investigating Forest Officer" ng CENRO, Roxas na actual na nag inspection sa nasabing mga lote noong taon 2007 para sa dagdag kaalaman.

Kaugnay nito ay ldinudulog namin sa inyong tanggapan para sa inyong kaukulang imbistigasyon at nararapat na 'legal action' para dito.

Taos puso po kaming nagpapasalamat at umaasa.

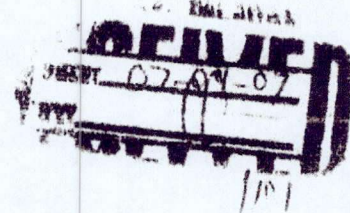
Gumagalang,

[Signature]
JANE DISTAL-ESTEBAN
0955 3169506

Cc: The PENRO
The Regional Director-Region IV-B

Republic of the Philippines
Department of Environment and Natural Resources
Region IV
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Roxas, Palawan

DENR-CENRO, Utilization
Forest Land Use Regulation



MEMORANDUM

FOR : The Community Environment and
Natural Resources Officer
CENRO, Roxas, Palawan

FROM : The Investigating Forest Officer
CENRO, Roxas, Palawan

DATE : June 19, 2007

SUBJECT : PROTEST OF THE HEIRS OF THE LATE SPOUSES
DIONES DISTAL AND HELEN DISTAL, REPRESENTED BY MERLIE R. DISTAL, AGAINST THE ISSUANCE OF TAX DECLARATION NO. 003-0380-A FOR A PORTION OF LOT 3970, CONTAINING AN APPROXIMATE AREA OF 4,138 SQ. M

In compliance to your instruction, the undersigned conducted an ocular inspection and investigation on the subject area, and the following are my findings, to wit:

1. That the said parcel of land was tax declared under Tax Declaration No. 003-0380-A, with the Republic of the Philippines as the owner and allegedly the Honorable congressman Antonio C. Alvarez as the administrator, dated August 02, 2005 (Attached is the machine copy of Tax Declaration No. 003-0380-A);
2. That it is within the classified timberland, being itself under Project 9-A, Block No.- J per Land Classification Map No. 1614;
3. That it is described as a portion of lot No. 3970, Cad. 860-D, San Vicente Cadastre;
4. That it is a portion of a small sandy peninsula, facing the sea where its rear is a strip of elongated mangrove swamp which divides the subject lot from lot No. 3947, another lot owned by the heirs of Diones Distal;
5. That this is also adjacent to lot No. 3969, also owned by the heirs of Diones Distal;
6. That the occupants, the heirs of Diones Distal, had cultivated and introduced improvements at the subject lot such as coconut trees composed of Ten (10) trees which are about twenty (20) years of age and thirty eight (38) young coconut trees about five (5) years of age;

7. The occupants are also in the process of constructing a light material house within the subject lot.
8. That there was neither other occupant within the subject lot nor any other improvements introduced by other person or group of persons

COMMENTS AND OBSERVATIONS:

All information and evidences gathered during the ocular inspection/investigation, lead to show that the heirs of Diones Distal are the actual occupants and rightful claimants of the subject lot witnesses disclosed that their predecessors were among pioneers of So. Lumanbolg, bgy. Binga, San Vicente, Palawan (per certification issued by Punong Barangay Remegio Inogan to Merlie Distal on September 14, 2006 and the joint Affidavit executed by Aniza C. Inogan and Arminda A. Patingan of the same Barangay, dated June 07, 2007).

Their predecessor cleared, cultivated and occupied the subject lot together with the other surrounding lots that also belong to them; long before the affectivity of the Forestry Reform Code, otherwise known as PD 705 shall entitle them for an exemption for criminal prosecution (unlawful occupancy). The same shall also make them qualify to apply for any applicable tenurial instrument for the said lot (attached are photographs of the improvement introduced in the subject lot)

When the whole lot described as Cad. Lot no. 3970, containing an area of 0.9089 hectare was tax declared under the name of the Republic of the Philippines, it included the portion being occupied by the heirs of Diones Distal, which is now the subject of their request for inclusion.

The municipal assessor was right when she put the Republic of the Philippines as the owner of the land, because section 2 of Article XII of the constitution provides that all natural resources, including classified timberland, except land classified as Agricultural lands, belong to the state.

However, she was wrong when she erroneously put on the tax declaration paper the Honorable Congressman Antonio C. Alvarez as the administrator of the said land. It is because as mandated under the Revised Forestry Code of the Philippines, the department of Environment and Natural Resources shall have administrative jurisdiction on timberlands.

This office, as the local implementing arm of the DENR, has no record that the government owns a 0.9089 hectare coconut land in so. Lumanbong, Bgy. Binga, San Vicente, Palawan.

The mere fact the land is already planted with coconut trees shall lead to a conclusion that the said land is already occupied, claimed and developed by a certain person or group of person.

The Tax Declaration was made without the pre-required Certificate of Land Verification to be issued by this office, which violated Section 84 of the Revised Forestry Code. The municipal assessor of San Vicente, Palawan should be liable for this.

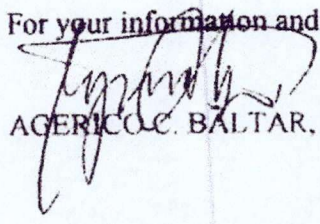
Its quite amusing what is the purpose and objective of this action. But what is certain is that this unlawful act did prejudiced and abused the rights of the occupants/claimants of the subject lot

RECOMMENDATIONS:

It is hereby respectfully recommended that the Municipal Assessor of San Vicente, Palawan shall be advised in writing, to cancel Tax Declaration No. 003-0330-A, otherwise the full force of the law shall prevail.

It is hereby finally recommended that the heirs of Diones Distal, the actual occupants of the subject lot, shall apply for any tenurial instrument that is maybe applicable at the area.

For your information and record.


AGERICCO C. BALTAR, SR.

Copy furnished:

Municipal Assessor of San Vicente, Palawan
Provincial Assessor of Palawan



Republic of the Philippines
Department of Environment and Natural Resources
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Sta. Monica, Puerto Princesa City
Telefax (048) 433-5638/email add: denpalawan@yahoo.com

MEMORANDUM

TO : Community Environment and
Natural Resources Officer
Roxas, Palawan

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **Letters of Merlie R. Distal**
dated August 29, 2013

DATE : 03 September 2013

Referred are the information copies of the subject letters addressed to that office seeking land classification and disposition status of lots 6958 and 6886, Cad 860-D portions of original lot 6843 and 3951.

Your additional copy and immediate advise of action taken direct the party.

For and in the absence
of the OIC-PENRO:

DIOSDADO L. OCAMPO
PEA/Officer-In-Charge
JPL/lmo

Copy furnished:

- o **Merlie R. Distal**
Sea Breeze Subdivision
Bgy. San Jose, Pto Prin. City



TECHNICAL DESCRIPTION		
LINE	BEARING	DISTANCE
LOT 6843		
1-2	N.15-57E	27.79 M.
2-3	S.31-01E	294.81 M.
3-4	S.64-25W	4.38 M.
4-5	S.64-25W	20.07 M.
5-1	N.30-10W	273.56 M.
LOT 6843-A		
1-2	N.30-10W	182.22 M.
2-3	N.15-57E	27.79 M.
3-4	S.31-01E	201.16 M.
4-5	S.58-59W	2.98 M.
5-1	S.58-59W	20.02 M.
LOT 6843-B		
1-2	N.58-59E	20.02 M.
2-3	N.58-59E	2.98 M.
3-4	S.31-01E	93.85 M.
4-5	S.64-25W	4.38 M.
5-6	S.64-25W	20.07 M.
6-1	N.30-10W	91.34 M.
The Line From BLUM NO. 1, CAD 860-D to Corner 1:		
LOT NO.	BEARING	DISTANCE
6843	N.10-31E	28133.28 M.
6843-A	N.10-48E	27995.38 M.
6843-B	N.10-48E	27995.38 M.

ORIGINAL SURVEY _____ Surveyed 21007 _____ Approved 0102007
Cad/PLS/GRS CCS-04-002835-D
Lot No. 3 _____ Patent No. _____ Date _____
Described _____ 20 _____ LRC Rec. No. _____
OCT No. _____ Dated _____ Issued to _____
TOT No. _____ Dated _____ Issued to _____

SUBDIVISION PLAN
OF LOT 6843
CAD 860-D, SAN VICENTE CADASTRE
AS SURVEYED FOR
Hrs. of **DIONES A. DISTAL**
SITUATED IN THE
RURBAN CODE:
BARANGAY OF: **BINGA**
MUN. / CITY OF: **SAN VICENTE**
PROVINCE OF: **PALAWAN**
ISLAND OF: **PALAWAN**
CONTAINING AN AREA OF **6,328.** SQ. M.

ZONE NO.
PPCS - PTM/PRS 92:
BEARING: GRID TRUE
SCALE 1:1000

I hereby certify that this is a correct plan of the survey made by me personally, or under my direct supervision in conformity with the provisions of applicable laws of the Republic of the Philippines and the rules and regulations of the Department of Environment and Natural Resources.

I further certify that this plan accurately indicates the boundaries of the property as indicated to me on the ground by the survey claimant or his authorized representatives and that I assume full responsibility for the technical correctness of the survey and accuracy of the monument setting.

OCT 27, 2007
NELSON M. GABAYAN
REGISTERED ENGINEER
Reg. No. 4188, Phil. Eng. 11417-94
Sec. No. 025803, P.T. 01-07

Republic of the Philippines
Department of Environment and Natural Resources
LANDS MANAGEMENT SERVICES
MIMAROPA REGION
MANILA

I hereby certify to the technical correctness of the survey plotted herein, the original fieldnotes and computations of which are on file in this office; therefore, the same is hereby recommended for approval.

APPROVED: **WILFREDO R. ANGELES**
2, 2008
OIC, Regional Technical Director

This approved plan, however, shall not be construed as title to the land.

NOV. 28, 2007
Date Submitted
OIC, Regional Technical Director

DATE RETURNED	REASON	RECEIVED BY

C.M. 10 45' N. 11 19' E.
Position verified by _____
Plotted on P.M. _____
Field Notes checked by _____
Computation checked by _____
Astronomic / Traverse / Lot Data _____
Plotted / Inked by _____
Checked & Verified by _____

ADDITIONAL INFORMATION AFTER DATE OF APPROVAL.

RECOMMENDING APPROVAL:

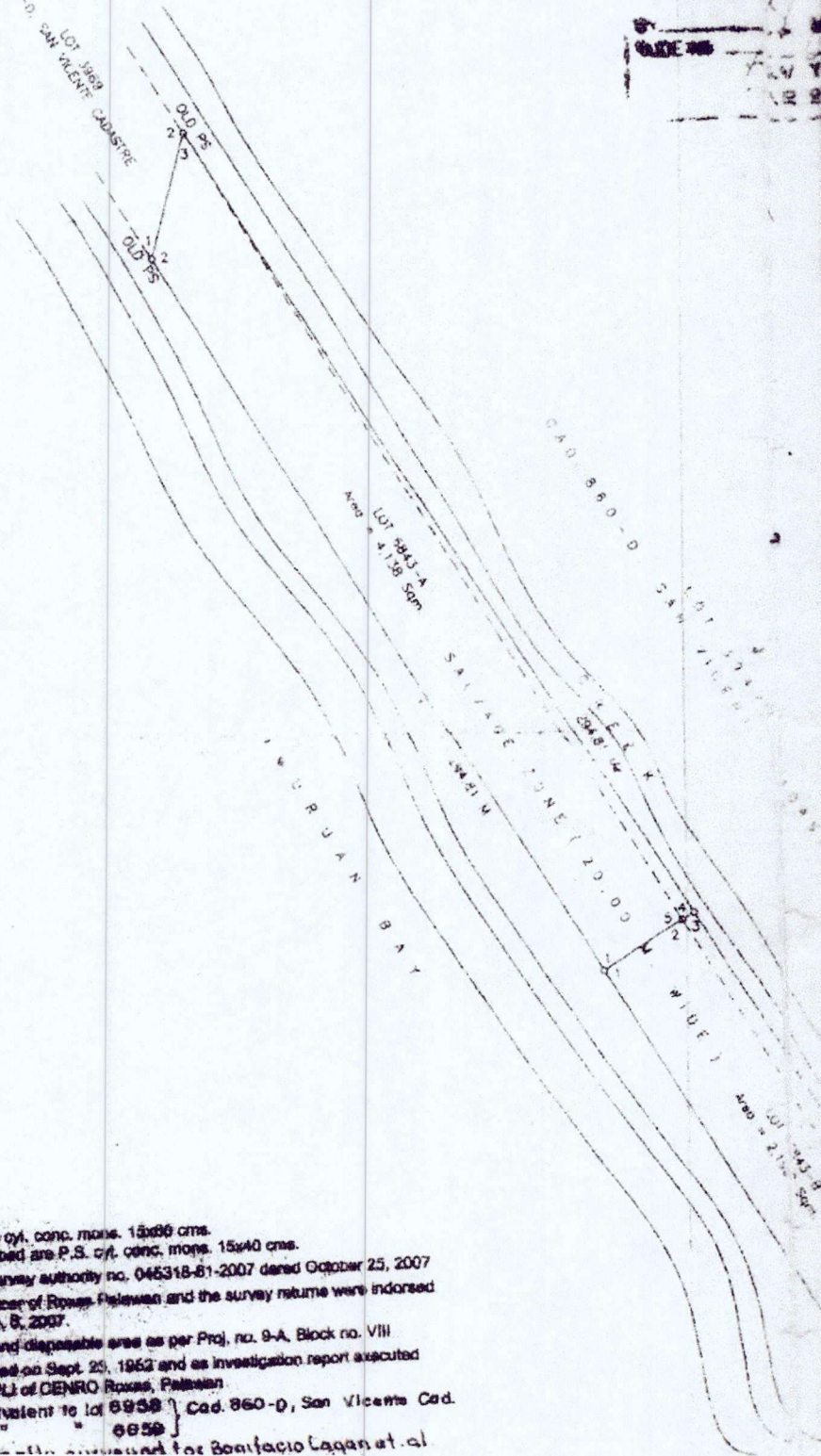
WILFREDO R. ANGELES
CENRO

With my conformity
DIONES A. DISTAL
Land Owner
(FOR SIMPLE SUBDIVISION ONLY)

VERIFICATION FEE
Paid Under

CAD 860-D LOT 1989 SAN VICENTE CADASTRE

RECEIVED
 10/25/07
 10/25/07



NOTES:

All corners marked Old P.S. are cyl. conc. mops. 15x40 cms.
 All corners not otherwise described are P.S. cyl. conc. mops. 15x40 cms.
 Surveyed in accordance with survey authority no. 045318-81-2007 dated October 25, 2007
 as issued by this CENRO Office of Rorua, Palawan and the survey returns were endorsed
 by the same office on Nov. 8, 2007.
 This survey is inside of the area as per Proj. no. 9-A, Block no. VIII
 L.C. Map no. 1814 as captioned on Sept. 25, 1962 and as investigation report executed
 by Agapio C. Ballester Sr. DPL of CENRO Roxas, Palawan.
 Lot 8843 - A shall be equivalent to lot 8858 } Cad. 860-D, San Vicente Cad.
 8843 - B }
 8843 - C }

Typed machine
 Copy from
 owners file;

Sent to
 the D.T.O. 40

1-2	S.59°42'E	82.78M	5-6	N.50°39'E	130.14M
3-4	S.57°45'W	134.73M	6-1	S.62°05'E	57.72M
4-5	S.48°04'W	125.70M	THE LINE FROM BILLM NO.1 CAD 880-D SAN VICENTE CADASTRE to Corner "1"		
5-6	N.31°15'W	199.52M			
6-1	N.04°39'E	150.14M			

LOT 3947-A			LOT NO.	BEARINGS	DISTANCES
1-2	S.59°42'E	36.05M	3947	N.10°31'E	28322.02M
2-3	S.57°45'W	134.73M	3947-A	N.11°06'E	28231.26M
3-4	S.48°04'W	105.70M	3947-B	N.11°06'E	28231.26M
4-5	S.48°04'W	20.00M	3947-C	N.11°00'E	28247.81M
5-6	N.31°15'W	22.16M	3947-D	N.10°59'E	28249.87M
6-7	N.48°25'E	20.00M	3947-E	N.10°53'E	28266.40M
7-1	N.48°25'E	223.38M	3947-F	N.10°53'E	28266.40M
LOT 3947-B			3947-G	N.10°43'E	28290.13M
1-2	S.48°25'W	223.39M	3947-H	N.10°43'E	28290.13M
2-3	S.48°25'W	20.00M	3947-I	N.10°38'E	28304.81M
3-4	N.31°15'W	22.16M			
4-5	N.48°15'E	20.00M			
5-6	N.48°15'E	211.98M			
6-1	S.59°42'E	23.88M			

LOT 3947-C		
1-2	S.59°42'E	26.30M
2-3	S.48°15'W	211.98M
3-4	S.48°15'W	20.00M
4-5	N.31°15'W	22.17M
5-6	N.48°27'E	20.00M
6-1	N.48°27'E	199.80M
LOT 3947-D		
1-2	S.59°42'E	6.55M
2-3	S.48°27'W	199.80M
3-4	S.48°27'W	20.00M
4-5	N.31°15'W	22.17M
5-6	N.48°49'E	20.00M
6-7	N.48°49'E	185.83M
7-1	S.62°05'E	22.96M

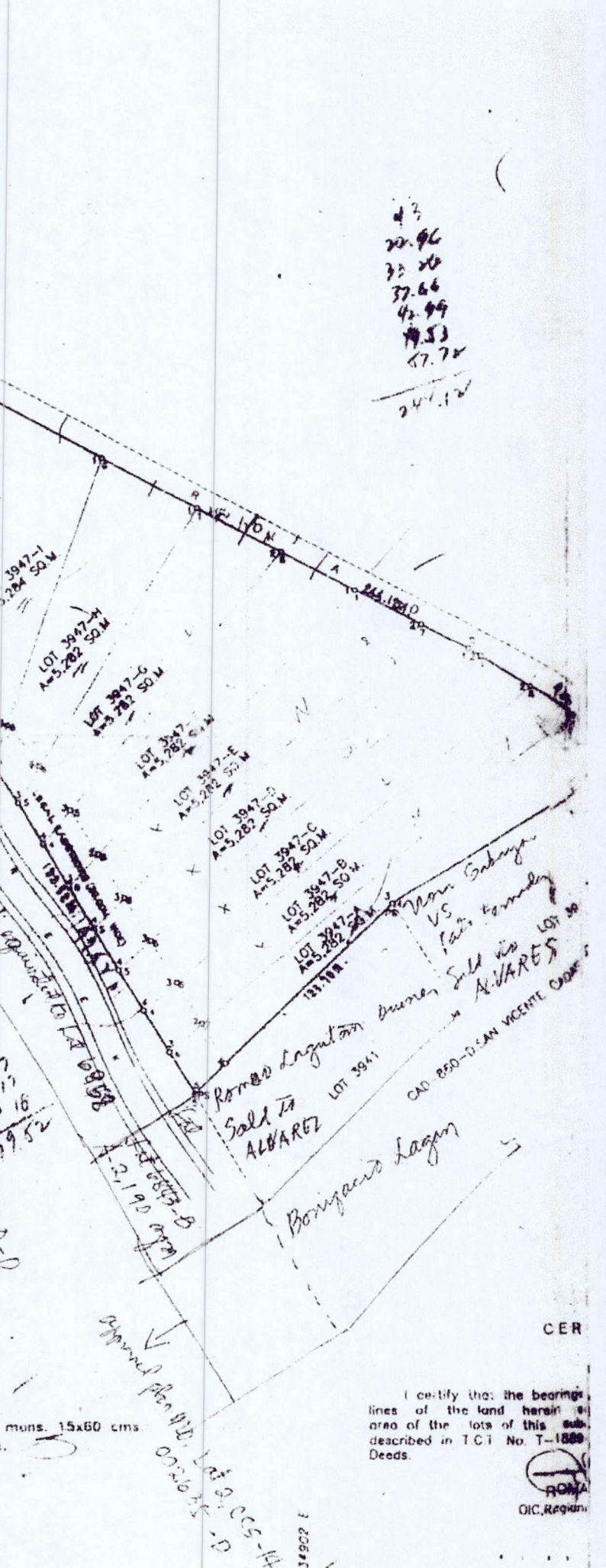
LOT 3947-E		
1-2	S.62°05'E	33.26M
2-3	S.48°49'W	185.83M
3-4	S.48°49'W	20.00M
4-5	N.31°15'W	22.17M
5-6	N.43°52'E	20.00M
6-1	N.43°52'E	170.72M
LOT 3947-F		
1-2	S.43°52'W	170.72M
2-3	S.43°52'W	20.00M
3-4	N.31°15'W	22.17M
4-5	N.38°02'E	20.00M
5-6	N.38°02'E	155.30M
6-1	S.62°05'E	37.66M
LOT 3947-G		
1-2	S.62°05'E	42.98M
2-3	S.39°02'W	155.30M
3-4	S.39°02'W	20.00M
4-5	N.31°15'W	22.17M
5-6	N.31°25'E	20.00M
6-1	N.31°25'E	140.95M
LOT 3947-H		
1-2	S.31°25'W	140.95M
2-3	S.31°25'W	20.00M
3-4	N.31°15'W	22.17M
4-5	N.20°03'E	20.00M
5-6	N.20°03'E	130.71M
6-1	S.62°05'E	49.53M

LOT 3947-I		
1-2	S.62°05'E	33.26M
2-3	S.48°49'W	185.83M
3-4	S.48°49'W	20.00M
4-5	N.31°15'W	22.17M
5-6	N.43°52'E	20.00M
6-1	N.43°52'E	170.72M
LOT 3947-J		
1-2	S.43°52'W	170.72M
2-3	S.43°52'W	20.00M
3-4	N.31°15'W	22.17M
4-5	N.38°02'E	20.00M
5-6	N.38°02'E	155.30M
6-1	S.62°05'E	37.66M
LOT 3947-K		
1-2	S.62°05'E	42.98M
2-3	S.39°02'W	155.30M
3-4	S.39°02'W	20.00M
4-5	N.31°15'W	22.17M
5-6	N.31°25'E	20.00M
6-1	N.31°25'E	140.95M
LOT 3947-L		
1-2	S.31°25'W	140.95M
2-3	S.31°25'W	20.00M
3-4	N.31°15'W	22.17M
4-5	N.20°03'E	20.00M
5-6	N.20°03'E	130.71M
6-1	S.62°05'E	49.53M

LOT 3947-M		
1-2	S.62°05'E	33.26M
2-3	S.48°49'W	185.83M
3-4	S.48°49'W	20.00M
4-5	N.31°15'W	22.17M
5-6	N.43°52'E	20.00M
6-1	N.43°52'E	170.72M
LOT 3947-N		
1-2	S.43°52'W	170.72M
2-3	S.43°52'W	20.00M
3-4	N.31°15'W	22.17M
4-5	N.38°02'E	20.00M
5-6	N.38°02'E	155.30M
6-1	S.62°05'E	37.66M
LOT 3947-O		
1-2	S.62°05'E	42.98M
2-3	S.39°02'W	155.30M
3-4	S.39°02'W	20.00M
4-5	N.31°15'W	22.17M
5-6	N.31°25'E	20.00M
6-1	N.31°25'E	140.95M
LOT 3947-P		
1-2	S.31°25'W	140.95M
2-3	S.31°25'W	20.00M
3-4	N.31°15'W	22.17M
4-5	N.20°03'E	20.00M
5-6	N.20°03'E	130.71M
6-1	S.62°05'E	49.53M

LOT 3947-Q		
1-2	S.62°05'E	33.26M
2-3	S.48°49'W	185.83M
3-4	S.48°49'W	20.00M
4-5	N.31°15'W	22.17M
5-6	N.43°52'E	20.00M
6-1	N.43°52'E	170.72M
LOT 3947-R		
1-2	S.43°52'W	170.72M
2-3	S.43°52'W	20.00M
3-4	N.31°15'W	22.17M
4-5	N.38°02'E	20.00M
5-6	N.38°02'E	155.30M
6-1	S.62°05'E	37.66M
LOT 3947-S		
1-2	S.62°05'E	42.98M
2-3	S.39°02'W	155.30M
3-4	S.39°02'W	20.00M
4-5	N.31°15'W	22.17M
5-6	N.31°25'E	20.00M
6-1	N.31°25'E	140.95M
LOT 3947-T		
1-2	S.31°25'W	140.95M
2-3	S.31°25'W	20.00M
3-4	N.31°15'W	22.17M
4-5	N.20°03'E	20.00M
5-6	N.20°03'E	130.71M
6-1	S.62°05'E	49.53M

LOT 3947-U		
1-2	S.62°05'E	33.26M
2-3	S.48°49'W	185.83M
3-4	S.48°49'W	20.00M
4-5	N.31°15'W	22.17M
5-6	N.43°52'E	20.00M
6-1	N.43°52'E	170.72M
LOT 3947-V		
1-2	S.43°52'W	170.72M
2-3	S.43°52'W	20.00M
3-4	N.31°15'W	22.17M
4-5	N.38°02'E	20.00M
5-6	N.38°02'E	155.30M
6-1	S.62°05'E	37.66M
LOT 3947-W		
1-2	S.62°05'E	42.98M
2-3	S.39°02'W	155.30M
3-4	S.39°02'W	20.00M
4-5	N.31°15'W	22.17M
5-6	N.31°25'E	20.00M
6-1	N.31°25'E	140.95M
LOT 3947-X		
1-2	S.31°25'W	140.95M
2-3	S.31°25'W	20.00M
3-4	N.31°15'W	22.17M
4-5	N.20°03'E	20.00M
5-6	N.20°03'E	130.71M
6-1	S.62°05'E	49.53M



NOTE

All corners marked "P.S." are cyl. conc. mons. 15x40 cms.

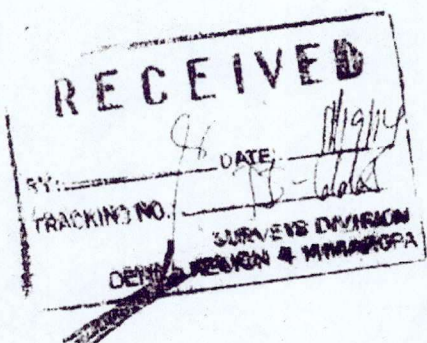
All corners not otherwise described are Old P.S. cyl. conc. mons. 15x60 cms.

Portion of all sub-lots are legal encumbrance 20.00m. wide.

I certify that the bearings, lines of the land herein are of the lots of this sub-area described in T.C.I. No. T-1888 Deeds.

ROMA

OIC, Region



36.05
11.50
26.30
6.51
91.28

SUBDIVISION
PLAN OF LAND
LOT 3947
SAN VICENTE CADASTRE
AS SURVEYED FOR
NESTOR DISTAL et.al.
SITUATED IN THE

RURBAN CODE:
BARANGAY OF BINGA
MUN. / CITY OF SAN VICENTE
PROVINCE OF PALAWAN
ISLAND OF PALAWAN

Containing an area of 47,540 Sq. M.
PPCS - TM/PRS 92 ZONE NO. 1
BEARINGS : GRID
SCALE 1 : 2000

I hereby certify that this is a correct plan of the survey made by me personally or under my direct supervision in conformity with the provision of RA 9466, as amended otherwise known as "The Geodetic Engineering Act of 1997" and the rules and regulations of the Department of Environment and Natural Resources.

I further certify that this plan accurately indicated the boundaries of the property as pointed to me on the ground by the survey claimant or his authorized representative and/or based on the available legal and/or official technical documents and that I assume full responsibility for the technical correctness of the survey and accuracy of the monument setting.

OCT 20 2014

1682 Date 11-09-14
6593334 Date 01-29-14
169-057-288

Republic of the Philippines
Department of Environment and Natural Resources
Lands Management Service
Region Office - IV
Manila

The survey plotted herein is found to be in order as per submitted survey return of the Geodetic Engineer and therefore recommended for approval.

ROMAN G. LEGASPI
OIC, Regional Survey Division

Date Approved December 16, 2014

This approved plan, however, shall not be construed as title to the land.

OSCAR C. DOMINGUEZ
OIC, Regional Technical Director for Land

Date Submitted / Re-Submitted	Date Returned	Remarks	Documents Received by
Nov. 19, 2014			
C.M. 10-6N 11919E			
Position verified by: C-5			
Plotted on: 11-25-14			
Field Notes checked by: N			
Traverse Computation checked by: 11-25-14			
Astronomical Computation checked by: 11-25-14			
Lot Data Computation checked by: 11-25-14			
Plotted / Inked by: 11-25-14			
Traced by: 11-25-14			
Checked & Verified by: 11-25-14			

ADDITIONAL INFORMATION AFTER DATE OF APPROVAL

With my conformity

NESTOR DISTAL
Land Owner

(FOR SIMPLE SUBDIVISION ONLY)

VERIFICATION FEE

Paid Under
O.R. No. 4698938
Date 11-19-14
9 Lot/s 56 Corners

ICATION

distances of the boundary
as well as the aggregate
on plan are identical to those
certified by the Register of

REGISTER OF DEEDS
SAN VICENTE

Psd-AB-00664



Republic of the Philippines
Department of Environment and Natural Resources
Region-IV MIMAROPA
Community Environment and Natural Resources Office
Roxas, Palawan
Email address: denroxaspal@gmail.com

August 2, 2019

MEMORANDUM

FOR : The Provincial Environment and Natural Resources Officer

FROM : The Community Environment and Natural Resources Officer

SUBJECT : **CC: LIHAM MAY PETSANG ABRIL 29, 2019 NI
GNG. JANE DISTAL ESTEBAN KAY CENR OFFICER
EMER D. GARRAEZ PATUNGKOL SA ILLEGAL NA
PAGPASOK AT PAGBAKOD SA MGA LOTENG BAYBAYIN
NG SO. LUMAMBONG, BINGA, SAN VICENTE, PALAWAN
NA MAYROONG LOT NOS. 3969 CAD 860-D AT 6958-A
CAD 860-D (PART OF LOT NO. 3970)**

CENR PENRO
PALAWAN RECORDS
RECEIVED

DATE 08/05/19 CH 19-53
3:30pm

In compliance with your Memorandum dated 27 June 2019 which was received by this Office on 8 July 2019 re above: subject.

Please be informed that this Office had already submitted an investigation report dated 05 July 2019 addressed to the Regional Executive Director thru your Office which was received by the same dated 11 July 2019.

As part of our actions, we had already sent letter dated 10 May 2019 addressed to Mr. Ricky Dalupan and Notice to Vacate dated 07 June 2019 addressed to Mr. Jerry Supleto both representative of Diamond Explore Security Agency. Further, a reply letter dated 08 July 2019 to Atty. Tomas MR Timbancaya with his letter dated 21 June 2019 requesting for the actual verification of the involved lots and the so-called LC No. 1614.

Please see attached photocopies of letters, Investigation report and Notice to vacate.

For further instructions if any on our part.

EMER D. GARRAEZ
CENRO

CN # 2019-02-404
8/2/19



Republic of the Philippines

Region-IV MIMAROPA
Community Environment and Natural Resources Office
Roxas, Palawan
Email address: denr-ivspa@gmail.com

MEMORANDUM

FOR

THRU

FROM

SUBJECT

The Regional Executive Director
1515 L&S Building, Roxas Blvd.,
Irmita, Manila

The Provincial Environment and Natural Resources Officer
The Community Environment and Natural Resources Officer

July 5, 2019

**DENR PENRO
PALAWAN RECORDS
RECEIVED**

by *[Signature]*
DATE *[Date]*

1.59 PM

**INVESTIGATION REPORT REGARDING THE LETTER
COMPLAINT DATED FEBRUARY 26, 2019 ON THE ILLEGAL
OCCUPATION BY DIAMOND EXPLORE SECURITY
AGENCY OVER A PARCEL OF LAND OWNED BY
BINGA BEACH BROTHERS INC. (BBB) LOCATED AT
SO. LI MAMBONG, BRGY. BINGA, SAN VICENTE, PALAWAN**

Respectfully forwarding the investigation report in reference to the Memorandum dated April 15, 2019 of the Chief Technical Services Division, Officer-In-Charge, PENRO-Palawan in relation to the Memorandum dated March 08, 2019 of the Regional Director re above subject.

Based on the investigation made by the representatives of this Office it was found out that the two (2) subject lots (Lot No. 3969 Cad 860-D and Lot No. 6958-A which is part of Lot No. 3970 Cad 860-D) are within the legal easement per Article 51 of Presidential Decree No. 1067 dated December 31, 1976 otherwise known as The Water Code of the Philippines. Further found out that Lot No. 6958-A which is part of Lot No. 3970 CAD 860-D falls within Forestland per Block J, Project No. 9-A, LC No. 1614 dated September 23, 1952.

This Office has already sent a letter dated 10 May 2019 to Mr. Ricky Dalupan, representative of Diamond Explore Security Agency to self-demolish the fences within the subject area. However, during the investigation dated May 20, 2019, Mr. Dalupan denied that he is an employee of that agency but a mere resident.

Also a Notice to Vacate dated June 7, 2019 was sent to Mr. Jerry Supleto which was served and received by him on 14 June 2019. Mr. Supleto was the addressee of that Notice to Vacate to the reason that he identified himself as the Chief Security Guard of the above-mentioned security agency during the conduct of the investigation on May 20, 2019.

Attached is a copy of investigation report dated 20 May 2019, letter dated 10 May 2019 to Mr. Ricky Dalupan, representative, Notice to Vacate dated June 7, 2019 was sent to Mr. Jerry Supleto an also sketch map showing the Land Classification Status of the salvage areas of the subject lots.

For further instruction if any on our part

[Signature]
EMERD. GARRAEZ
CENRO

RAA # 2019-07-352

7/10/19

Palawan Center Bgy. St. Roxas, Palawan



Republic of the Philippines

Region-IV MIMAROPA

Community Environment and Natural Resources Office
Roxas, Palawan

Email address: comenro@denr.gov.ph

May 20, 2019

MEMORANDUM

FOR The Community Environment and Natural Resources Officer

THRU The Chief, Monitoring and Enforcement Section

FROM The Undersigned Investigation Team

SUBJECT **INVESTIGATION REPORT REGARDING THE LETTER COMPLAINT DATED FEBRUARY 26, 2019 ON THE ILLEGAL OCCUPATION BY DIAMOND EXPLORE SECURITY AGENCY OVER A PARCEL OF LAND OWNED BY BINGA BEACH BROTHERS INC. (BBB) LOCATED AT SO. LUMAMBONG, BRGY. BINGA, SAN VICENTE, PALAWAN**

This has reference with the Memorandum dated April 15, 2019 of the Chief Technical Services Division, Officer-In-Charge, PENRO-Palawan in relation to the Memorandum dated March 08, 2019 of the Regional Director re: above subject.

I. INTRODUCTION:

On May 20, the Undersigned Investigation Team conducted site inspection and verification regarding the matter in coordination with the Heirs of Diones Distal Sr., Mr. David Le Smith, representative of Binga Beach Brothers Inc (BBB) and the On-Site Security Guard of Diamond Explore Security Agency.

The Team served the Letter to Vacate dated May 20, 2019 signed by Ronnie P. Lilang, Chief Regulation and Permitting Section, Officer-In-Charge to the representative of Diamond Explore Security Agency in the name of Mr. Ricky Dalupan and also a copy to the uniformed security guard in the area and conducted photo documentation and manual measurement using measuring tape of legal easement per Article 51 of Presidential Decree No. 1067 dated December 31, 1976 otherwise known as The Water Code of the Philippines.

The team measures the wide of the creek/stream adjacent to Lot 3969 CAD 860-D and Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D and also measures the distance of shore from the highest tide going to the above-subject lot.

II. FINDINGS:


Per our investigation, the Team found out:

1. That Mr. Ricky Dalupan is not an employee of the Security Agency, instead he is residing in the area (Lot No. 3969) for more or less 10 years;
2. That according to Heirs of Distal the Lot No. 3969 CAD 860-D and Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D has existing perimeter fenced made of round timber posts and barbed wire allegedly constructed by the representatives of Diamond Explore Security Agency on November 21, 2018 at about 9:00 PM;
3. That the subject lots has 3 security guards with 2 outposts and the house of the family of Mr Dalupan;
4. That the creek/stream ranges from 11 meters to 13 meters wide;
5. That the total wide of the land of Lot No. 3969 is more or less 25 meters and about 22 meters from the highest tide;
6. That the Lot No. 3969 CAD 860-D is already covered by KOT Blg. E-28655 and portion of the land falls within Alienable and Disposable land per Project No. 9-A, Block VIII, LC No. 1614 dated September 23, 1952 and Forestland per Project No. 9-A, Block J, LC No. 1614 dated September 23, 1952;
7. That the Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D falls within Forestland per Block J, Project No. 9-A, LC No. 1614 dated September 23, 1952;
8. That the widest portion of Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D is only 55 meters it covered within easement from the stream and the shores.

III. COMMENTS:

Per our findings, it was noticed that either of the two (2) subject Lots are within salvage zone and/or within easement of public use per Article 51 of Presidential Decree No. 1067 dated December 31, 1976 otherwise known as The Water Code of the Philippines how does that our Office issue a certificate of title in favour of the Heirs of Distal.

Art. 51 of P.D. 1067 states that "The banks of rivers 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, 20 meters in agricultural areas and 40 meters in forest areas, along 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 and salvage or to build structures of any kind."



IV. RECOMMENDATIONS:

With the above, the Team recommended the following.

1. The fence constructed by Diamond Explore Security Agency in Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D be removed and the subject area shall be open for public use per Sec. 69 of P.D. 705 and Art. 51 of P.D. 1067. However, the Lot No. 3969, even it is within salvage zone the state granted the Heirs of Distal a Certificate of Title KOT Blg. E-28655, over which the DENR no longer has jurisdiction and any issue arising shall be filed in the proper court;
2. No teneurial application shall be allowed and/or accepted in the area identified as Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D for it is within the easement for public use;
3. Removal of the fence and filing of cases against Diamond Explore Security Agency if they fail to obey as demanded in our Letter to Vacate in Lot No 6958-A which was originally known as Lot No. 3970 CAD 860-D due to that the subject area belongs to the state;

For your information and record.

DIóGENES A. ESQUIILLO, JR.
FI/Asst. Chief, MES

ALBERT A. ABOROT
LMO I

GEORGE S. DELA PENA
LMO II



Figure 1: Pictures showing the measurement of the easement within lot No. 3969
CAD 860-D

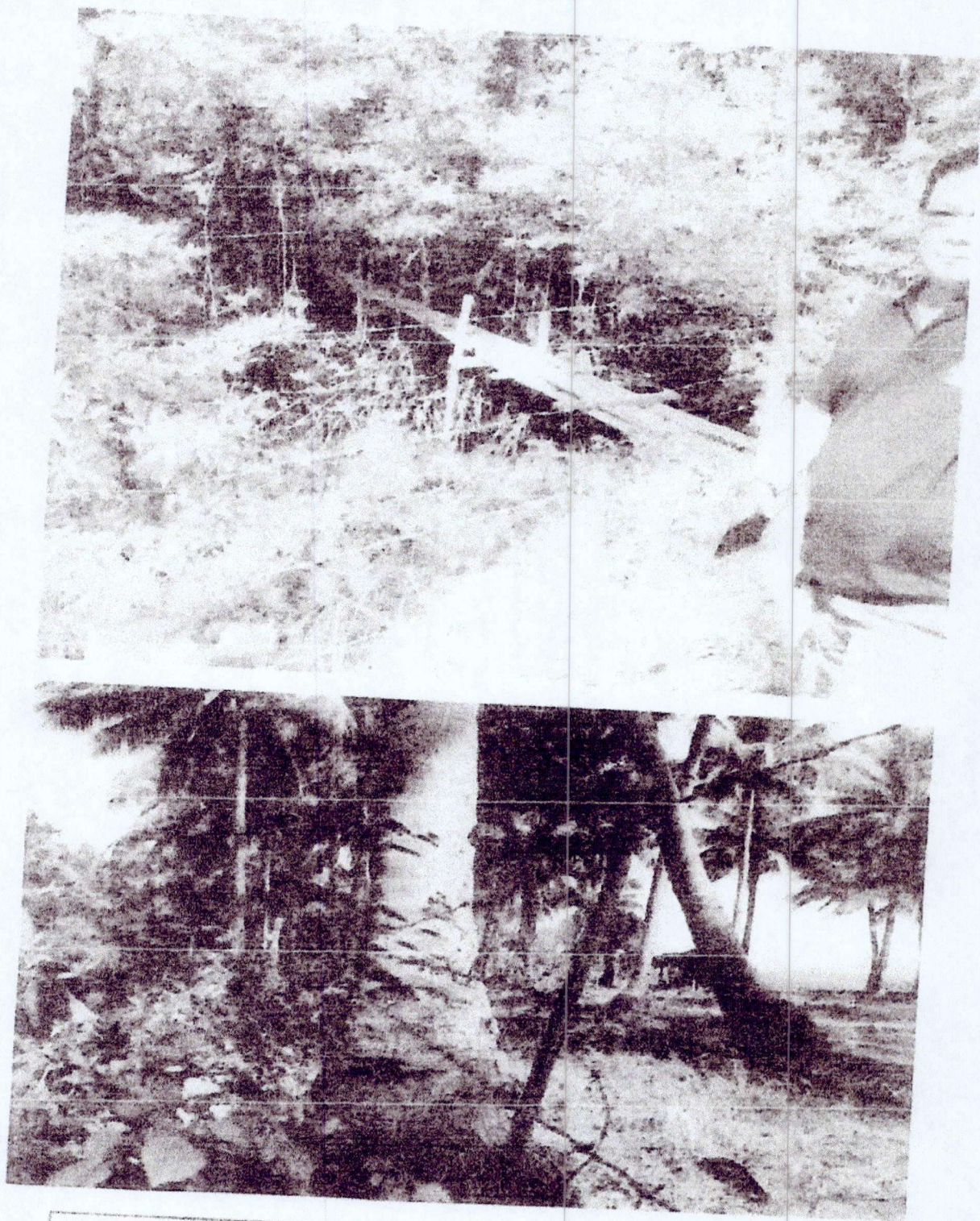


Figure 1. Pictures showing the fences made by the Diamond Explore Security Agency within Lot No 3969 CAD 860-D and Lot No 3970 CAD 860-D

A handwritten signature or mark, possibly a stylized 'P' or 'D', located below the caption.

A handwritten signature or mark, possibly a stylized 'S' or 'J', located below the caption.



Republic of the Philippines

Department of Environment and Natural Resources

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

10 May 2019

G. RICKY DALUPAN
DIAMOND EXPLORE SECURITY AGENCY
Binga, San Vicente, Palawan

Ginoong Dalupan:

Nakarating po sa kaalaman ng Tanggapang ito na diumano inyong binakod and ilang pag-aari sa baybayin ng Barangay Binga (partikular sa Sitio Lumambong), San Vicente, Palawan; bahagi ng lupang sadyang milaan ng umiiral na mga batas upang malayang madaanan ng lahat.

Ang Article 51 ng Water Code (PD 1067) ay naglaan ng dalawampung (20m) metrong lawak ng easement sa mga lupang maaari nang pagmay-ariin (agricultural), apatnapung (40) metro sa mga lupaing-gubat (forest lands), at tatlong (3) metro sa urban areas

Kung totoo ang ulat, mangyari po na kayo na mismo ang kusang magtanggai ng naturang bakod o mga harang

Ang inyong pagsasantabi sa pakiusap na ito, ay ibibilang na kawalan sa inyong panig at hahantong sa kaukulang aksiyong legal.

Kayo nawa ay aming nagabayan at marami pong salamat sa inyong pakikipagtulungan.

Sumasainyong Lubos,

Para sa CENR Officer

RONNIE P. LILANG
Chief, Regulation & Permitting
In-Charge of Office

copy: Ms. JANE DISTAL-ESTEBAN
Binga (So. Lumambong), San Vicente, Palawan

Received by: [Signature]

Date: May 20, 2019

[Signature]

[Signature]

[Signature]

May 20, 2019



Republic of the Philippines

Region-IV MIMAROPA

Community Environment and Natural Resources Office
Roxas, Palawan

Email address: dmimrce2004@gmail.com

NOTICE TO VACATE

June 7, 2019

Jerry Supleto
Chief, Security Guard
Diamond Explore Security Agency
Brgy. Binga, San Vicente, Palawan

This is to notify you that your structures built within Lot known as Lot 3970 CAD 860-D is within the Forestland (Timberland) Project No. 9-A, Block J, LC No. 1614 dated September 23, 1952 and also within Lot known as Lot 3969 CAD 860-D is within the Legal Easement (Salvage Zone) per our Presidential Decree 1067, dated December 31, 1976. By reason thereof, you are hereby directed to voluntarily **REMOVE THE STRUCTURE/S** you built and **VACATE THE AREA** you are occupying in violation of any or all of the following provisions of law, viz:

1. **Presidential Decree No. 705** as amended, otherwise known as Revised Forestry Code of the Philippines:

Section 20. No person may utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx;

Section 78. "Any person who enters and occupies or possesses xxx any forestland or grazing land or part thereof xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof."

2. **Presidential Decree No. 1067**, otherwise known as Revised Water Code of the Philippines

Article 51. "The banks of rivers 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, 20 meters in agricultural areas and 40 meters in forest areas, along 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 and salvage or to build structures of any kind."

In view hereof, this Office is giving you **TEN (10) DAYS** upon receipt of this **NOTICE** to comply, or present legal documents evidencing your lawful occupation over the area, otherwise, we will file a case/s against you before the proper court.

We are hoping that you will give this matter your preferential and utmost attention in order to avoid costly litigation.

Very truly yours,

EMER D. GARRALZ

6/7/19

21 June 2019

EMER D. GARRAIZ
CENRO
Roxas, Palawan

Dear CENRO Garraiz,

I am writing with regard to your letter dated 07 June 2019 addressed to Jerry Suplito as Chief, Security Guard of the Diamond Explore Security Agency giving him ten (10) days upon receipt thereof "to comply, or present legal documents evidencing [his] lawful occupation over the area, otherwise, we will file a case/s against [him] before the proper court."

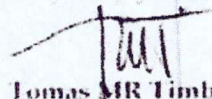
Please recall that Ronnie P. Lilang, as acting CENRO, wrote a letter dated 10 May 2019 to G. Ricky Dalupan of the Diamond Explore Security Agency directing him to voluntarily remove the fence or barrier on an unspecified lots in Lumambong, Binga, Palawan "kung tolos ang ulat", which only means that the letter was merely based on an unconfirmed report. We then wrote a letter dated 21 May 2019 (and received by your office on 23 May 2019) to Ronnie P. Lilang on the assumption that he was referring to Lot No. 3970, Cad. 860-D requesting for a verification with prior notice to us. To date, I have not received any letter of response from your office.

It therefore came as a surprise that Jerry Suplito received your 07 June 2019 letter without a verification having been conducted of the involved lots with the presence my client's representative.

Nonetheless, we reiterate our request for an actual verification of the involved lots and the so-called LC No. 1614, especially considering that your office recommended the issuance of a free patent (which led to the issuance of a certificate of title) over Lot No. 3969, Cad. 860-D which is adjacent to Lot No. 3970, Cad. 860-D and considering further that the DENR has approved private subdivision surveys of Lot No. 3970, Cad. 860-D, which should not have been done if the area is indeed timberland.

Pending such verification, we respectfully request that your office hold off any further action on the matter. Thank you.

Very truly yours,



Tomas MR Timbancaya
43 Fernandez St.
Puerto Princesa City

RRG/MBS
A44 - Foreste Esquillo,
For further
action.
7/1/19
6-25-19
2019



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
ROXAS, PALAWAN
Email Address: denrotoxaspal@gmail.com

08 July 2019

Atty. Tomas MR Timhancaya
43 Fernandez St
Puerto Princesa City, Palawan

Sir

Greetings!

This regards your letter dated 21 June 2019 requesting the verification of lots Lot No. 3969 Cad 860-D and Lot No. 6958-A which is part of Lot No. 3970 Cad 860-D at So. Lumbabong, Bigay, Buga, San Vicente, Palawan.

Please be informed that representatives of this Office also conducted an investigation and verification on May 20, 2019 the same day they sent the letter dated 10 May 2019 addressed to Mr. Ricky Dalupan.

Based on the investigation, it was found out that the two (2) subject lots (Lot No. 3969 Cad 860-D and Lot No. 6958-A which is part of Lot No. 3970 Cad 860-D) are within the legal easement per Article 51 of Presidential Decree No. 1067 dated December 31, 1976 otherwise known as The Water Code of the Philippines. Further it was found out that Lot No. 6958-A which is part of Lot No. 3970 CAD 860-D falls within Forestland per Block J, Project No. 9-A, LC No. 1614 dated September 23, 1952.

Please be informed further that occupation of forestland (timberland) areas is prohibited by law per Presidential Decree No. 705 as amended, otherwise known as Revised Forestry Code of the Philippines:

1. Section 20. **License Agreement, License, Lease, or Permit** - No person may utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx, and
2. Section 78. **Unlawful occupation xxx** - Any person who enters and occupies or possesses xxx any forestland or grazing land or part thereof without authority under license agreement xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof.

Furthermore, Presidential Decree No. 1067, otherwise known as Revised Water Code of the Philippines allows no person to stay or encumbers longer than what is necessary:

1. Article 51. "The banks of rivers 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, 20 meters in agricultural areas and 40 meters in forest areas, along 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 and salvage or to build structures of any kind".

We hope that we have informed you properly. Thank you.

Very truly yours,

EMER D. GARRAZA
ENKRO

Ms. EMER D. GARRAEZ
CENR Officer
CENRO, Roxas, Palawan

Dear Madam,

Pagbati sa ngalan ng ating Panginoo!

Sa ngalan ng aking mga kapatid at kapitbahay, nais po naming iparating at ipaalam sa inyong tanggapan ang illegal na pagpasok at pagbabakod sa mga sumusunod na loteng baybayin ng Sitio Lumambong, Binga, San Vicente, Palawan na naturingang Lot No.3969 CAD 860-D at Lot No.6958-A CAD 860-D (part of Lot No. 3970) na karatig ng aming mga tituladong lupa na nagsisilbing "right of way" namin palabas sa tabing dagat. Ito po ay nangyari noon pa pong hatinggabi ng Nobyembre 21, 2018.

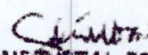
Dahilan po dito ay nawalan na po kami ng karapatan sa "access" na makalabas o makadaan papuntang apaya kasama na po ang aming mga kapitbahay na mangingisda sa paglabas-pasok sa apaya upang asikasuhin ang kanilang mga Bangka at pangangisda. Dagdag pa po ang aming mga tanim na niyog na hindi na namin napakinabangan simula bakurin ang mga ito.

Kalakip po dito ang mga Xerox copies ng mga approved plan at Memorandum Letter ng "Investigating Forest Officer" ng CENRO, Roxas na actual na nag inspection sa nasabing mga lote noong taon 2007 para sa dagdag kaalaman.

Kaugnay nito ay idinudulog namin sa inyong tanggapan para sa inyong kaukulang imbistigasyon at nararapat na "legal action" para dito.

Taos puso po kaming nagpapasalamat at umaasa.

Gumagalang,


JANE DISTAL-ESTEBAN
09553169500

Cc: The PENRO
The Regional Director-Region IV-B

Sitio Lumambong, Brgy Binga,
San Vicente, Palawan
April 29, 2019

Handwritten notes:
REV
1.2
C. George
1.2. Contact
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Handwritten: 5/2/2019
Stamp: 1644



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

MES/RPS:

For your info
for compliance



SEP 20 2019

MEMORANDUM

TO : The PENRO- Palawan
ATT'N : The CENRO- Roxas
FROM : The Regional Executive Director
SUBJECT : INVESTIGATION REPORT RE: LETTER COMPLAINT DATED FEBRUARY 26, 2019 ON THE ILLEGAL OCCUPATION BY DIAMOND EXPLORE SECURITY AGENCY OVER A PARCEL OF LAND OWNED BY BINGA BEACH BROTHERS INC. (BBB) LOCATED AT SITIO LUMAMBONG, BRGY. BINGA, SAN VICENTE, PALAWAN

DENR PENRO
PALAWAN REGION
RECEIVED
BY: *[Signature]*
DATE: 09/30/19 11:18 AM

This is to acknowledge receipt of your Memorandum dated July 17, 2019 submitting the Investigation Report dated July 05, 2019 of CENRO-Roxas regarding the above subject.

In this connection, you are hereby directed to advise CENRO-Roxas to submit report of compliance on the Notice to Vacate issued by CENRO Emer D. Garraez dated June 07, 2019. If continuous to defy lawful order, file necessary case in court against the owner of the Diamond Explore Security Agency in violating Article 51, P.D. 1067. Also, implement the other recommendations provided by the CENRO Investigation Team.

Submit report of your actions taken on the matter within five (5) working days upon receipt of this instruction for monitoring purposes.

For compliance.

[Signature]
HENRY A. ADORNADO, Ph.D.



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 21543

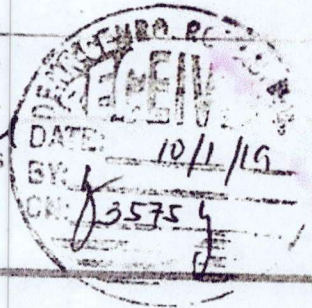


Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

MES/KPS:

for your info

is compliance



SEP 20 2019

MEMORANDUM

TO : The PENRO- Palawan
ATT'N : The CENRO- Roxas
FROM : The Regional Executive Director
SUBJECT : INVESTIGATION REPORT RE: LETTER COMPLAINT DATED FEBRUARY 26, 2019 ON THE ILLEGAL OCCUPATION BY DIAMOND EXPLORE SECURITY AGENCY OVER A PARCEL OF LAND OWNED BY BINGA BEACH BROTHERS INC. (BBB) LOCATED AT SITIO LUMAMBONG, BRGY. BINGA, SAN VICENTE, PALAWAN

DENR PENRO
PALAWAN REGION
RECEIVED

BY: *Pm*
DATE: 04/30/19 11:12 AM

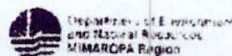
This is to acknowledge receipt of your Memorandum dated July 17, 2019 submitting the Investigation Report dated July 05, 2019 of CENRO-Roxas regarding the above subject.

In this connection, you are hereby directed to advise CENRO-Roxas to submit report of compliance on the Notice to Vacate issued by CENRO Emer D. Garraez dated June 07, 2019. If continuous to defy lawful order, file necessary case in court against the owner of the Diamond Explore Security Agency in violating Article 51, P.D. 1067. Also, implement the other recommendations provided by the CENRO Investigation Team.

Submit report of your actions taken on the matter within five (5) working days upon receipt of this instruction for monitoring purposes.

For compliance.

[Signature]
HENRY A. ADORNADO, Ph.D.



DocID 21543



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND
ROXAS, PALAWAN
Email Address: denroxaspal@gmail.com

REGISTRY RECEIPT
RE 022 228 395 ZZ
Post Office _____
Letter/Package No. _____
Posted on 2-3 20 20
Preserve this receipt for reference in case of inquiry
Postmaster/Teller _____

2nd AND FINAL NOTICE TO VACATE

January 27, 2020

Jerry Supleto
Chief, Security Guard
Diamond Explore Security Agency
Brgy. Binga, San Vicente, Palawan

Dear Sir,

In compliance to Memorandum of the Regional Executive Director instructing this Office to conduct follow-up monitoring activities on the status of your compliance to the issued first Notice to Vacate, be informed that based on the monitoring conducted by this Office, as of this date, you still did not comply with our first Notice to Vacate dated June 7, 2019 and received on June 14, 2019. Records of this Office shows that said notice was clearly explained to wherein you are given ten (10) days to comply and it ended last June 24, 2019.

Again, this is to notify you that your structures built within Lot known as Lot. 3970, CAD 860-D is within the Forestland/Timberland Project No. 9-A, Block J, LC No. 1614 dated September 23, 1952 and also within the lot known as Lot No. 3969, CAD 860-D is within the legal easement (Salvage Zone) per our Presidential Decree No. 1067, dated December 31, 1976. By reason thereof, you are hereby directed to voluntarily **REMOVE THE STRUCTURE/S** you built and **VACATE THE AREA** you are occupying in violation of any or all of the following provisions of law, viz:

1. **Presidential Decree No. 705** as amended, otherwise known as Revised Forestry Code of the Philippines:

Section 20. No person may utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx; and

Section 78. "Any person who enters and occupies or possesses xxx any forestland or grazing land or part thereof xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof.

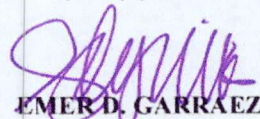
2. **Presidential Decree No. 1067**, otherwise known as Revised Water Code of the Philippines:

Article 51. "The banks of the river 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, 20 meters in agricultural areas and 40 meters in forest areas, along 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 and salvage or to build structures of any kind"

In view hereof, as part of due process and in order for you to have more time to comply, this Office is giving you another **SEVEN (7) DAYS** upon receipt of this **NOTICE** to comply, or present legal documents evidencing your lawful occupation over the area, otherwise, we will file a case/s against you before the proper court.

We are hoping that you will give this matter your preferential and utmost attention in order to avoid costly litigation.

Very truly yours,


EMER D. GARRAEZ
CENRO

cc: Barangay Council
Brgy. Binga, San Vicente, Palawan

Barangay 3, Roxas, Palawan
Email Address: denroxaspal@gmail.com

— 02 2020-01-08
1/30/20



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
ROXAS, PALAWAN
Email Address: denroxaspal@gmail.com

February 28, 2020

Hon. Amy R. Alvarez
Municipal Mayor
San Vicente, Palawan.

Madam:

This is in connection with the illegal structures/fence erected/constructed within the Timberland and Water Easement areas particularly in Bgy. Binga, San Vicente, Palawan.

Be informed that in coordination with the Local Government Unit (LGU) of the said Barangay, our Office conducted inspection/investigation on the Diamond Explore Security Agency and found to be occupying illegally the subject area. Our Office had already issued two (2) Notices to Vacate including the Final Notice directing for the last time Mr. Jerry Supleto, Chief, Security Guard of the Diamond Explore Security Agency, who is illegally occupying the said area in violation with Presidential Decree (PD) No. 705, as amended, otherwise known as Revised Forestry Code of the Philippines and Article 51 of Presidential Decree No. 1067, Water Code of the Philippines to vacate and voluntarily remove the structures and fences they illegally built and failure to comply, our Office will be constrained to take legal action against the perpetrator.

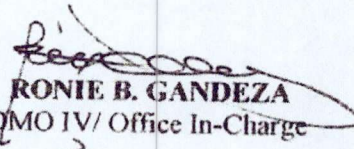
However, up to this writing, the Diamond Explore Security Agency still ignore the said Notices and continue to occupy the said area.

In this regard, pursuant to and in accordance with the provisions of Article 87, (b)(3) (vi) of the Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160), and to the provisions of other pertinent laws, this Office would like to request assistance from your good Office for the removal and demolition of the structures and fences illegally built by the said firm of the said Barangay in order to avoid further environmental damage resulting to disadvantage of government due to misappropriation of natural resources.

Hoping for your immediate action on our request.

Very truly yours,

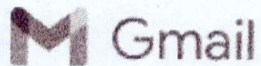
For the CENRO:


RONIE B. GANDEZA
DMO IV/ Office In-Charge

- 014 2020-02-143
2/28/2020

11/6/2020

Gmail - ILLEGAL STRUCTURES/FENCE ERECTED/CONSTRUCTED WITHIN TIMBERLAND AND WATER EASEMENT AREAS



Emer D. Garraez <denroxaspal@gmail.com>

ILLEGAL STRUCTURES/FENCE ERECTED/CONSTRUCTED WITHIN TIMBERLAND AND WATER EASEMENT AREAS

3 messages

Emer D. Garraez <denroxaspal@gmail.com>
To: mosanvicente@yahoo.com, mosanvicentepalawan@yahoo.com

Fri, Feb 28, 2020 at 10:05 AM

Good morning!

Please see attached file.

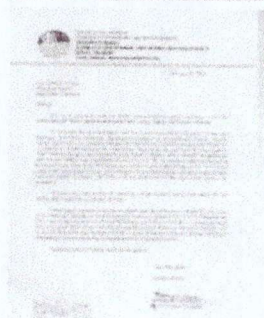
Kindly acknowledge receipt of this email. Thank you.

EMER D. GARRAEZ
Community Environment
and Natural Resources Officer

.....
DENR-CENRO Roxas, Palawan
Sandoval Street, Bgy. III
Roxas
5308 Palawan
PHILIPPINES

Email: denroxaspal@gmail.com

Contact Number:
Globe: 09171606578



img007.jpg
1399K

Emer D. Garraez <denroxaspal@gmail.com>
To: Ian Echanes <ianechanes@gmail.com>

Fri, Feb 28, 2020 at 10:26 AM

Good morning po!

Makisuyo po para kay mayor.
Thank you po.

EMER D. GARRAEZ
Community Environment
and Natural Resources Officer

11/6/2020

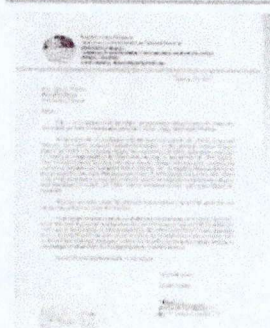
Gmail - ILLEGAL STRUCTURES/FENCE ERECTED/CONSTRUCTED WITHIN TIMBERLAND AND WATER EASEMENT AREAS

.....
DENR-CENRO Roxas, Palawan
Sandoval Street, Bgy. III
Roxas
5308 Palawan
PHILIPPINES

Email: denroxaspal@gmail.com

Contact Number:
Globe: 09171606578

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LGU-San Vicente, Palawan Mayor's Office <mosanvicentepalawan@yahoo.com>

Fri, Feb 28, 2020 at 11:23 AM

Reply-To: "LGU-San Vicente, Palawan Mayor's Office" <mosanvicentepalawan@yahoo.com>

To: "Emer D. Garraez" <denroxaspal@gmail.com>

28 February 2020

EMER D. GARRAEZ

Community Environment and Natural Resources Officer
DENR-CENRO Roxas, Palawan

Dear CENRO Garraez:

This acknowledges the receipt of your communication.
Thank you.

CEDRIC JAMES B. PULGA

Office of the Municipal Mayor
Local Government Unit of San Vicente

[Quoted text hidden]

11/6/2020

Department of Environment and Natural Resources Mail - REQUEST FOR ASSISTANCE FOR THE REMOVAL & DEMOLITION OF...



DENR

R4B CENRO Roxas Palawan <cenroroxaspalawan@denr.gov.ph>

**REQUEST FOR ASSISTANCE FOR THE REMOVAL & DEMOLITION OF THE
STRUCTURES & FENCES ILLEGALLY CONSTRUCTED FORMERLY BY DIAMOND
EXPLORE SECURITY AGENCY**

khgaza@lmalaw.org <khgaza@lmalaw.org>

To: R4B CENRO Roxas Palawan <cenroroxaspalawan@denr.gov.ph>

Wed, Oct 14, 2020 at 4:19 PM

Dear Cenro Emer,

This is to acknowledge receipt of the 3rd letter to Local Government Unit of San Vicente.

Thank you very much.

Best regards,

Kim Gaza

HR/Legal Assistant

[Quoted text hidden]

REGISTRY RECEIPT

Post Office

RE 022 235 714 ZZ

Letter/Package No.

Posted on

8-3 20 20

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

nes

ment and Natural Resources

IMENT AND NATURAL RESOURCES OFFICE

xaspal@gmail.com

July 28, 2020

Hon. Amy R. Alvarez
Municipal Mayor
San Vicente, Palawan.

Madam:

Greetings!

This is a follow-up letter on our request, dated February 28, 2020, seeking assistance from your good Office for the removal and demolition of the structures and fences illegally erected/constructed/built by the Diamond Explore Security Agency led by Mr. Jerry Supleto, Chief, Security Guard of the Diamond Explore Security Agency within the area classified as Timberland and within the water easement area particularly in Bgy. Binga, San Vicente, Palawan of which the information can be gleaned on the data that is contained in our previous letter.

With the advent of the Lab Security and Intelligence Agency that took over the Diamond Explore Security Agency to occupy the same subject area, this Office would like to reiterate our request for an assistance from your good Office for the removal and demolition of the same, pursuant to and in accordance with the provisions of Article 87, (b)(3) (vi) of the Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160) in order to avoid further environmental damages.

Hoping that this request merit your attention and your immediate action on this matter is highly appreciated.

Thank you and more power.

Very truly yours,


EMER D. GARRAEZ
CENRO

2020-07-994
7-29-20



9/30/2020

Department of Environment and Natural Resources Mail - Re: Brgy. Binga, San Vicente- Illegal Structures and Fences



R4B CENRO Roxas Palawan <cenroroxaspalawan@denr.gov.ph>

Re: Brgy. Binga, San Vicente- Illegal Structures and Fences

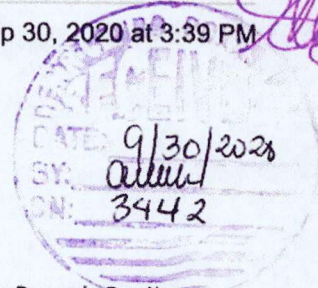
1 message

khgaza@lmalaw.org <khgaza@lmalaw.org>

To: cenroroxaspalawan@denr.gov.ph

Cc: "Ma. Louella Aranas" <Imaranas@lmalaw.org>, Lelanie Ancheta <ldancheta@lmalaw.org>

Wed, Sep 30, 2020 at 3:39 PM



Dear Ma'am/Sir,

By way of introduction, I am Kim Gaza assistant to Atty. Peaches Aranas, counsel for Binga Beach Brothers, Inc.

We are writing this email to follow up the status of the removal and demolition of the structures and fences illegally constructed by a security agency in Barangay Binga, San Vicente, Palawan.

We are well notified that a letter dated 28 February 2020, seeking the assistance of the Local Government Unit in the issue mentioned above has been sent to Mayor Amy R. Alvarez. This was followed up by a letter dated 28 July 2020. As to date, our office have not yet received any responses from the Local Government Unit (LGU) or from Mayor Amy R. Alvarez. In this instance, we would like to ask if your good office will send another follow up letter to the Mayor and what would be the next step of this case if the LGU will continue to ignore the said letters.

We look forward to hearing from you.

Thank you and keep safe.

Best regards,

Kim Gaza

HR/Legal Assistant



Unit 22, 2/F ZETA II Building

191 Salcedo Street, Legaspi Village

Makati City, Philippines

Note: furnished w/ a copy of the letter to Mayor.
10/7/20

11/6/2020

Department of Environment and Natural Resources Mail - REQUEST FOR ASSISTANCE FOR THE REMOVAL & DEMOLITION OF



DENR

R4B CENRO Roxas Palawan <cenroroxaspalawan@denr.gov.ph>

**REQUEST FOR ASSISTANCE FOR THE REMOVAL & DEMOLITION OF THE
STRUCTURES & FENCES ILLEGALLY CONSTRUCTED FORMERLY BY DIAMOND
EXPLORE SECURITY AGENCY**

khgaza@lmalaw.org <khgaza@lmalaw.org>

To: R4B CENRO Roxas Palawan <cenroroxaspalawan@denr.gov.ph>

Wed, Oct 14, 2020 at 4:19 PM

Dear Cenro Emer,

This is to acknowledge receipt of the 3rd letter to Local Government Unit of San Vicente.

Thank you very much.

Best regards,

Kim Gaza

HR/Legal Assistant

[Quoted text hidden]



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
ROXAS, PALAWAN
Email Address: denrroxaspal@gmail.com

October 12, 2020

Hon. Amy R. Alvarez
Municipal Mayor
San Vicente, Palawan.

Madam:

Greetings!

This is in connection with the letter of LMA Law Office, Counsel for Binga Beach Brothers, Inc. inquiring of the status of the removal and demolition of structures and fences illegally constructed by a security agency in Barangay Binga, San Vicente, Palawan.

In view of this, we would like to reiterate our follow-up letter, dated July 28, 2020 regarding our request, dated February 28, 2020, seeking assistance from your good Office for the removal and demolition of the structures and fences illegally erected/constructed/built formerly by the Diamond Explore Security Agency led by Mr. Jerry Supleto, Chief, Security Guard of the Diamond Explore Security Agency within the area classified as Timberland and within the water easement area particularly in Bgy. Binga, San Vicente, Palawan of which the information can be gleaned on the data that is contained in our previous letter.

With the departure of Diamond Explore Security Agency handing over the same subject area to the Lab Security and Intelligence Agency which took over and occupy, this Office would like to reiterate our request for an assistance from your good Office for the removal and demolition of the same, pursuant to and in accordance with the provisions of Article 87, (b)(3) (vi) of Administrative Order No. 270, Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160) in order to avoid further environmental damages.

Hoping that this request merits your attention and your immediate action on this matter is highly appreciated.

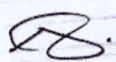
Thank you and more power.

Very truly yours,


EMER D. GARRAEZ
CENRO

Copy Furnished:

Kim Gaza
HR/Legal Assistant
LMA Law
Unit 22,2/F ZETA II Building 191
Salcedo St., Legaspi Village, Makati City Philippines

- WR 2020-10-1423

OCT 14 2020



R4B CENRO Roxas Palawan <cenroroxaspalawan@denr.gov.ph>

REQUEST FOR ASSISTANCE FOR THE REMOVAL & DEMOLITION OF THE STRUCTURES & FENCES ILLEGALLY CONSTRUCTED FORMERLY BY DIAMOND EXPLORE SECURITY AGENCY

3 messages

R4B CENRO Roxas Palawan <cenroroxaspalawan@denr.gov.ph> Wed, Oct 14, 2020 at 4:04 PM
To: mosanvicentepalawan@yahoo.com

Good day!

Please see attached file. Thank you.

—
EMER D. GARRAEZ
Community Environment
and Natural Resources Officer

.....
DENR-CENRO Roxas, Palawan
Sandoval Street, Bgy. III,
Roxas, Palawan 5308
PHILIPPINES

Email: cenroroxaspalawan@denr.gov.ph

Contact Number:
Globe: 09175028647

2020-10-1423.pdf
610K

R4B CENRO Roxas Palawan <cenroroxaspalawan@denr.gov.ph> Wed, Oct 14, 2020 at 4:13 PM
To: khgaza@lmalaw.org

[Quoted text hidden]

2020-10-1423.pdf
610K

khgaza@lmalaw.org <khgaza@lmalaw.org> Wed, Oct 14, 2020 at 4:19 PM
To: R4B CENRO Roxas Palawan <cenroroxaspalawan@denr.gov.ph>

Dear Cenro Emer,

This is to acknowledge receipt of the 3rd letter to Local Government Unit of San Vicente.

Thank you very much.

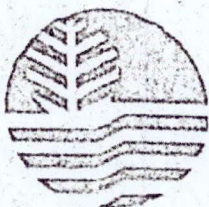
Best regards,

11/6/2020 Department of Environment and Natural Resources Mail - REQUEST FOR ASSISTANCE FOR THE REMOVAL & DEMOLITION OF...

Kim Gaza

HR/Legal Assistant

[Quoted text hidden]



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

DEC 07 2020

MEMORANDUM

TO : The PENR Officer
Sta. Monica, Puerto Princesa City, Palawan

ATTENTION : CENRO Roxas

FROM : The Regional Executive Director

SUBJECT : LETTER COMPLAINT DATED FEBRUARY 26, 2019 ON
THE ILLEGAL OCCUPATION BY DIAMOND EXPLORE
SECURITY AGENCY NOW TAKEN OVER BY LAB
SECURITY AND INTELLEGEENCE AGENCY LED BY
LIBERATO A. BARCELO OVER A PARCEL OF LAND
OEWNED BY BINGA BEACH BROTHERS INC. (BBB)
LOCATED AT SITIO LUMAMBONG, BARANGAY
BINGA, SAN VICENTE, PALAWAN

12-14-2020
AMM
2020-1153

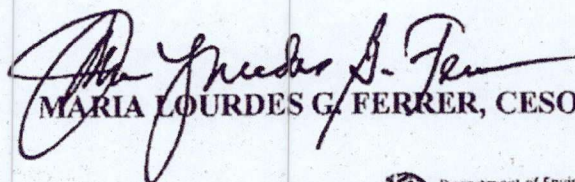
This refers to the Memorandum dated November 16, 2020 signed by PENRO Palawan forwarding the Memorandum dated November 06, 2020 in connection to the above subject matter.

In this regard, you are hereby instructed to dispatch survey team to conduct ground validation/verification survey in the subject area covering Lot 3969 and Lot 3970, both lots within CAD 860-D preferably using Real-Time Kinematics (RTK) survey equipment. Coordinate with Binga Beach Brother Inc. (BBB) the schedule of the said survey and require them to send representative to witness the conduct of ground survey.

The conduct of survey is in line with our next legal course of action to be taken by this office on the matter.

Submit your survey report for information.

For compliance.


MARIA LOURDES G. FERRER, CESO IV

Copy Furnished:
Binga Beach Brother Inc.
Sitio Lumambong,, Barangay Binga, San Vicente, Palawan

Department of Environment
and Natural Resources
MIMAROPA Region



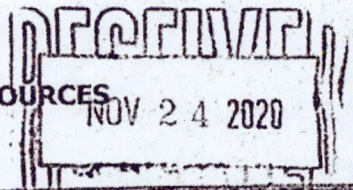
Doc ID: 38947

RMWARD'S

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP: (02) 248-3367/ 248-3468/ 249-3367/ 405-0416 local 2700 / 2717
Facsimile : (632) 405-0046
Email: denr.mimaropa@denr.gov.ph



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



November 16, 2020

38947

MEMORANDUM

FOR : The Regional Executive Director
DENR – MIMAROPA Region
1515 L and S Bldg., Roxas Boulevard,
Ermita, Manila

FROM : Provincial Environment
and Natural Resources Officer


SUBJECT : **RE: LETTER COMPLAINT DATED FEBRUARY 26, 2019
ON THE ILLEGAL OCCUPATION BY DIAMOND EXPLORE
SECURITY AGENCY NOW TAKEN OVER BY LAB SECURITY
AND INTELLIGENCE AGENCY LED BY LIBERATO A.
BARCELO OVER A PARCEL OF LAND OWNED BY BINGA
BEACH BROTHERS INC. (BBB) LOCATED AT SITIO
LUMAMBONG, BARANGAY BINGA, SAN VICENTE, PALAWAN**

Respectfully forwarded is the Memorandum of CENRO Roxas, Palawan dated November 06, 2020 in connection with the above subject.

Due to the persistent defiance by the concerned security agency in the final notice to vacate issued by CENRO Roxas, may we seek your assistance as to further action to be taken to address the matter.

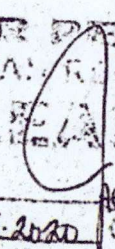
Attached in their memorandum are the pertinent documents of actions taken for your ready reference.

For information and further instruction


ERIBERTO B. SAÑOS CESE

Copy Furnished:
CENRO, Roxas, Palawan

NDC/MES Doc No. 2020-8088

DENR CENRO
PALAWAN RECORDS
RELEASED
BY: 
DATE: 11.19.2020 CENRO-3302



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: penrpalawan@denr.gov.ph

March 23, 2021

MEMORANDUM

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

ATTENTION : The Assistant Regional Director for Technical Services
The Chief, Surveys and Mapping Division


FROM : The Provincial of Environment and
Natural Resources Officer-Palawan

SUBJECT : **LETTER COMPLAINT DATED FEBRUARY 26, 2019 ON
THE ILLEGAL OCCUPATION BY DIAMOND
EXPLORE SECURITY AGENCY NOW TAKEN OVER
BY LAB SECURITY AND INTELLEGEENCE AGENCY
LED BY LIBERATO A. BARCELO OVER A PARCEL
OF LAND OWNED BY BINGA BEACH BROTHERS
INC. (BBB) LOCATED AT SITIO LUMAMBONG,
BRGY. BINGA, SAN VICENTE, PALAWAN**



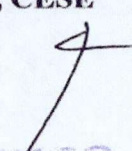
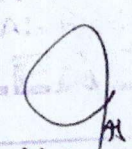
Forwarded is the survey report dated March 22, 2021 of Engr. Donna Belle Luengo submitted in compliance to the Memorandum from That Office dated December 7, 2020 and this Office Memorandum dated January 22, 2021. It informs the results of the verification survey aided by sketch maps showing the survey activities, land use classification and the relative position of the actual occupation as against the approved technical description.

For information, record and advise of forward action.


ERIBERTO B. SANOS, CESE

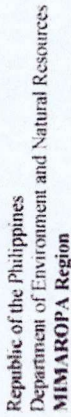
Copy Furnished:

1. CENRO Roxas, Palawan
2. Binga Beach Brothers Inc.
Sitio Lumambong, Binga, San Vicente
Email Address: david@bingabeach.com
3. Kim Gaza
LMA Law
Unit 22, 2/F ZETA II Bldg.
191 Salcedo St., Legaspi Village
Makati City


DENR CENRO
PALAWAN
RELEASED
BY: 
DATE: 3-24-21 21-779

Sta. Monica, Puerto Princesa City
Telefax (048) 433-5638/email add: denrpalawan@yahoo.com

2021-3335



SUBJECT : LETTER FROM MA. LOUELLA MARTINEZ-ARANAS DATED 09 MARCH 2022 RE: THE CLASSIFICATION OF BINGA BEACH BROTHERS (BBB) INC. LOCATED IN SITIO LUMAMIBONG, BARANGAY BINGA, SAN VICENTE, PALAWAN

"For and in the ~~absence~~ of the RED":

VICENTE B. TUDDAO, JR., *PhD. CESO IV*

2515 L & S Building, Rexus Boulevard, Lanta, Manila 1600
TEL: 367-0921 248-3507 248-3468 249-3367 405-0416 local 2700 / 2717
Facsimile: (632) 405-0646
E-mail: immigration@dolet.net.ph



250

On Thu, Mar 10, 2022 at 2:11 PM Kimberly Gaza <kimgaza@kimgaza.net> wrote:

https://mail.google.com/mail/u/0/?ik=9071266050&view=pt&search=all&neerpfid=throw&_3A=72689214010367852%7Cmsg.%3A1737879660950

913

3/21/22, 10:14 AM Department of Environment and Natural Resources Mail - RE: Binga Beach Brothers, Inc.- DENR MIMAROPA Memorandum Da...
To the Office of the DENR MIMAROPA Regional Executive Director,

On behalf of Atty. Ma. Louella M. Avancos, counsel for Binga Beach Brothers, Inc., we are sending here the attached electronic copy of our formal letter concerning the removal and demolition of structure and fences illegally constructed in the "Salvage Zone" and/or Protected Area located in front of our client's property at Lumambong Beach Rd., Binga, San Vicente, Palawan, 5309.

We have also sent physical copies of the said letter to the following offices:

I. Lornelyn E. Claudio, CESO IV
OIC, Regional Executive Director

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

Copy furnished:

II. Vicente B. Tuddao, Jr., Ph.D., CESO IV
Assistant Regional Director for Technical Services

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

We look forward to receiving an acknowledgment receipt. Thank you.

Best regards,

Kim Gaza
Paralegal



Unit 22, 2/F ZETA II Building

3/21/22, 10:14 AM Department of Environment and Natural Resources Mail - RE: Binga Beach Brothers, Inc.- DENR MIMAROPA Memorandum Da...
191 Salcedo Street, Legaspi Village
Makati City, Philippines

T: +63 02 8808-0258
M: +63 9177288628
E: kim.gaza@imlaw.org
W: www.imlaw.org

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Document Routing Slip

Document Number: P-2020-32120 **Date Encoded:** 11-Jun-2020
Sender: Franklin G. Hernandez - for the PENRO
Address: PPC, Palawan
Subject: Memo dtd May 11, 2020 - Re: Investigation Report Re: Letter Complaint dated February 26, 2020 on the illegal Occupation by Diamond Explore Security Agency Over a Parcel of Land Owned by Binga Beach Brothers Inc (BBB) located in Sitio Lumambong, Barangay Binga, San Vicente, Palawan
Addressee: ORED
Attachment(s): Memorandum, pages-5
Urgent: No, received by Records- Rose
Date Received: 02-Jun-2020

ROUTING AND ACTION INFORMATION				
FROM	DATE RECEIVED	FOR/TO	DATE RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
RECORDS	2020-06-02	ORED	2020-06-11	Date: 2020-06-11 Status: OUT From: RECORDS-Janette Adornado - RED DENR MIMAROPA Region Message: Memorandum forwarded for your information and appropriate action
ORD	2020-06-11	Asst-Regional Director-Technical Services	2020-06-11	Date: 2020-06-11 Status: OUT From: ord-gecalynpacis Message: For the ARDTS info and instruction pls. Thank you 03:52 PM
ARDTS	2020-06-15	Asst-Regional Director-Technical Services	2020-06-15	Date: 2020-06-15 Status: IN From: ardts-herlina Message: 11:30 AM
ED	2020-07-15 9:50 am	Enforcement Division	2020-07-15 11:44 AM	Date: 2020-07-18 Status: IN From: ED-MYRNA Message: For a/c of Chief, E.D. LMO1 Lyn - pls. for action fr. ARDTS instruction.
Enforcement Division	2020-07-15	Asst-Regional Director-Technical Services	2020-11-20	Date: 2020-11-20 Status: OUT From: jpitonio Message: ADOPTED CORRECTION.
LEGAL		Legal-Division Rhoda	2020-12-29 08:41	Date: 2020-12-28 Status: IN From: legal-rhoda Message: Email to the PENRO Palawan/ CENRO Roxas May we know if there was a reply from the Mayor of San Vicente, Palawan to the letter dated Feb. 28, 2020? Thank you.



Document Routing Slip

Document Number: P-2020-30199 **Date Encoded:** 03-Mar-2020
Sender: Ma. Louella Martinez-Avanas - Managing Partner
Address: Makati City
Subject: Letter dtd Feb 26, 2020 - Re: Investigation report Re: letter Complaint dated February 26, 2019 on the illegal occupation by diamond explore security agency over a parcel of land owned by Binga Beach Brother Inc (BBB) located at sitio lumambong, Brgy. Binga, San Vicente, Palawan
Addressee: addressed to Mr. Henry A. Adornado - RED DENR MIMAROPA Region
Attachment(s): Letter, no
Urgent: Yes, received by Records-Janette
Date Received: 02-Mar-2020

ROUTING AND ACTION INFORMATION				
FROM	DATE RECEIVED	FOR/TO	DATE RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
RECORDS	2020-03-02	addressed to Mr. Henry A. Adornado - RED DENR MIMAROPA Region	2020-03-03	Date: 2020-03-03 Status: OUT From: RECORDS-Rosemarie Message: Letter forwarded for your information and appropriate action
ORD	2020-03-03	Asst-Regional Director-Management Services	2020-03-03	Date: 2020-03-03 Status: OUT From: ord-gecalynpacis Message: for information/reference pl. -Thank you, Mam Ching as OIC-RED 11:41 AM
	2020-03-03	ardms 03:54 PM	2020-03-03	Date: 2020-03-03 Status: IN From: ardms_liezza Message: 03:54 PM
	2020-03-04	Legal-Division 08:30 AM	2020-03-04	Date: 2020-03-04 Status: OUT From: ardms_liezza Message: Coordinate with PENRO Palawan on their action pertaining to this report 08:30 AM
LEGAL	2020-03-04 08:35 AM	Atty. Flores 09:48 AM	2020-03-04	Date: 2020-03-04 Status: IN From: legal-rhoda Message: 09:48 AM
LEGAL		The Chief, ED 10:36 AM	2020-05-26	Date: 2020-05-22 Status: OUT From: legal-rhoda Message: Sir, May we refer this to you for consolidation of actions Attached printout DATS. Thanks 02120

12 April 2022

Department of Environment and Natural Resources
MIMAROPA Region
1515 L & S Building,
Roxas Boulevard,
Ermita, Manila

TO : Larmelyn E. Claudio, CESO IV
OIC, Regional Executive Director

CC : Vicente B. Tuddao, Jr., Ph.D., CESO IV
Assistant Regional Director for Technical Services

SUBJECT : Validation/Verification Survey using
RTK Equipment on BINGA BEACH
BROTHERS, INC., Property

Dear RD Claudio,

On behalf of our client Binga Beach Brothers, Inc., we would like to respectfully follow up on your response to our letter dated 09 March 2022 concerning the removal and demolition of structures and fences illegally constructed in the "Salvage Zone" and/or Protected Area located in Lumabong Beach Rd., Binga, San Vicente, Palawan, 5309.

We look forward to your prompt reply.

Thank you.

Very respectfully yours,

LMA LAW

By:

MA. LOUELLA MARTINEZ-ARANAS
Managing Partner

09 March 2022

Department of Environment and Natural Resources
MIMAROPA Region
1515 L & S Building,
Roxas Boulevard,
Ermita, Manila

TO : Larmelyn E. Claudio, CESO IV
OIC, Regional Executive Director

CC : Vicente B. Tuddao, Jr., Ph.D., CESO IV
Assistant Regional Director for Technical Services

SUBJECT : DENR MIMAROPA REGION
MEMORANDUM dated 05 July 2021

Dear RD Claudio,

We write to you on behalf of our client BINGA BEACH BROTHERS, INC., ("BBB") regarding the removal and demolition of structure and fences illegally constructed in the "Salvage Zone" and/or Protected Area located in front of their property at Lumabong Beach Rd., Binga, San Vicente, Palawan, 5309.

On 23 November 2020, we had a virtual meeting with then Regional Executive Director-Ma. Lourdes G. Ferrer, CESO IV ("RD Ferrer"), Assistant Regional Director for Technical Services- Vicente B. Tuddao, Jr., Ph.D., CESO IV ("Dr. Tuddao"), Legal Representative of DENR-MIMAROPA Region, and Chief, Enforcement Division-Lina M. Dimapilis regarding the classification of BBB's property, and the illegal occupation of security agencies over the land owned by our client. As recommended by RD Ferrer, on 19 February 2021, a Real-Time Kinematics ("RTK") survey was conducted on the property of BBB.

On the basis of the RTK survey and report from the Chief, Survey and Mapping Division, on 05 July 2021, RD Ferrer issued a Memorandum stating that "it was ascertained that Lots No. 3969 & 3970 are found to be within the salvage zone with 20 meters from the highest side". In this Memo, RD Ferrer instructed CENRO Roxas/PENRO-Palawan to do the following:

1. Reject patent applications for lot/s within the Salvage Zone;
2. Deploy a team to conduct delineation of the 20- and 40-meters easement under PD 1067 on the stretch of the beach; and
3. Issue a Notice to Vacate to owners of the structures found within the easement zone.



Republic of the Philippines
Department of Environment
MIMAROPA Region

RECEIVED BY
TLMALAW

MEMORANDUM

TO : The PENRO-Palawan
Sta. Monica, Puerto Princesa, Palawan

ATTENTION : The CENRO-Roxas

FROM : The Regional Executive Director

SUBJECT : COMPLAINT LETTER DATED FEBRUARY 26, 2019 ON
ILLEGAL OCCUPATION BY DIAMOND EXPLORE
SECURITY AND INTELLIGENCE AGENCY LED BY
LIBERATO A. BARCELO OVER A PARCEL OF LAND
CLAIMED BY BINGA BEACH BROTHERS (BBB) INC.
LOCATED AT SITIO LUMAMBONG, BARANGAY BINGA,
SAN VICENTE, PALAWAN

This refers to the Memorandum dated 15 June 2021 from the OIC, Chief, Survey and Mapping Division indorsing the survey report of Engr. Donna Belle Luengo dated 22 March 2021 regarding the result of verification survey on actual occupation of the above subject.

Upon exhaustive review and evaluation on the submitted report by Engr. Luengo and verification made on Cadastral Map (Cad. 860-D) San Vicente Cadastre, it was ascertained that lots No. 3969 & 3970 are found to be within salvage zone with 20 meters from the highest tide

Further, this office projected the subject lots with the Land Classification (LC) Map No. 1614, Project 9-A, Block VIII dated September 29 1952, wherein the subject lots are adjoining the mangrove area wherein Lot No. 3947-E occupied by Bunga Beach Brothers (BBB) Inc. falls inside mangrove area.

In view of the findings and recommendations of the Chief, Survey and Mapping Division in his memorandum dated June 15 2021 (attached) for cancellation of the approved plan Csd. 04-052170-D, you are hereby instructed to reject patent application/s for lot/s within the salvage zone and deploy a team from your office to conduct delineation of 20 and 40 meters easement under PD 1067 on the stretch of the beach and issue Notice to Vacate (NTV) to owners of structures found within the easement zone.

For compliance

3v:

MA. LOVELLA MARTINEZ-ARANAS
Managing Partner

- 1 Binga Beach Brothers Inc.
Sitala Lumbangkong, Binga, San Vicente, Palawan
- 2 Kim Giza
LM law
Unit 72, 2/F Zeta II Bldg.
191, Salsedo St., Legaspi Village, Makati City

$$L_{\text{eff}} = L \left(1 - \frac{1}{2} \frac{v}{c} \right)$$

Journal of Interpersonal Violence 26(10) 1987-2000
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From our understanding, CENRO-Roxas has issued numerous Notices to Vacate to the security agencies dated 20 May 2019, 07 June 2019 and 27 January 2020. With no reaction to the said demands, it further sent formal letters dated 28 February 2020, 28 July 2020, and 12 October 2020, asking for assistance to demolish to Hon. Amy R. Alvarez. To date the structures and fences are still erect in the easement zone. Furthermore, there is a threatening presence by the security agencies who stationed armed guards in the area. Attached here is the said Memorandum, and the Notices to Vacate as well as the Letters to Hon. Amy R. Alvarez for your reference.

On the 03 November 2021, CENRO-Roxas' OIC CENRO-Ronita B. Gandeza wrote a letter reply to our constant follow ups and queries. In his letter, he mentioned that their office is planning to file a case in court of law to prosecute the illegal occupants. Regrettably and similar to the previous action plans, we have not received any updates from the said office on the commencement of the said case. Attached here is the letter dated 03 November 2021 for your reference.

In our recent visit to OIC-CENRO Taytay, Palawan, Mr. Pablo L. Cruz recommended that we address our concern to Protected Area Management Bureau ("PAMB") in Taytay. Following this advice, we wrote a formal letter to the said office, particularly to Forest II/PA Su. Ms. Clarissa P. Padar. Unfortunately, Ms. Padar said that the Memorandum was not addressed to her and that PAMB has no responsibility over the issue.

This is a very long standing issue. It has been ongoing for at least 3 years. The security agencies are not taking the DENR issued Notices to Vacate seriously. It has repeatedly ignored the directives and authority of your good office. The Office of Mayor Alvarez also ignored your authority. If the DENR is unable to protect lands of public domain, then, who can? As earlier stated, we sought the help of the FAMIB but it said it had no authority. Moreover, if the DENR is unable to protect the Filipinos from the enjoyment of our natural resources, then which agency of the government can the people turn to?

We trust that you will give this matter preferential attention.

Thank you.

/very respectfully yours,

LMA LAW

3v:

MA. LOVELLA MARTINEZ-ARANAS
Managing Partner

Unit 22, 2nd Floor Zero Bldg, 191 Soracido St., Legaspi Village Makati City 1229
+63 02 201 0869 / +63 02 871 1061
[mailto:info@bunchelectronics.com] [http://www.bunchelectronics.com]

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

Post Office
Letter/Package No.
Passed on
Prescribe this receipt for reference in case of inquiry

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2nd AND FINAL NOTICE TO VACATE

January 27, 2020

Jerry Supleto
Chief Security Guard
Diamond Explore Security Agency
Brgy. Bingsa, San Vicente, Palawan

Dear Sir,

In compliance to Memorandum of the Regional Executive Director instructing this Office to conduct following monitoring activities on the status of your compliance to the issued first Notice to Vacate, be informed that based on the monitoring conducted by this Office, as of this date, you still did not comply with our first Notice to Vacate dated June 7, 2019 and received on June 14, 2019. Records of this Office show that said notice was clearly explained to wherein you are given ten (10) days to comply and it ended last June 24, 2019.

Again, this is to notify you that your structures built within Lot known as Lot 3970, CAD 860-D is within the Forestland/Timberland Project No. 9-A, Block J, LC No. 1614 dated September 21, 1952 and also within the lot known as Lot No. 3969, CAD 860-D is within the legal easement (Salvage Zone) per our Presidential Decree No. 1067, dated December 31, 1976. By reason thereof, you are hereby directed to voluntarily REMOVE THE STRUCTURES you are hereby directed to voluntarily REMOVE THE STRUCTURES you built and VACATE THE AREA you are occupying in violation of any or all of the following provisions of law, viz:

1. Presidential Decree No. 705 as amended, otherwise known as Revised Forestry Code of the Philippines
- Section 20. No person may utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx;
- Section 78. "Any person who enters and occupies or possesses any forestland or grazing land or part thereof xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof.
2. Presidential Decree No. 1067, otherwise known as Revised Water Code of the Philippines
- Article 51. "The banks of the river 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, 20 meters in agricultural areas and 40 meters in forest areas, along margins, are subject to the easement of public use in the interest of recreation, navigation, floating and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floating, fishing and salvage or to build structures of any kind"

In view hereof, as part of due process and in order for you to have more time to comply, this Office is giving you another SEVEN (7) DAYS upon receipt of this NOTICE to comply, or present legal documents evidencing your lawful occupation over the area, otherwise, we will file a case/s against you before the proper court.

We are hoping that you will give this matter your preferential and utmost attention in order to avoid costly litigation.

Very truly yours,

JERRY D. GABRAEZ
CESRO

cc: Barangay Council
Brgy. Bingsa, San Vicente, Palawan

Barangay 3, Rosas, Palawan
Email Address: denroases@gmail.com

AS 3250-01-280
1/27/20

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

NOTICE TO VACATE

June 7, 2019

Jerry Supleto
Chief Security Guard
Diamond Explore Security Agency
Brgy. Bingsa, San Vicente, Palawan

This is to notify you that your structures built within Lot known as Lot 3970 CAD 860-D is within the Forestland (Timberland) Project No. 9-A, Block J, LC No. 1614 dated September 21, 1952 and also within Lot known as Lot 3969 CAD 860-D is within the legal easement (Salvage Zone) per our Presidential Decree 1067, dated December 31, 1976. By reason thereof, you are hereby directed to voluntarily REMOVE THE STRUCTURES you built and VACATE THE AREA you are occupying in violation of any or all of the following provisions of law, viz:

1. Presidential Decree No. 705 as amended, otherwise known as Revised Forestry Code of the Philippines
- Section 20. No person may utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx;
- Section 78. "Any person who enters and occupies or possesses xxx any forestland or grazing land or part thereof xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof.
2. Presidential Decree No. 1067, otherwise known as Revised Water Code of the Philippines
- Article 51. "The banks of rivers 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, 20 meters in agricultural areas and 40 meters in forest areas, along margins, are subject to the easement of public use in the interest of recreation, navigation, floating, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floating, fishing and salvage or to build structures of any kind"

In view hereof, this Office is giving you TEN (10) DAYS upon receipt of this NOTICE to comply, or present legal documents evidencing your lawful occupation over the area, otherwise, we will file a case/s against you before the proper court.

We are hoping that you will give this matter your preferential and utmost attention in order to avoid costly litigation.

Very truly yours,

JERRY D. GABRAEZ
CESRO

AS 3250-01-280
6/7/19



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
ROXAS, PALAWAN
Email Address: denroxaspal@gmail.com

February 28, 2020

Hon. Amy R. Alvarez
Municipal Mayor
San Vicente, Palawan.

Madam:

This is in connection with the illegal structures/fence erected/constructed within the Timberland and Water Easement areas particularly in Bgy. Binga, San Vicente, Palawan.

Be informed that in coordination with the Local Government Unit (LGU) of the said Barangay, our Office conducted inspection/investigation on the Diamond Explore Security Agency and found to be occupying illegally the subject area. Our Office had already issued two (2) Notices to Vacate including the Final Notice directing for the last time Mr. Jerry Supileto, Chief, Security Guard of the Diamond Explore Security Agency, who is illegally occupying the said area in violation with Presidential Decree (PD) No. 705, as amended, otherwise known as Revised Forestry Code of the Philippines and Article 51 of Presidential Decree No. 1067, Water Code of the Philippines to vacate and voluntarily remove the structures and fences they illegally built and failure to comply, our Office will be constrained to take legal action against the perpetrator.

However, up to this writing, the Diamond Explore Security Agency still ignore the said Notices and continue to occupy the said area.

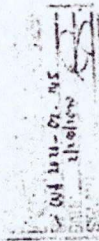
In this regard, pursuant to and in accordance with the provisions of Article 87, (b)(3) (vi) of the Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160), and to the provisions of other pertinent laws, this Office would like to request assistance from your good Office for the removal and demolition of the structures and fences illegally built by the said firm of the said Barangay in order to avoid further environmental damage resulting to disadvantages of government due to misappropriation of natural resources.

Hoping for your immediate action on our request.

Very truly yours,

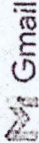
For the CENRO:

ROMIE B. GANDEZA
DENO IV/ Office In-Charge



11/8/2020

Gmail - ILLEGAL STRUCTURES/FENCE ERCTED/CONSTRUCTED WITHIN TIMBERLAND AND WATER EASEMENT AREAS



Emor D. Garraez <denroxaspal@gmail.com>

ILLEGAL STRUCTURES/FENCE ERCTED/CONSTRUCTED WITHIN TIMBERLAND AND WATER EASEMENT AREAS

3 messages

Emor D. Garraez <denroxaspal@gmail.com>
To: mosanvicente@yahoo.com, mosanvicente@palawan@yahoo.com

Fri, Feb 28, 2020 at 10:05 AM

Good morning!

Please see attached file.

Kindly acknowledge receipt of this email. Thank you.

EMER D. GARRAEZ
Community Environment
and Natural Resources Officer

DENR-CENRO Roxas, Palawan
Sandoval Street, Bgy III
Roxas
5308 Palawan
PHILIPPINES

Email: denroxaspal@gmail.com

Contact Number:
Globe: 09171606578

img007.jpg
139K

Emor D. Garraez <denroxaspal@gmail.com>
To: Ian Echaves <ianechaves@gmail.com>

Fri, Feb 28, 2020 at 10:26 AM

Good morning po!

Makiusap po para kay mayor.
Thank you po.

EMER D. GARRAEZ
Community Environment
and Natural Resources Officer

DENR-CENRO Roxas, Palawan
Sandoval Street, Bgy. III
Roxas
5308 Palawan
PHILIPPINES

Email: denroxaspal@gmail.com

Contact Number:
Globe: 09171606578

Quoted from Nielsen

1399K

LGU-San Vicente, Palawan Mayor's Office <nosanvicentepalawan@yahoo.com>
Reply-To: "LGU-San Vicente, Palawan Mayor's Office" <nosanvicentepalawan@yahoo.com>
To: "Emel D. Garraez" <denroxaspal@gmail.com>

28 February 2020

EMER D. GARRAEZ
Community Environment and Natural Resources Officer
DENR-CENRO Roxas, Palawan


Dear CENRO Gamaz:

This acknowledges the receipt of your communication.
Thank you.

CEDRIC JAMES B. PULGA
Office of the Municipal Mayor
Local Government Unit of San Vicente

(Quoted last page)

[illegible]

 Gmail

RE: Updated NTV

1 message

RDTS MIMAROPA <rdts.mimaropa@gmail.com>
o: "Arnoldo A. Blaza, Jr." <denitroxaspak@gmail.com>

Dear Sir Arnold,

Good day!

Kindly update us the status of the Notice to Vacate and the easement that you have submitted to us for your info.

Please advise.

Thank you

Best regards,
Office of the AROTS

Distal
Mangrove

mes,

2/21/20

Emer D. Garza <donno.kaspi@gmail.com>

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Thu, Feb 20, 2020 at 3:36 PM

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REGISTRY RECEIPT

Post Office
Letter/Package
Posted on 20 20
Preserve this receipt for reference in case of inquiry

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ment and Natural Resources

NMENT AND NATURAL RESOURCES OFFICE

xaspal@gmail.com

Postmaster/Teller

July 28, 2020

Hon. Amy R. Alvarez
Municipal Mayor
San Vicente, Palawan.

Madam:

Greetings!


This is a follow-up letter on our request, dated February 28, 2020, seeking assistance from your good Office for the removal and demolition of the structures and fences illegally erected/constructed/built by the Diamond Explore Security Agency led by Mr. Jerry Supleto, Chief, Security Guard of the Diamond Explore Security Agency within the area classified as Timberland and within the water easement area particularly in Bgy. Binga, San Vicente, Palawan of which the information can be gleaned on the data that is contained in our previous letter.

With the advent of the Lab Security and Intelligence Agency that took over the Diamond Explore Security Agency to occupy the same subject area, this Office would like to reiterate our request for an assistance from your good Office for the removal and demolition of the same, pursuant to and in accordance with the provisions of Article 87, (b)(3) (vi) of the Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160) in order to avoid further environmental damages.

Hoping that this request merit your attention and your immediate action on this matter is highly appreciated.

Thank you and more power.

Very truly yours,


EMILITO R. ALVAREZ
SENRO

2020 - C1 - 9141
3 - 60 - 20



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
ROXAS, PALAWAN
Email Address: denroxaspal@gmail.com

October 12, 2020

Hon. Amy R. Alvarez
Municipal Mayor
San Vicente, Palawan.

Madam:

Greetings!

This is in connection with the letter of LMA Law Office, Counsel for Binga Beach Brothers, Inc. inquiring of the status of the removal and demolition of structures and fences illegally constructed by a security agency in Barangay Binga, San Vicente, Palawan.

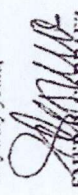
In view of this, we would like to reiterate our follow-up letter, dated July 28, 2020 regarding our request, dated February 28, 2020, seeking assistance from your good Office for the removal and demolition of the structures and fences illegally erected/constructed/built formerly by the Diamond Explore Security Agency led by Mr. Jerry Supleto, Chief, Security Guard of the Diamond Explore Security Agency within the area classified as Timberland and within the water easement area particularly in Bgy. Binga, San Vicente, Palawan of which the information can be gleaned on the data that is contained in our previous letter.

With the departure of Diamond Explore Security Agency handing over the same subject area to the Lab Security and Intelligence Agency which took over and occupy, this Office would like to reiterate our request for an assistance from your good Office for the removal and demolition of the same, pursuant to and in accordance with the provisions of Article 87, (b)(3) (vi) of Administrative Order No. 270, Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160) in order to avoid further environmental damages.

Hoping that this request merits your attention and your immediate action on this matter is highly appreciated.

Thank you and more power.

Very truly yours,


EMILITO R. ALVAREZ
SENRO

Copy Furnished:

Kim Gasa
HR/Legal Assistant
LMA Law
Unit 22, 2/F ZETA II Building 191
Sakelo St., Legaspi Village, Alabati City Philippines

2020 - C1 - 1413
3 - 60 - 20

11/8/2020

Department of Environment and Natural Resources Mail - REQUEST FOR ASSISTANCE FOR THE REMOVAL & DEMOLITION OF...



R4B CENRO Roxas Palawan <cenroxaspalawan@denr.gov.ph>

REQUEST FOR ASSISTANCE FOR THE REMOVAL & DEMOLITION OF THE STRUCTURES & FENCES ILLEGALLY CONSTRUCTED FORMERLY BY DIAMOND EXPLORE SECURITY AGENCY

3 messages

R4B CENRO Roxas Palawan <cenroxaspalawan@denr.gov.ph> Wed, Oct 14, 2020 at 4:04 PM
To: mosanvicentepalawan@yahoo.com

Good day!

Please see attached file. Thank you.

EMER D. GARRAEZ
Community Environment
and Natural Resources Officer

DENR-CENRO Roxas, Palawan
Sandoval Street, Bgy. III,
Roxas, Palawan 5309
PHILIPPINES

Email: cenroxaspalawan@denr.gov.ph

Contact Number:

Globe: 09175028647

2020-10-1423.pdf
510K

R4B CENRO Roxas Palawan <cenroxaspalawan@denr.gov.ph>

Wed, Oct 14, 2020 at 4:13 PM

To: kngaza@malaw.org

[Quoted text hidden]

2020-10-1423.pdf
510K

kngaza@malaw.org <kngaza@malaw.org>
To: R4B CENRO Roxas Palawan <cenroxaspalawan@denr.gov.ph>

Wed, Oct 14, 2020 at 4:19 PM

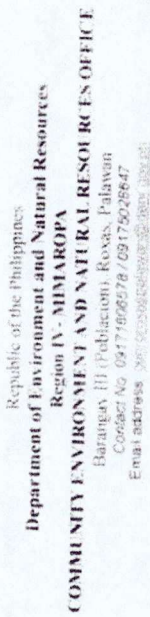
Dear Cenro Emer,

This is to acknowledge receipt of the 3rd letter to Local Government Unit of San Vicente.

Thank you very much.

Best regards,

https://mail.google.com/mail/u/0/?ui=compose&as=cc=mosanvicentepalawan@yahoo.com&as=to=kngaza@malaw.org&as=subject=REQUEST%20FOR%20ASSISTANCE%20FOR%20THE%20REMOVAL%20AND%20DEMOLITION%20OF%20THE%20STRUCTURES%20AND%20FENCES%20ILLEGALLY%20CONSTRUCTED%20FORMERLY%20BY%20DIAMOND%20EXPLORE%20SECURITY%20AGENCY



November 3, 2001

This pertains to your inquiry dated 26 October 2021 on behalf of your client BINGA BEACH BROTHERS, INC. (BBB) on the instruction of the Regional Executive Director to this Office to deploy a team to conduct delineation of 20 and 40 meter easements under PD 1167 and issued Notice to Vacate (NTV) to owners of structures found within the easement zone of the properties situated at Sitio Lumanabong, Barangay Binga, San Vicente, Palawan.

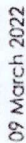
With failed efforts on our coordination with the Mayor, this Office is planning to file an appropriate charge in proper Court of law to prosecute the occupants, to be pursued after Civil-19 travel restrictions imposed by the local government of San Vicente-Palawan shall have been lifted for us to gather additional information needed for filing of case.

Very truly yours,

1000

NOV 03 2021

SOC. NO: 1-11-1759



**Department of Environment and Natural Resources
MIMAROPA Region
1515 L & S Building,
Roxas Boulevard,
Ermita, Manila**

TO : **Lormelyn E. Claudio, CESO IV**
OIC, Regional Executive Director

CC : **Vicente B. Tuddao, Jr., Ph.D., CESO IV**
Assistant Regional Director for Technical Services

SUBJECT : **DENR - MIMAROPA - REGION-
MEMORANDUM dated 05 July 2021**

Dear RD Claudio,

We write to you on behalf of our client **BINGA BEACH BROTHERS, INC.**, ("BBB") regarding the removal and demolition of structure and fences illegally constructed in the "Salvage Zone" and/or Protected Area located in front of their property at Lumambong Beach Rd., Binga, San Vicente, Palawan, 3309.

On 23 November 2020, we had a virtual meeting with then Regional Executive Director-Ma. Lourdes G. Ferrer, CEO IV ("RD Ferrer"), Assistant Regional Director for Technical Services- Vicente B. Tuddao, Jr., Ph.D., CEO IV ("Dir Tuddao"), Legal Representative of DENR-MIMAROPA Region, and Chief, Enforcement Division-Lino M. Dimapilis regarding the classification of BBB's property, and the illegal occupation of security agencies over the land owned by our client. As recommended by RD Ferrer, on 19 February 2021, a Real-Time Kinematics ("RTK") survey was conducted on the property of BBB.

On the basis of the RTK survey and report from the Chief, Survey and Mapping Division, on 05 July 2021, RD Ferrer issued a Memorandum stating that "it was ascertained that Lots No. 3969 & 3970 are found to be within the salvage zone with 20 meters from the 'highest' side". In this Memo, RD Ferrer instructed CENRO Roxas/PENRO-Palawan to do the following:

1. Reject patent applications for lot/s within the Salvage Zone;
2. Deploy a team to conduct delineation of the 20- and 40-meters easement under PD 1067 on the stretch of the beach; and
3. Issue a Notice to Vacate to owners of the structures found within the easement zone.

Unit 22, 2nd Floor Zeta Bldg, 191 Salcedo St., Legaspi Village Makati City 1229

6302275105571-63024231001

Go to www.bic.mcgill.ca/bic/pubs.html



Republic of the Philippines
Department of Environment
MINAROPA Region

RECEIVED BY
LMA LAW

From our understanding, CENRO-Roxas has issued numerous Notices to Vacate to the security agencies dated 20 May 2019, 07 June 2019 and 27 January 2020, with no action to the said demands, it further sent formal letters dated 28 February 2020, 28 July 2020, and 12 October 2020, asking for assistance to demolish to Hon. Amy R. Alvarez. To date the structures and fences are still erect in the easement zone. Furthermore, there is a threatening presence by the security agencies who stationed armed guards in the area. Attached here is the said Memorandum, and the Notices to Vacate as well as the Letters to Hon. Amy R. Alvarez for your reference.

On the 03 November 2021, CENRO-Roxas' OIC CENRO-Ronie B. Gandeza wrote a letter in reply to our constant follow ups and queries, in his letter, he mentioned that their office is planning to file a case in court of law to prosecute the illegal occupants. Regrettably and similar to the previous action plans, we have not received any updates from the said office on the commencement of the said case. Attached here is the Letter dated 03 November 2021 for your reference.

In our recent visit to OIC-CENRO Taytay, Polawan- Mr. Pablo L. Cruz, recommended that we address our concern to Protected Area Management Bureau ("PAMB") in Taytay. Following this advice, we wrote a formal letter to the said office, particularly to Forester II/PASU, MSPLS, Ms. Clarissa P. Pador. Unfortunately, Ms. Pador said that the Memorandum was not addressed to her and that PAMB has no responsibility over the issue.

This is a very long standing issue. It has been ongoing for at least 3 years. The security agencies are not taking the DENR issued Notices to Vacate seriously. It has repeatedly ignored the directives and authority of your good office. The Office of Mayor Alvarez also ignored your authority. If the DENR is unable to protect lands of public domain, then, who can? As earlier stated, we sought the help of the PAMB but it said it had no authority. Moreover, if the DENR is unable to protect the Filipinos from the encroachment of our natural resources, then which agency of the government can the people turn to?

We trust that you will give this matter preferential attention.

Thank you.

Very respectfully yours,

LMA LAW

Bv:

MA. LOVELLA MARTINEZ-ARANAS
Managing Partner

Unit 22, 2nd Floor Zeta Bldg, 191 Salcedo St., Legaspi Village, Makati City 1229
+63 02 751 0849 / +3 02 623 1301
kparon@umalagay.org • www.malagay.org

MEMORANDUM

TO : The PENRO-Palawan
Sta. Monica, Puerto Princesa, Palawan

ATTENTION : The CENRO-Roxas

FROM : The Regional Executive Director

SUBJECT : COMPLAINT LETTER DATED FEBRUARY 26, 2019 ON ILLEGAL OCCUPATION BY DIAMOND EXPLORE SECURITY AND INTELLIGENCE AGENCY LED BY LIBERATO A. BARCELO OVER A PARCEL OF LAND CLAIMED BY BINGA BEACH BROTHERS (BBB) INC. LOCATED AT SITIO LUMAMBONG, BARANGAY BINGA, SAN VICENTE, PALAWAN

This refers to the Memorandum dated 15 June 2021 from the OIC, Chief, Survey and Mapping Division indorsing the survey report of Engr Donna Belle Luengo dated 22 March 2021 regarding the result of verification survey on actual occupation of the above subject.

Upon exhaustive review and evaluation on the submitted report by Engr. Luengo and verification made on Cadastral Map (Cad. 860-D) San Vicente Cadastre, it was ascertained that Lots No. 3969 & 3970 are found to be within salvage zone with 20 meters from the highest tide

Further, this office projected the subject lots with the Land Classification (LC) Map No. 1614, Project 9-A, Block VIII dated September 29 1952, wherein the subject lots are adjoining the mangrove area wherein Lot No. 3947-E occupied by Binga Beach Brothers (BBB) Inc. falls inside mangrove area

In view of the findings and recommendations of the Chief, Survey and Mapping Division in his memorandum dated June 15 2021 (attached) for cancellation of the approved plan Csd 04-032170-D, you are hereby instructed to reject patent application/s for lot/s within the salvage zone and deploy a team from your office to conduct delineation of 20 and 40 meters easement under PD 1067 on the stretch of the beach and issue Notice to Vacate (NTV) to owners of structures found within the easement zone.

For compliance

1. Banga Beach Brothers Inc
Sitio Lumbabong, Banga, San Vicente, Palawan
Koronado
2. Kim Giza
Unit 22, 2/F Zeta II Bldg
191 Salsedo St, Leasapo Village, Makati City
Metro Manila

TABLE VIII

11131, & S Building, Roca Hookyard, Punta Arenas 1090
CHILE VGP (02) 348 34677, 248 3468, 248 34677, 008 0016 local 2969, 2717
Facsimile 0612) 403 4846
Email multimedia@vop.cl, books@vop.cl

Department of Environmental
and Natural Resources

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© 2006 Wiley Periodicals, Inc. *J Biomed Mater Res Part B: Appl Biomater* 78B: 237–247, 2006
DOI 10.1002/jbm.b.30317

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

NOTICE TO VACATE

June 7, 2019

Jerry Suplete
Chief, Security Guard
Diamond Explore Security Agency
Brgy. Binga, San Vicente, Palawan

This is to notify you that your structures built within Lot known as Lot 3970 CAD 860-D is within the Forestland (Timberland) Project No. 9-A, Block J, LC No. 1614 dated September 23, 1952 and also within Lot known as Lot 3969 CAD 860-D is within the Legal Easement (Salvage Zone) per our Presidential Decree 1067, dated December 31, 1976. By reason thereof, you are hereby directed to voluntarily REMOVE THE STRUCTURES you built and VACATE THE AREA you are occupying in violation of any or all of the following provisions of law, viz:

1. Presidential Decree No. 705 as amended, otherwise known as Revised Forestry Code of the Philippines;

Section 20. No person may utilize, exploit, occupy, possess or conduct any activity within any forest or grazing land xxx, unless he had been authorized to do under a license agreement, license, lease or permit xxx;

Section 78. "Any person who enters and occupies or possesses xxx any forestland or grazing land or part thereof xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof;

2. Presidential Decree No. 1067, otherwise known as Revised Water Code of the Philippines

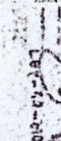
Article 51. "The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, 20 meters in agricultural areas and 40 meters in forest areas, along margins, are subject to the easement of public use in the interest 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 and salvage or to build structures of any kind".

In view hereof, this Office is giving you TEN (10) DAYS upon receipt of this NOTICE to comply, or present legal documents evidencing your lawful occupation over the area, otherwise, we will file a case/s against you before the proper court.

We are hoping that you will give this matter your preferential and utmost attention in order to avoid costly litigation.

Very truly yours,

JERRY D. GABARAY
Regional Director



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND
ROXAS, PALAWAN
Email Address: deniroxaspal@gmail.com

2nd AND FINAL NOTICE TO VACATE

January 27, 2020

Jerry Suplete
Chief, Security Guard
Diamond Explore Security Agency
Brgy. Binga, San Vicente, Palawan

Dear Sir,

In compliance to Memorandum of the Regional Executive Director instructing this Office to conduct follow-up monitoring activities on the status of your compliance to the issued first Notice to Vacate, be informed that based on the monitoring conducted by this Office, as of this date, you still did not comply with our first Notice to Vacate dated June 7, 2019 and received on June 14, 2019. Records of this Office shows that said notice was clearly explained to wherein you are given ten (10) days to comply and it ended last June 24, 2019.

Again, this is to notify you that your structures built within Lot known as Lot 3970, CAD 860-D is within the Forestland (Timberland) Project No. 9-A, Block J, LC No. 1614 dated September 23, 1952 and also within the Lot known as Lot No. 3969, CAD 860-D is within the legal easement (Salvage Zone) per our Presidential Decree No. 1067, dated December 31, 1976. By reason thereof, you are hereby directed to voluntarily REMOVE THE STRUCTURES you built and VACATE THE AREA you are occupying in violation of any or all of the following provisions of law, viz:

1. Presidential Decree No. 705 as amended, otherwise known as Revised Forestry Code of the Philippines;

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Section 78. "Any person who enters and occupies or possesses xxx any forestland or grazing land or part thereof xxx or refuses to vacate the area when ordered to do so pursuant to the provisions of Section 53 hereof;

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In view hereof, as part of due process and in order for you to have more time to comply, this Office is giving you another SEVEN (7) DAYS upon receipt of this NOTICE to comply, or present legal documents evidencing your lawful occupation over the area, otherwise, we will file a case/s against you before the proper court.

We are hoping that you will give this matter your preferential and utmost attention in order to avoid costly litigation.

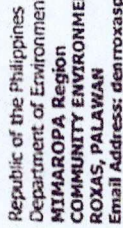
Very truly yours,

JERRY D. GABARAY
Regional Director

cc: Barangay Council
Brgy. Binga, San Vicente, Palawan

Barangay 3, Roxas, Palawan
Email Address: deniroxaspal@gmail.com

DI 4 2019-01-08
1/27/20



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
ROXAS, PALAWAN
Email Address: deniroxaspal@gmail.com

February 28, 2020

Hon. Amy R. Alvarez
Municipal Mayor
San Vicente, Palawan.

Madam:

This is in connection with the illegal structures/fence erected/constructed within the Timberland and Water Easement areas particularly in Bay, Binga, San Vicente, Palawan.

Be informed that in coordination with the Local Government Unit (LGU) of the said Barangay, our Office conducted inspection/investigation on the Diamond Explore Security Agency and found to be occupying illegally the subject area. Our Office had already issued two (2) Notices to Vacate including the Final Notice directing for the last time Mr. Jerry Supleto, Chief, Security Guard of the Diamond Explore Security Agency, who is illegally occupying the said area in violation with Presidential Decree (PD) No. 705, as amended, otherwise known as Revised Forestry Code of the Philippines and Article 51 of Presidential Decree No. 1067, "Water Code of the Philippines to vacate and voluntarily remove the structures and fences they illegally built and failure to comply, our Office will be constrained to take legal action against the owner/occupant."

However, up to this writing, the Diamond Explore Security Agency still ignore the said Notices and continue to occupy the said area.

In this regard, pursuant to and in accordance with the provisions of Article 87, b)(3)(vi) of the Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160), and to the provisions of other pertinent laws, this Office would like to request assistance from your good Office for the removal and demolition of the structures and fences illegally built by the said firm of the said Barzangay in order to avoid further environmental damage resulting to disadvantage of government due to misappropriation of natural resources.

Hoping for your immediate action on our request.

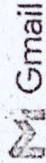
Very truly yours,

For the CENRO:

RONIE B. GANDEZA
DFO IV/ Office In-Charge

SHI-20-145

0.001 - ILLEGAL STRUCTURES/ENCE ERECTED/CONSTRUCTED WITHIN TIMBER AND ANCHORED CASHEMANT AREAS



Emer D. Garratz <denrroxxaspak@gmail.com>

ILLEGAL STRUCTURES/FENCE ERRECTED/CONSTRUCTED WITHIN TIMBERLAND
AND WATER EASEMENT AREAS

3 messages

Emer D. Garraez <denroxaspal@gmail.com>
To: mosanvicente@yahoo.com, mosanvicentealahwan@yahoo.com

Good morning!

Please see attached file.

Kindly acknowledge receipt of this email. Thank you.

EMER D. GARRAEZ
Community Environment
and Natural Resources Officer

DENR-CENRO Roxas, Palawan
Sandoval Street, Bgy. III
Roxas
5308 Palawan
PHILIPPINES

Email: denroxaspal@gmail.com

Contact Number:

Globe: 09171606578

1399K

Emer D. Garraez <denroxaspel@gmail.com>
To: Ian Echanes <ianechanes@gmail.com>

Good morning po!

Makisuyo po para kay mayor.
Thank you po.

EMER D. GARRAEZ
Community Environment
and Natural Resources Officer

<https://mail.google.com/mail/u/2/?ik=edce88c53b3&view=pt&search=all&permthid=thread-a%3A255546044341358927&simpl=msg-a%3A276560...>

GRAND - ILLEGAL STRUCTURES ERECTED/CONSTRUCTED WITHIN TIMBERLAND AND FOREST

DENR-CENRO Roxas, Palawan
Sandoval Street, Bgy. III
Roxas
5308 Palawan
PHILIPPINES

Email: denroxo@psnl@gmail.com

Contact Number:
Globe: 09171606578

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LGU-San Vicente, Palawan Mayor's Office <mosanvicentopalawan@yahoo.com>
 Reply-To: "LGU-San Vicente, Palawan Mayor's Office" <mosanvicentopalawan@yahoo.com>
 To: "Ener D. Garraez" <denroxaspal@gmail.com>

Fri, Feb 28, 2020 at 11:23 AM

28 February 2020

EMER D. GARRAEZ
Community Environment and Natural Resources Officer
DENR-CENRO Roxas, Palawan

Dear CENRO Gardner:

This acknowledges the receipt of your communication.
Thank you.

CEDRIC JAMES B. PULGA
Office of the Municipal Mayor
Local Government Unit of San Vicente

[Quoted in *W. H. Auden*]

URL: <http://dx.doi.org/10.1016/j.jm.2015.05.001>

Gmail

RE: Updated NTV
1 message

AROTS MIMAROPA <arots.mimaropa@gmail.com>
To: "Arnoldo A. Blaza, Jr." <denroxaspal@gmail.com>

Dear Sir Arnold,

Good day!

Kindly update us the status of the Notice of the Vacate and the easement that you have submitted to us for your info.

Please advise.

Thank you

Best regards,
Office of the ARDTS

Distal
Mangrove

28 February 2020

EMER D. GARRAEZ
Community Environment and Natural Resources Officer
DENR-CENRO Roxas, Palawan

Dear CENRO Gardner:

This acknowledges the receipt of your communication.
Thank you.

CEDRIC JAMES B. PULGA
Office of the Municipal Mayor
Local Government Unit of San Vicente

[Quoted in *Red Handed*]

URL: <http://dx.doi.org/10.1016/j.jm.2013.06.004>

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ment and Natural Resources

MENT AND NATURAL RESOURCES OFFICE

xaspal@gmail.com

Pastmangrator

July 28, 2020

Hon. Amy R. Alvarez
Municipal Mayor
San Vicente, Palawan.

Madam:

Greetings!

This is a follow-up letter on our request, dated February 28, 2020, seeking assistance from your good Office for the removal and demolition of the structures and fences illegally erected/constructed/built by the Diamond Explore Security Agency led by Mr. Jerry Supleto, Chief, Security Guard of the Diamond Explore Security Agency within the area classified as Timberland and within the water easement area particularly in Bgy. Binga, San Vicente, Palawan of which the information can be gleaned on the data that is contained in our previous letter.

With the advent of the Lab Security and Intelligence Agency that took over the Diamond Explore Security Agency to occupy the same subject area, this Office would like to reiterate our request for an assistance from your good Office for the removal and demolition of the same, pursuant to and in accordance with the provisions of Article 87, (b)(3) (vi) of the Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160) in order to avoid further environmental damages.

Hoping that this request merit your attention and your immediate action on this matter is highly appreciated.

Thank you and more power.

Very truly yours,

EMER D. CARRAEZ
CENRO

2040-57-0944
7-09-20



Republic of the Philippines
Department of Environment and Natural Resources

MIMAROPA Region

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

ROXAS, PALAWAN

Email Address: denroxaspal@gmail.com

October 12, 2020

Hon. Amy R. Alvarez
Municipal Mayor
San Vicente, Palawan.

Madam:

Greetings!

This is in connection with the letter of LMA Law Office, Counsel for Binga Beach Brothers, Inc. inquiring of the status of the removal and demolition of structures and fences illegally constructed by a security agency in Barangay Binga, San Vicente, Palawan.

In view of this, we would like to reiterate our follow-up letter, dated July 28, 2020 regarding our request, dated February 28, 2020, seeking assistance from your good Office for the removal and demolition of the structures and fences illegally erected/constructed/built formerly by the Diamond Explore Security Agency led by Mr. Jerry Supleto, Chief, Security Guard of the Diamond Explore Security Agency within the area classified as Timberland and within the water easement area particularly in Bgy. Binga, San Vicente, Palawan of which the information can be gleaned on the data that is contained in our previous letter.

With the departure of Diamond Explore Security Agency handing over the same subject area to the Lab Security and Intelligence Agency which took over and occupy, this Office would like to reiterate our request for an assistance from your good Office for the removal and demolition of the same, pursuant to and in accordance with the provisions of Article 87, (b)(3) (vi) of Administrative Order No. 270, Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160) in order to avoid further environmental damages

Hoping that this request merits your attention and your immediate action on this matter is highly appreciated.

Thank you and more power.

Very truly yours,

EMER D. CARRAEZ
CENRO

Copy Furnished:

Kim Giza
HR/Legal Assistant
LMA Law
Unit 22, 2/F ZETA II Building 191
Salcedo St., Legaspi Village, Makati City Philippines

2040-57-0944
7-09-20

001 14 2020



R4B CENRO Roxas Palawan <cenforoxaspalawan@denr.gov.ph>

**REQUEST FOR ASSISTANCE FOR THE REMOVAL & DEMOLITION OF THE
STRUCTURES & FENCES ILLEGALLY CONSTRUCTED FORMERLY BY DIAMOND
EXPLORE SECURITY AGENCY**

3 messages

R4B CENRO Roxas Palawan <cenroxaspalawan@denr.gov.ph>
To: masanvicentepalawan@yahoo.com

Good day!

Please see attached file. Thank you.

EMER D. GARRAEZ
Community Environment
and Natural Resources Officer

DENR-CENRO Roxas, Palawan
Sandoval Street, Bgy. III,
Roxas, Palawan 5308
PHILIPPINES

Email: cenroroxaspalawan@denr.gov.ph

Contact Number:
Globe: 09175028647

2020-10-14 23.pdf
610K

R4B CENRO Roxas Palawan <cenroroxaspalawan@denr.gov.ph>
To: khgaza@malaw.org

(Quoted text hidden)

2020-10-14 23:pdf
610K

khgaza@imalaw.org <khgaza@imalaw.org>
To: R4B CENRO Roxas Palawan <cenroxaspalawan@dcntr.gov.ph>

Dear Cenro Emer,

This is to acknowledge receipt of the 3rd letter to Local Government Unit of San Vicente.

Thank you very much.

Best regards,

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



Document Routing Slip

Document Number: E-2021-44936 Date Endocded: 30-Apr-2021
Sender: PENRO Palawan penropalawan@denr.gov.ph
Address: PENRO Palawan penropalawan@denr.gov.ph
Subject: Fwd: LIBERATO BARCELO
Addressee: mimaroparegion@denr.gov.ph
Attachment(s): Email, uploademail@denr email 4-30-2021(a8)
Urgent: No, received by mimarocarandang
Date Received: 30-Apr-2021

ROUTING AND ACTION INFORMATION				ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
FROM	DATE RECEIVED	FOR TO	DATE RELEASED	
RICTU	2021-04-30	Regional ICT Unit	2021-04-30	Date: 2021-04-30 Status: OUT From: mimarocarandang Message: Email forwarded for your information and appropriate action
ORD		Office of the Regional Executive Director	2021-05-14	Date: 2021-05-14 Status: IN From: ord-monic Message:
ORD		Asst- Regional Director- Technical Services	2021-05-14	Date: 2021-05-14 Status: OUT From: ord-monic Message: Subject lots seem to fall within salvage zone For review and recommendation on next steps, please. Thank you. - RED Ondet
ARDTS	2021-05-17	Asst- Regional Director- Technical Services		Date: 2021-05-17 Status: IN From: ARDTS-mitch Message:
ARDTS	2021-05-17	Surveys and Mapping Division	2021-05-24	Date: 2021-05-21 Status: OUT From: ARDTS-mitch Message: pls verify this report/survey findings prepare letter to BBB per their earlier letter request on the result of surveys consolidated by PENRO Palawan/CENRO Roxas, ensure first that the report is correct, pls project again in the LC and google earth platform
SMD	2021-05-25	Chief Surveys	2021-05-25	Date: 2021-05-25 Status: IN From: smd-lin Message: for instruction.
SMD	2021-05-26	Engr. Satlle	2021-05-26	Date: 2021-05-26 Status: OUT/Yellow Lane From: smd-lin Message: For your action. Thanks
SMD	2021-06-15	ARD TS	2021-06-15	Date: 2021-06-15 Status: OUT From: KPMora Message: Memo for ARD TS re: letter complaint dtd Feb 26, 2019 on the illegal occupation by Diamond explore security agency
ARDTS	2021-06-16	Asst- Regional Director- Technical Services	2021-06-16	Date: 2021-06-16 Status: IN From: raijkrabe Message:
ARDTS	2021-06-17	Asst- Regional Director- Technical	2021-06-17	Date: 2021-06-17 Status: IN From: ARDTS-madelacruz Message: Fwd: Anie. Pls draft memo in PENRO

Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No 09171608578 / 09175026647
Email address: communityenvironment@denr.gov.ph



November 3, 2021

Kimberly H. Gaza
HR, Legal Assistant
LMA Law, Unit 22, 2/F ZETA II Building
191 Salcedo Street, Legaspi Village, Makati City
kimgaza@lmalaw.org

Madam

This pertains to your inquiry dated 26 October 2021 on behalf of your client BINGA BLACH BROTHERS, INC., (BBB) on the instruction of the Regional Executive Director to this Office to deploy a team to conduct delineation of 20 and 40 meter easements under PD 10667 and issued Notice to Vacate (NTV) to owners of structures found within the easement zone of the properties situated at Sitio Lumambong, Barangay Binga, San Vicente, Palawan

Please be informed that the abovementioned instruction had just been received on October 20, 2021, but the delineation of 20 and 40 meter easement of the subject area had already been conducted since May 20, 2019 which confirmed that those lots are wholly within the overlapping water easements of the sea and the stream, and also the Notice to Vacate had already been served to the occupants since May 20, 2019, June 7, 2019 and January 27, 2020. Further, this Office had already written a letter to the Mayor of the Municipality of San Vicente on February 28, 2020 to seek for an assistance to demolish said structures erected within water easement zones, likewise follow-ups had also been made on July 28, 2020 and October 12, 2020 because the removal and demolition of such structures illegally built is under the authority of the Mayor as provided in Article 87, (b) (3) (vi) of the Rules and Regulations Implementing the Local Government Code of 1991 (Republic Act 7160), but as of this writing this Office has yet to get reply

With failed efforts on our coordination with the Mayor, this Office is planning to file an appropriate charge in proper Court of law to prosecute the occupants, to be pursued after Covid-19 travel restrictions imposed by the local government of San Vicente. Palawan shall have been lifted for us to gather additional information needed for filing of case

We trust that you have been properly informed

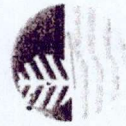
Very truly yours,

RONIE B. GANDEZA
OIC, CENRO

Cc: The RDO, The PENRO, Etc

LEAD CENRO 00015
NOV 03 2021
000.4021-11-13 59

ARDTS	2021-07-02	ORED	2021-07-05	From: ARDTS-malelecruz Message: Memo for initial of ARDTS.
ORED	2021-07-05	Office of the Regional Executive Director	2021-07-05	Date: 2021-07-02 Status: OUT From: ardis-mitch Message: Memo to PENRO Palawan, initiated by ARDTS
ORED	2021-07-05	ARDTS	2021-07-05	Date: 2021-07-05 Status: IN From: mclayson Message:
SMD	2021-07-06	Kazzen	2021-07-06	Date: 2021-07-05 Status: OUT, BARCODED From: ord-jarapenodido Message: Signed by RED, Barcoded and Released PENRO Palawan
SMD	2021-07-06	PENR Officer Palawan, Binga Beach Brothers, Kim Gaza	2021-07-16	Date: 2021-07-06 Status: IN From: smd-jin Message: Memo to The PENRO Palawan for mailing
SMD	2021-07-06	PENR Officer Palawan, Binga Beach Brothers, Kim Gaza	2021-07-16	Date: 2021-07-16 Status: OUT From: kpinora Message: Memo to PENRO Palawan dated July 05, 2021 mailed on July 16, 2021
SMD	2021-07-06	PENR Officer Palawan, Binga Beach Brothers, Kim Gaza	2021-08-05	Date: 2021-08-05 Status: UPLOADED From: komora Message: upload Memo to PENRO Palawan (E-20221-44936).pdf
RECORDS	2022-03-10	ARDTS	2022-03-10	Date: 2022-03-10 Status: UPLOADED From: rpanali Message: upload email signed email 2022march 3-10-2022 follow-up 188
	MAR 10 2022 11:47 AM 351	Pap 3.11.22		Remarks: [] For Approval [] For Signature [] For Review/Evaluation [] For Recommendation [] For Appropriate Action [] Others: Remarks: <i>Pls print attached and sign</i> <i>App Rx</i> Dr. Vicente B. Tuddao Jr., Ph.D., RAE, CESO IV Assistant Regional Director for Technical Services
	MAR 14 2022 04:49 PM 15:40	<i>Extr. Kipson</i>		Remarks: [] For Approval [] For Signature [] For Review/Evaluation [] For Recommendation [] For Appropriate Action [] Others: Remarks: <i>Extr. Kipson</i> <i>106/17/2022</i> Dr. Vicente B. Tuddao Jr., Ph.D., RAE, CESO IV Assistant Regional Director for Technical Services



JUL 05 2021

MEMORANDUM

TO : The PENRO-Palawan
Sta. Monica, Puerto Princesa, Palawan

ATTENTION : The CENRO- Roxas

FROM : The Regional Executive Director

SUBJECT : COMPLAINT LETTER DATED FEBRUARY 26, 2019 ON ILLEGAL OCCUPATION BY DIAMOND EXPLORE SECURITY AND INTELLIGENCE AGENCY LED BY LIBERATO A. BARCELO OVER A PARCEL OF LAND CLAIMED BY BINGA BEACH BROTHERS (BBB) INC. LOCATED AT SITIO LUMAMBONG, BARANGAY BINGA, SAN VICENTE, PALAWAN

This refers to the Memorandum dated 15 June 2021 from the OIC, Chief, Survey and Mapping Division indorsing the survey report of Engr. Donna Belle Luengo dated 22 March 2021 regarding the result of verification survey on actual occupation of the above subject

Upon exhaustive review and evaluation on the submitted report by Engr. Luengo and verification made on Cadastral Map (Cad. 860-D) San Vicente Cadastre, it was ascertained that Lots No. 3969 & 3970 are found to be within salvage zone with 20 meters from the highest tide

Further, this office projected the subject lots with the Land Classification (LC) Map No. 1614, Project 9-A, Block VIII dated September 29 1952, wherein the subject lots are adjoining the mangrove area wherein Lot No. 3947-E occupied by Binga Beach Brothers (BBB) Inc. falls inside mangrove area

In view of the findings and recommendations of the Chief, Survey and Mapping Division in his memorandum dated June 15 2021 (attached) for cancellation of the approved plan Csd 04-032170-D, you are hereby instructed to reject patent application/s for lot/s within the salvage zone and deploy a team from your office to conduct delineation of 20 and 40 meters easement under PD 1067 on the stretch of the beach and issue Notice to Vacate (NTV) to owners of structures found within the easement zone

For compliance

Manila
MANILA GUERDES OF FERRER, CESO III

- Cc
1. Binga Beach Brothers Inc
Sitio Lumambong, Binga, San Vicente, Palawan
Kim Gaza
 2. LAMAY
Unit 22, 24 Zeta II Bldg.
191 Salcedo St. Leguante Village Makati City



File copy mailed July 14 2021

3/10/22, 2:16 PM

Department of Environment and Natural Resources Mail - Re: Binga Beach Brothers, Inc. - DENR MIMAROPA Memorandum Date...



DENR Mimaropa Region <mimaroparegion@denr.gov.ph>

Re: Binga Beach Brothers, Inc.- DENR MIMAROPA Memorandum Dated 05 July 2021
1 message

Kimberly Gaza <khgaza@malaw.org>
To: "mimaroparegion@denr.gov.ph" <mimaroparegion@denr.gov.ph>, "ardis mimaropa@gmail.com" <ardis.mimaropa@gmail.com>, "ybudiao560@gmail.com" <ybudiao560@gmail.com>, "surveys_mimaropa@yahoo.com" <surveys_mimaropa@yahoo.com>
Cc: "Ma. Louella Martinez-Aranas" <maranas@malaw.org>, Flora Catubuan <floracatubuan@malaw.org>, David Le Smith <david@bingabeach.com>, Stephen Schroeder <stephen@seirim.com>, Phil Demack <demack@synergymediaspecialists.com>, Franz Fricke <fricke@synergymediaspecialists.com>, Quennie Azarraga <quennie.azarraga@gmail.com>

Thu, Mar 10, 2022 at 2:10 PM

To the Office of the DENR MIMAROPA Regional Executive Director,

On behalf of Atty. Ma. Louella M. Aranas, counsel for Binga Beach Brothers, Inc., we are sending here the attached electronic copy of our formal letter concerning the removal and demolition of structure and fences illegally constructed in the "Savage Zone" and/or Protected Area located in front of our client's property at Lumabong Beach Rd., Binga, San Vicente, Palawan, 5309.

We have also sent physical copies of the said letter to the following offices:

I. Lornelyn E. Claudio, CESO IV

OIC, Regional Executive Director

DENR by the Bay Bldg.,

1515 Roxas Boulevard,

Ermita, Manila

Copy furnished:

II. Vicente B. Tuddao, Jr., Ph.D., CESO IV

Assistant Regional Director for Technical Services

DENR by the Bay Bldg.,

1515 Roxas Boulevard,

Ermita, Manila

We look forward to receiving an acknowledgment receipt. Thank you.

Best regards,

Kim Gaza

<https://mail.google.com/mail/u/0/?ui=9071206650&view=pt&search=all&permthid=thread-F53A17268021401037Cmsg-F53A1726802140103...> 1/2

3/10/22, 2:16 PM

Department of Environment and Natural Resources Mail - Re: Binga Beach Brothers, Inc. - DENR MIMAROPA Memorandum Date...

Paralegal



Unit 22, 2/F ZETA II Building

191 Sabado Street, Lagash Village

Makati City, Philippines

T: +63 02 8808-0258

M: +63 91 77288628

E: khgaza@malaw.org

W: www.malaw.org

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Binga Beach_Letter to DENR MIMAROPA Regional Director dated 09 March 2022_with attachments.pdf
1543K

<https://mail.google.com/mail/u/0/?ui=9071206650&view=pt&search=all&permthid=thread-F53A17268021401037Cmsg-F53A1726802140103...> 2/2



March 23, 2021

MEMORANDUM

FOR The Regional Executive Director
151ST & S Bldg.
Roxas Blvd., Ermita, Manila

ATTENTION The Assistant Regional Director for Technical Services
The Chief, Surveys and Mapping Division

FROM The Provincial of Environment and
Natural Resources Officer Palawan

SUBJECT LETTER COMPLAINT DATED FEBRUARY 26, 2019 ON
THE ILLEGAL OCCUPATION BY DIAMOND
EXPLORE SECURITY AGENCY NOW TAKEN OVER
BY LAB SECURITY AND INTELLIGENCE AGENCY
LED BY LIBERATO A. BARCELO OVER A PARCEL
OF LAND OWNED BY BINGA BEACH BROTHERS
INC. (BBB) LOCATED AT SITIO LUMAMBONG,
BRGY. BINGA, SAN VICENTE, PALAWAN

Forwarded is the survey report dated March 22, 2021 of Engr. Donna Belle Luengo
submitted in compliance to the Memorandum from that Office dated December 7, 2020 and
this Office Memorandum dated January 22, 2021. It informs the results of the verification
survey aided by sketch maps showing the survey activities, land use classification and the
relative position of the actual occupation as against the approved technical description

For information, record and advise of forward action

FRIBERTO B. SANCOS, CSE

1. Regional Executive Director
2. Regional Assistant Director for Technical Services
3. Chief, Surveys and Mapping Division
4. Engr. Donna Belle Luengo
5. Engr. Aldre Fco Maglana
6. Engr. Mariano Maglana
7. Engr. Aldre Fco Maglana
8. Engr. Mariano Maglana
9. Engr. Aldre Fco Maglana
10. Engr. Mariano Maglana

Sta Monica, Puerto Princesa City
Tel/Fax (018) 434-8791 email add: denpalawan@denr.gov.ph

2021-3036



March 23, 2021

MEMORANDUM

FOR The Provincial Environment &
Natural Resources Officer

THRU Technical Services Division

FROM Engr. Donna Belle F. Luengo

SUBJECT LETTER COMPLAINT DATED FEBRUARY 26, 2019 ON THE
ILLEGAL OCCUPATION BY DIAMOND EXPLORE
SECURITY AGENCY NOW TAKEN OVER BY LAB SECURITY
AND INTELLIGENCE AGENCY LED BY LIBERATO A.
BARCELO OVER A PARCEL OF LAND OWNED BINGA
BEACH BROTHERS INC. (BBB) LOCATED AT SITIO
LI MAMBONG, BRGA. BINGA, SAN VICENTE, PALAWAN

Pursuant to Memorandum from Regional Executive Director dated December 7, 2020 and this
Office Memorandum dated January 22, 2021, the undersigned together with the DENRO survey team
conducted the verification survey located at Barangay Brga. San Vicente, Palawan.

The team is tasked to conduct verification survey of Lot 3969 & 3970 both Cad 860-D. Upon
coordination with the requesting party (BBB) they submitted Tax Declaration No. 21-063 (1971) and a
sketch plan describing the particular area subject of request. The sketch plan prepared by Engr.
Mariano Maglana and Engr. Aldre Fco appears to be the basis of their tax declaration No. 21-063
(1971).

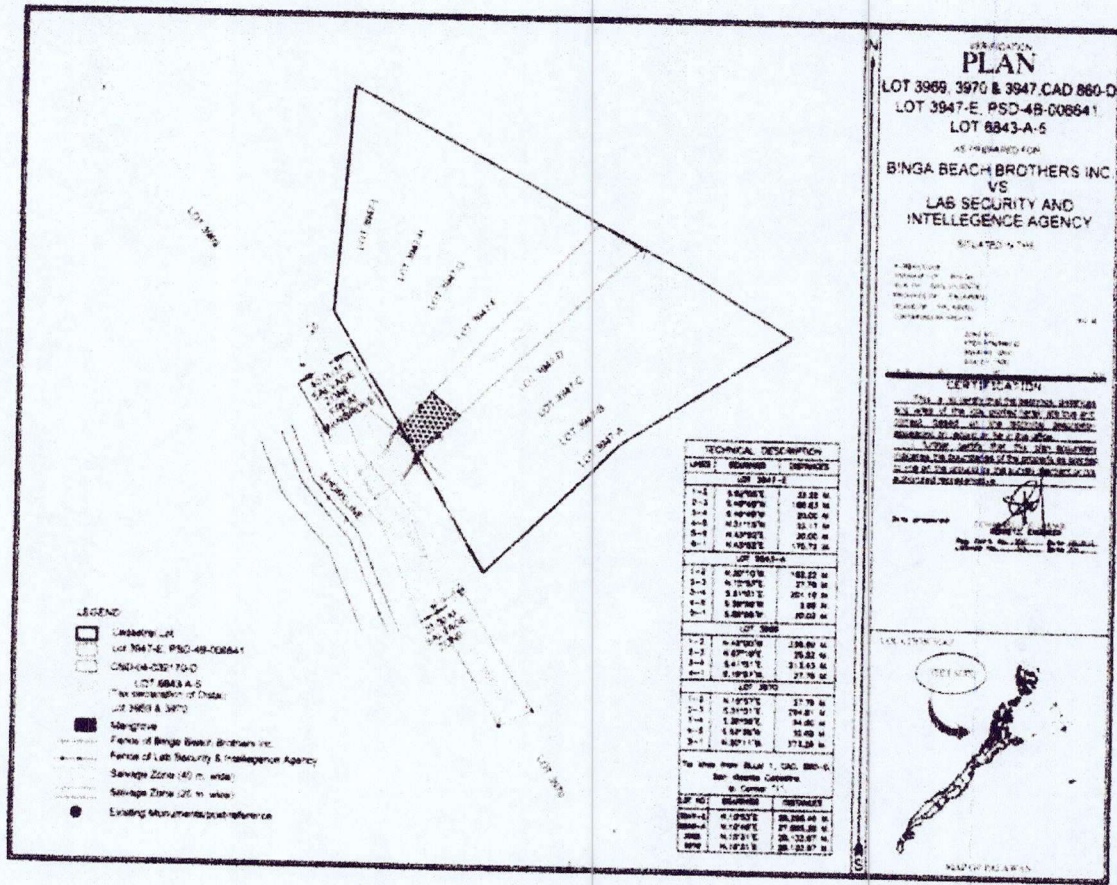
Please be informed that the undersigned had once conducted the verification survey involving
the claims of Binga Beach Brothers Inc. involving Lot 3947-E, Pad-AB 006661 and Lot 6842-4-5 per
Mamo instruction from then Regional Executive Director Henry Adornado dated August 13, 2019 and
submitted a result of observation with narrative survey report dated August 29, 2019 duly endorsed to
the Regional Office per Memo dated September 2, 2019. The same reference were used in the current
verification survey.

After data gathering through research, the following were observed:

- Lot 3969, Cad 860-D is a cadastral lot with an area of 3,359 square meters.
- Lot 3970, Cad 860-D is a cadastral lot with an area of 9,089 square meters.
- Lot 4976 and 3940 was consolidated subdivided with survey number C/S-644-402/655.
D Lot 6843 is the highest lot number assigned to one of the subdivided lot inside the
C/S plan

Sta Monica, Puerto Princesa City

ANNEX I



- Lot 6843 was then again subdivided into 2 lots with survey number Csd-04-032170-D.
- Lot 6843-A is a portion of Lot 6843 of the subdivision plan CSD-04-032170-D approved on March 3, 2008 surveyed for the Hrs. of Diones A. Disal.
- Per approved subdivision plan (CSD-04-032170-D), Lot 6843-A has five (5) corners with an area of Four Hundred One Hundred Thirty Eight (4,138) square meters.

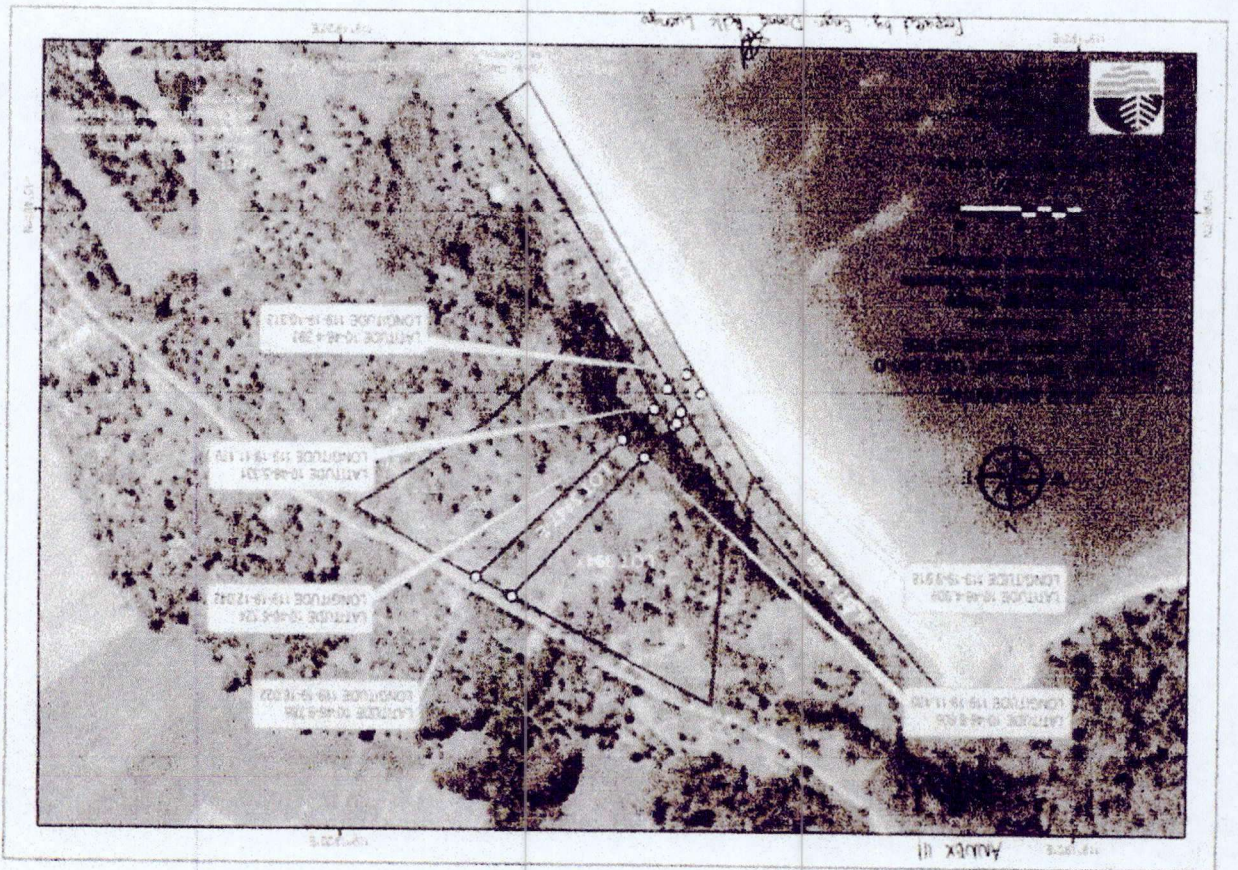
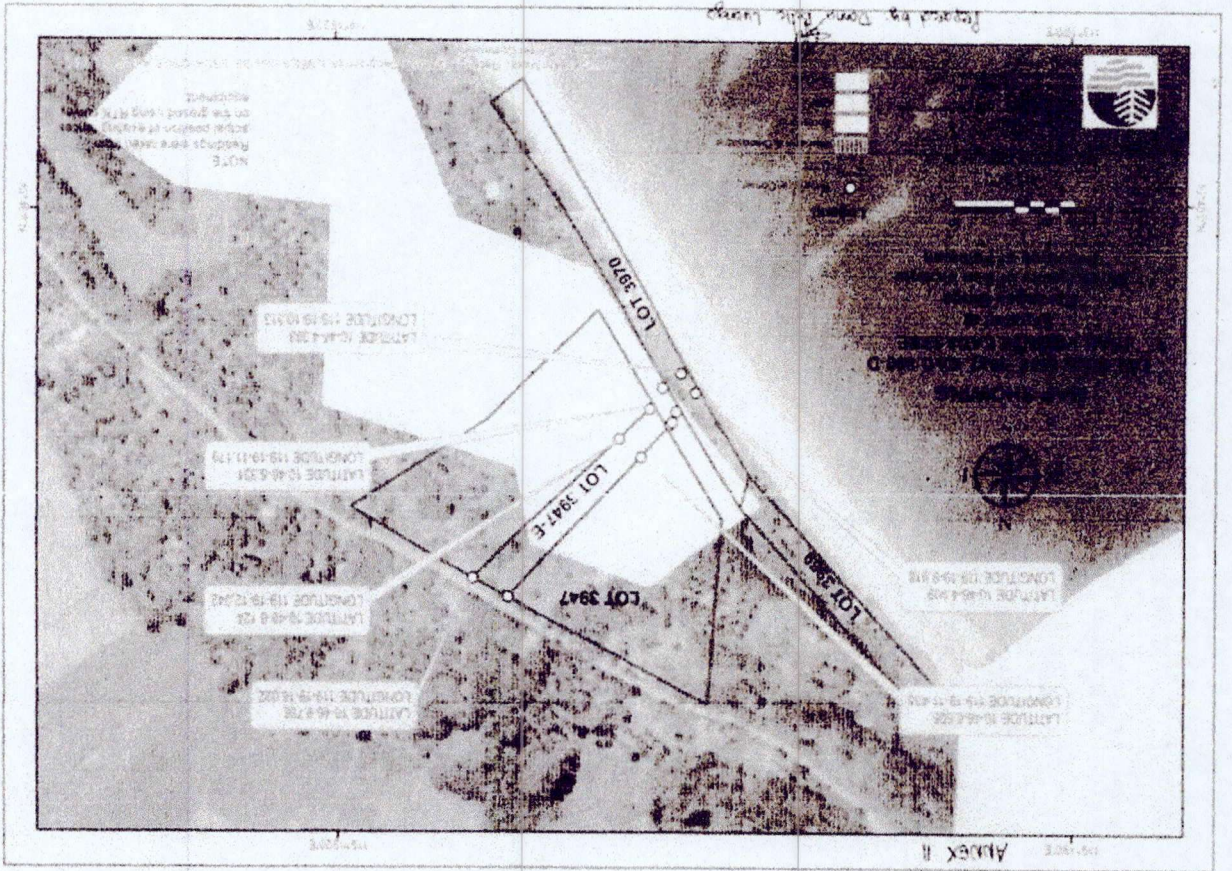
Per results of the verification survey the following were determined

- Lot 3970 falls to the salvage zone of 20.00 meters wide from high tide. Therefore lots inside 3970 like Lot 6843 & 6843-A-5 falls to the salvage zone area (see attached Annex I).
- Lot 3969 and 3970 falls within Alienable and Disposable land per LC Map No 1614, Project No. 9-A, Block VIII however, it falls to salvage zone area (see attached Annex II).
- The bearings and distances of the lots plotted (see attached Annex III) were projected as per actual GPS Readings using RTK equipment provided with geographic coordinates of corner 2 of Lot 3947-E with Latitude = 10°46'09.786" and Longitude = 119°19'16.022" using WGS 84 Zone 50 projection. (Point of reference used for projection purposes with respect to its actual position)

The team is on conclusion that Lot 3969, 3970, 6843-A, PSD-48-006641 and 6843-A-5 is found to be inside the salvage zone of 40.00 meters wide from the mangrove area and 20.00 meters wide from the high tide as provided in Article 51 of Presidential Decree 1067 otherwise known as Water Code of the Philippines.

In view of the foregoing, I hereby recommend that this report be forwarded to regional office for information and appropriate action.

DONNA BELLE F. LUENGO
Engineer II/PINRO-Palawan





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Province of Palawan

January 22, 2021

MEMORANDUM
TO

Engr. Donna Belle E. Luengo
Engineer II
This Office

FROM : The Provincial Environment and Natural Resources Officer

SUBJECT : LETTER COMPLAINT DATED FEBRUARY 26, 2019 ON THE ILLEGAL OCCUPATION BY DIAMOND EXPLORE SECURITY AGENCY NOW TAKEN OVER BY LAB SECURITY AND INTELLIGENCE AGENCY LED BY LIBERATO A. BARCELO OVER A PARCEL OF LAND OWNED BY BINGA BEACH BROTHERS INC. (BBB) LOCATED AT SITITO LUMAMBONG, BRGY. BINGA, SAN VICENTE, PALAWAN

Referred is the Memorandum from Regional Executive Director dated December 7, 2020 to conduct ground validation/verification survey covering Lot 3969 & 3970, both Cad.860-D at Bhiga, San Vicente, Palawan.

Please coordinate with the parties concerned to address the expenses to be incurred and the schedule of survey.

For your guidance and compliance.

ERIBERTO B. SAÑOS. C.E.R.

Copy Furnished:

1.	CENRO Roxas, Palawan
2.	Binga Beach Brothers Sitio Lumbabong

DEPT. OF THE ARMY
PALM SPRINGS, CALIF.

20-9023

Ref. No: 222-9023

Sta. Monica, Puerto Princesa City
Telefax (048) 433-5638/email add: denipalawan@yahoo.com

DEC 07 2020

MEMORANDUM

TO : The PENR Officer
Sta. Monica, Puerto Princesa City, Palawan

ATTENTION : CENRO Roxas

FROM : The Regional Executive Director

SUBJECT : LETTER COMPLAINT DATED FEBRUARY 26, 2019 ON THE ILLEGAL OCCUPATION BY DIAMOND EXPLORE SECURITY AGENCY NOW TAKEN OVER BY LAB SECURITY AND INTELLIGENCE AGENCY LED BY LIBERATO A. BARCELO OVER A PARCEL OF LAND OWNED BY BINGA BEACH BROTHERS INC. (BBB) LOCATED AT SITIO LUMAMBONG, BARANGAY BINGA, SAN VICENTE, PALAWAN

This refers to the Memorandum dated November 16, 2020 signed by PENRO Palawan forwarding the Memorandum dated November 06, 2020 in connection to the above subject matter.

In this regard, you are hereby instructed to dispatch survey team to conduct ground validation/verification survey in the subject area covering Lot 3969 and Lot 3970, both lots within CAD 860-D preferably using Real-Time Kinematics (RTK) survey equipment. Coordinate with Binga Beach Brother Inc. (BBB) the schedule of the said survey and require them to send representative to witness the conduct of ground survey.

The conduct of survey is in line with our next legal course of action to be taken by this office on the matter.

Submit your survey report for information.

For compliance.

[Signature]
MARIA LOURDES Q. FERRER, CESO IV²

Copy Received
Office of the Regional Executive Director
Site Lumbong, Barangay Lupa, San Vicente, Palawan

RECEIVED

1515 L.A.S. Building, Roxas Boulevard, Manila, 1200
DENR VOP: (02) 248-3367/248-3368/248-3369/403-4016 local 2700 / 2717
Faxline: (02) 248-3366
Email: denr.vop@denr.gov.ph

Doc ID: 20947



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

MEMORANDUM

TO : The PENR Officer
Sta. Monica, Puerto Princesa City

FROM : The Regional Executive Director

SUBJECT : VERIFICATION SURVEY OF PROPERTY COVERED BY LOT 3947-E, PSD-4B-006641 AND LOT 6843-A-5 IN THE NAME OF MR. NESTOR DISTAL LOCATED AT BRGY. BINGA, SAN VICENTE, PALAWAN

AUG 13 2019
DENR PENRO
PALAWAN RECORDS
RECEIVED
BY: *[Signature]*
DATE: 08/13/19 CN 14-0842
10540

This refers to the survey plan of lot nos. 3947-E, PSD-4B-006641 and 6843-A-5 in the name of Mr. Nestor Distal located at Brgy. Binga, San Vicente, Palawan, as per verification of this office portion of which falls within forestland

In this regard, you are hereby directed to send your survey team headed by Engr. Donna Belle E. Luengo to conduct verification survey to determine the status of the aforementioned lot.

For your immediate action.

[Signature]
HENRY A. ADORNADO, Ph.D.

With my conformity

Michael J. Smith
Michael J. Smith, VII
Land Commissioner

STATE OF TEXAS
COUNTY OF DALLAS

NOTARIAL PUBLIC IN AND FOR THE STATE OF TEXAS

My commission expires 01/01/2011

JOHN SMITH, E. SUBDIVISION ONLY

VERIFICATION FEE

Filed Under



LINE	QUANTITY	UNIT PRICE	TOTAL PRICE
1-2	100	1.50	150.00
3-4	100	1.50	150.00
5-6	100	1.50	150.00
7-8	100	1.50	150.00
9-10	100	1.50	150.00
11-12	100	1.50	150.00
13-14	100	1.50	150.00
15-16	100	1.50	150.00
17-18	100	1.50	150.00
19-20	100	1.50	150.00
21-22	100	1.50	150.00
23-24	100	1.50	150.00
25-26	100	1.50	150.00
27-28	100	1.50	150.00
29-30	100	1.50	150.00
31-32	100	1.50	150.00
33-34	100	1.50	150.00
35-36	100	1.50	150.00
37-38	100	1.50	150.00
39-40	100	1.50	150.00
41-42	100	1.50	150.00
43-44	100	1.50	150.00
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55-56	100	1.50	150.00
57-58	100	1.50	150.00
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81-82	100	1.50	150.00
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85-86	100	1.50	150.00
87-88	100	1.50	150.00
89-90	100	1.50	150.00
91-92	100	1.50	150.00
93-94	100	1.50	150.00
95-96	100	1.50	150.00
97-98	100	1.50	150.00
99-100	100	1.50	150.00

**SUBDIVISION
PLAN**

OF LOT 6843
C&D 68-0-2, BAYVIEW-CLAYTON CADASTRE
AS SURVEYED FOR
HIS. of MONKES A. DISTAL
SITUATED IN T1E
MURRAY CODE:

PLANTAIN CODE: 6328
 SUBURBANITY OF: BRICK
 DISTRICT: CITY OF SAN VICENTE
 PROVINCE OF: PLANTAIN
 BELONGS TO: PLANTAIN
 CONTAINING AN AREA OF 6,328
 ZONE NO. 60 M.
 PROS. PLANTAIN 85
 REVENUES: DUTYFREE
 SCALE 1: 1000

[illegible]

Republic of the Marshall Islands
Department of Transportation and Public Works
LARGE INFRASTRUCTURE PROJECTS
MARSHALL ISLANDS

APPROVED: March 3, 1966
Richard L. Hillman
 Director

This document is the property of the Survey group.
 It is to be used for the purpose of the survey only.
 It is to be returned to the Survey group.

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CS1D-04-632170-1)

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CSD-04-032170-1)

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

Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenroroxaspalawan@denr.gov.ph

May 04, 2022

FOR : The Community Environment and
Natural Resources Officer
Roxas, Palawan

THRU : The Chief, MES

FROM : The Undersigned

SUBJECT : INVESTIGATION AND INSPECTION REPORT IN
REGARDS TO THE LETTER EXECUTED BY MA. LOUELLA
MARTINEZ-ARANAS DATED MARCH 09, 2022 RE: THE
CLASSIFICATION OF BINGA BEACH BROTHERS (BBB)
INC. LOCATED IN SITIO LUMANGBONG, BARANGAY
BINGA, SAN VICENTE, PALAWAN.



Pleased be informed that on or about 9:20 in the morning, May 03, 2022, the undersigned conducted investigation with regards to the letter executed by Ms. Ma. Louella Martinez-Aranas, dated March 09, 2022 re: THE CLASSIFICATION OF BINGA BEACH BROTHERS (BBB) INC. Located in Sitio Lumambong, Barangay Binga, San Vicente, Palawan.

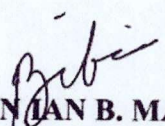
The undersigned found out that the Lab Security Agency owned by Levie Abad Barcelo according to SG Ariel Quincela whose services had been availed by E Luengo Development Corporation who obstructed with fence a portion of the legal easement as prescribed by existing law along the mangrove area at the creek bounded the disputed area, as ordered. The subject area falls within Timberland based on the Land Classification Map, Project No. 9-A, Block J, LC No. 1614 dated September 23, 1952, where the said Security agency violated Section 78 of Presidential Decree No. 705 for occupying the area evidenced by their structures they erected such as Hut made of temporary materials which served as shed during the shifts and roving of guards and concrete posts. There is no more habitation or abode in the subject area but constant guarding of the area by the personnel of the Lab Security Agency is effected.

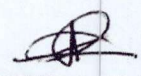
This investigation conducted in the site by the undersigned was coordinated to the Barangay LGU of Barangay Binga, Municipality of San Vicente, Palawan to further involve the Barangay Local Government Officials in the investigations and resolutions of environmental issues and concerns within their jurisdiction.

Due to the violation of our existing laws and regulations, the undersigned recommend to file a criminal charge before the proper court against the Lab Security Agency and Luengo Development Corporation where Mr. David Smith, a foreign national is willing to testify all his personal knowledge against the offense(s) committed by the Lab Security Agency as per instruction or ordered by certain E. Luengo Development Corporation (*client of Lab Security Agency- according to Mr. David Smith*).

Attached are the Geo-tagged pictures taken during the investigation conducted in the subject area for your ready reference.

For information and record.


RONNIE JANN IAN B. MABITASAN
Forest Ranger

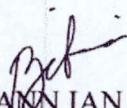

ALONSO A. TABANGAY
Forest Ranger


ROY T. MERCADER
Forest Technician II



CERTIFICATION

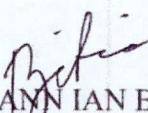
THIS IS TO CERTIFY, that the Geo-tagged pictures shown the actual investigation and inspection by the undersigned within the area occupied by Lab Security Agency and allegedly claimed by E. Luengo Development Corp. located at Sitio Lumambong, Barangay Binga, San Vicente, Palawan.

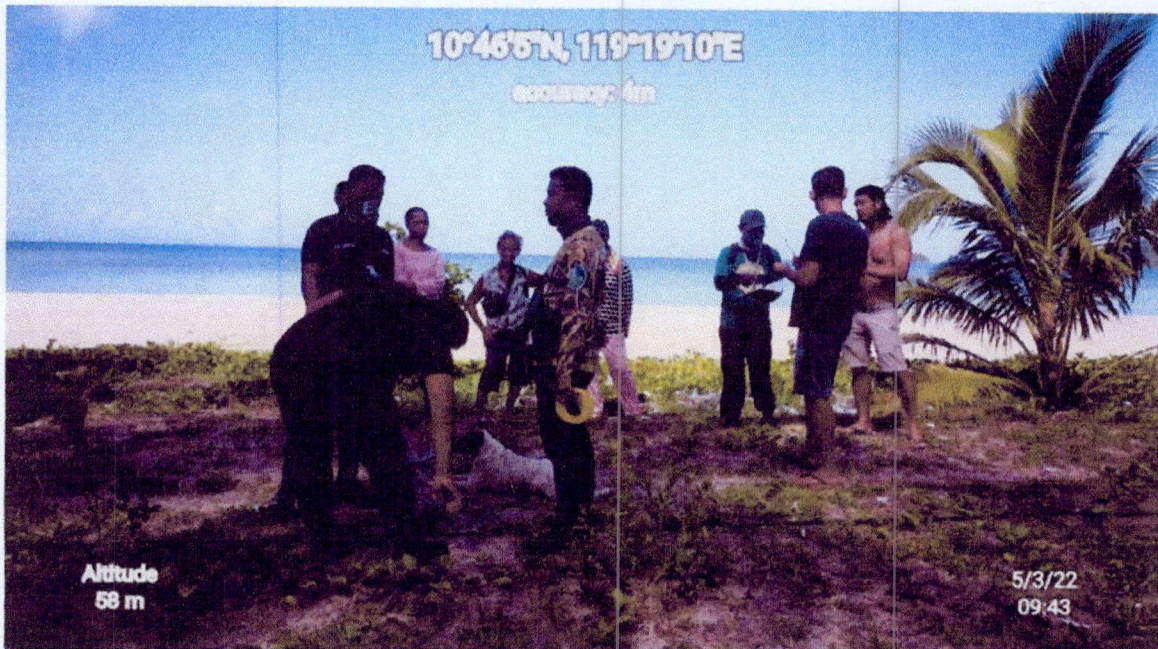

RONNIE JANN IAN B. MABITASAN
Forest Ranger



CERTIFICATION

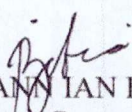
THIS IS TO CERTIFY, that the Geo-tagged pictures shown the actual investigation and inspection by the undersigned within the area occupied by Lab Security Agency and allegedly claimed by E. Luengo Development Corp. located at Sitio Lumambong, Barangay Binga, San Vicente, Palawan.


RONNIE JANN IAN B. MABITASAN
Forest Ranger



CERTIFICATION

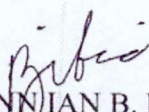
THIS IS TO CERTIFY, that the Geo-tagged pictures shown the actual investigation and inspection by the undersigned within the area occupied by Lab Security Agency and allegedly claimed by E. Luengo Development Corp. located at Sitio Lumambong, Barangay Binga, San Vicente, Palawan.


RONNIE JANN IAN B. MABITASAN
Forest Ranger



CERTIFICATION

THIS IS TO CERTIFY, that the Geo-tagged photo shown the Mangrove trees near the disputed area occupied by LAB Security agency located at Sitio Lumambong, Barangay Binga, San Vicente, Palawan.


RONNIE JANN IAN B. MABITASAN
Forest Ranger



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

May 11, 2022

MEMORANDUM

TO : The Community Environment and Natural Resources Officer
Roxas, Palawan

FROM : The Provincial Environment and Natural Resources Officer

SUBJECT : **LETTER FROM MA. LOUELLA MARTINEZ-ARANAS DATED 09 MARCH 2022 RE: THE CLASSIFICATION OF BINGA BEACH BROTHERS (BBB) INC. LOCATED IN SITIO LUMAMBONG, BARANGAY BINGA, SAN VICENTE, PALAWAN**




DOCUMENTS ATTACHED:

COPY OF MEMORANDUM FROM THE OFFICE OF THE RED DATED APRIL 22, 2022

ACTIONS DESIRED:

- ☒ For information and record
☐ For comments and recommendations
☐ For immediate/strict compliance
☒ Lacking requirements / Special instructions


Please submit the completed staff work (CSW) report pertaining to the same and update The Regional Office of your action taken on the matter.


FRANKLIN G. HERNANDEZ
Chief Management Services Division
In-Charge Office of the PENRO

Copy Furnished:
The Regional Executive Director
DENR MIMAROPA
1515 L&S Bldg.
Roxas Blvd., Manila

DAIF Ref. No. 2022-3626
TSD-RPS-Utilization, JBP

**DENR-PALAWAN
PENRO-RECORDS
RELEASED**

By: 
Date: 17 2022 CN 22-3026



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

APR 22 2022

MEMORANDUM


TO : The PENR Officer
Palawan

ATTN. : The CENR Officer
Roxas, Palawan

FROM : The Regional Executive Director

SUBJECT : LETTER FROM MA. LOUELLA MARTINEZ-ARANAS DATED
09 MARCH 2022 RE: THE CLASSIFICATION OF BINGA
BEACH BROTHERS (BBB) INC. LOCATED IN SITIO
LUMAMBONG, BARANGAY BINGA, SAN VICENTE,
PALAWAN

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: 
DATE: 04-26-2022 22:36:26

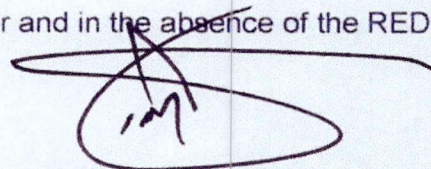
This refers to the above subject.

Please submit the Completed Staff Work (CSW) report pertaining to the same and update this Office on your action taken on the matter.

Further, please update this Office whether your office has already filed a case against Diamond Explore Security Agency in appropriate court of law violating the Easement Rule per Article 51, Republic Act 1067, "Water Code of the Philippines", in view of the findings of the Survey Team that same has persistently defied compliance to the issued NOV's.

For your prompt compliance.

"For and in the absence of the RED":



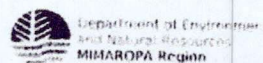
VICENTE B. TUDDAO, JR., Ph.D. CESO IV

Cc:

Regional Executive Director
Chief, Enforcement Division

Kim Gasa
LM Law
Unit 22, 2F Zeta II Bldg. 191 Salcedo St.
Lagaspi Village Makati City

OARDTS/AI/04-06-22



Doc ID: 44936

1515 L. & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP: (02) 248-3367/ 248-3468/ 249-3367/ 405-0416 local 2700 / 2717
Facsimile: (632) 405-0046
Email: mimaroparegion@denr.gov.ph



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

Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenroroxaspalawan@denr.gov.ph

May 30, 2022

FOR : The Community Environment and
Natural Resources Officer
Roxas, Palawan

THRU : The Chief, MES

FROM : The Undersigned

SUBJECT : FOLLOW UP INVESTIGATION IN REGARDS TO THE LETTER
EXECUTED BY MA. LOUELLA MARTINEZ-ARANAS DATED
MARCH 09, 2022 RE: THE CLASSIFICATION OF BINGA BEACH
BROTHERS (BBB) INC. LOCATED IN SITIO LUMAMBONG,
BARANGAY BINGA, SAN VICENTE, PALAWAN.



Please be informed that the undersigned conducted follow up investigation on May 19, 2022 at around 8:50 in the morning pertaining to the letter executed by Atty. Ma. Louella Martinez-Aranas, dated March 09, 2022 re: THE CLASSIFICATION OF BINGA BEACH BROTHERS (BBB) INC. Located in Sitio Lumambong, Barangay Binga, San Vicente, Palawan.

The undersigned found out that the LAB Security and Investigation Agency owned by Levie Abad Barcelo according to SG Ariel Quincela, whose services had been availed by E Luengo Development Corporation, obstructed with fence in a portion of the legal easement as prescribed by existing law along the mangrove area at the creek that bounded the disputed area, ordered accordingly. The subject area falls within Timberland based on the Land Classification Map, Project No. 9-A, Block J, LC No. 1614 dated September 23, 1952, where the said E Luengo Development Corporation violated Section 78 of Presidential Decree No. 705, Article 51 of Presidential Decree No. 1067 and Paragraph (O) and (V) of Republic Act No. 11038 *An Act Declaring Protected and Providing for their Management, Amending for this Purpose Republic Act No. 7586, Otherwise Known As the "National Integrated Protected Areas System (NIPAS) Act of 1992" and for other Purposes*, for occupying the area evidenced by their structures they erected such as Hut made of temporary/light materials which serves as shed during the shifts and roving of guards with a floor area of 35 square meters more or less. There is no more habitation or abode in the subject area but constant guarding of the area is effected by the personnel of the Lab Security and Investigation Agency.

This investigation conducted in the site by the undersigned was coordinated to the Barangay LGU of Barangay Binga, Municipality of San Vicente, Palawan to further involve the Barangay Local Government Officials in the investigations and resolutions of environmental issues and concerns within their jurisdiction.

Due to the violations of our existing laws and regulations, the undersigned recommend to file a criminal charge before the proper court of law against the Lab Security and Investigation Agency and E Luengo Development Corporation where Mr. David Smith, a foreign national is willing to testify all his personal knowledge against the offense(s) committed by the Lab Security and Investigation Agency as per instruction or ordered by certain E. Luengo Development Corporation (*client of Lab Security and Investigation Agency- according to Mr. David Smith*).

Attached are the Geo-tagged pictures taken during the investigation conducted in the subject area for your ready reference.

For information and record.


CHARLIE A. RABANG
Forest Ranger



ALONSO A. TABANGAY
Forest Ranger


ROY T. MERCADER
Forest Technician II



CERTIFICATION

THIS IS TO CERTIFY, that the Geo-tagged pictures showing the actual alleged occupation of Lab Security Agency suited at Sitio Lumangbong, Barangay Binga, San Vicente, Palawan.


 ALONSO A. TABANGAY
 Forest ranger



CERTIFICATION

THIS IS TO CERTIFY, that the Geo-tagged pictures showing the actual alleged occupation of Lab Security Agency suited at Sitio Lumangbong, Barangay Binga, San Vicente, Palawan.


ALONSO A. TABANGAY
Forest ranger

SHOWING THE AREA OCCUPIED BY
LAB SECURITY AGENCY LOCATED SITIO
LUMAMBONG, BARANGAY BINGA,
SAN VICENTE, PALAWAN

0 0.0150.03 0.06 0.09 0.12

Kilometers

SCALE: 1:2,000

Legend

sea_easement

creek_easement

Area occupied by LAB Security Agency

Palawan LC map WGS

Alienable & Disposable

Communal Forest

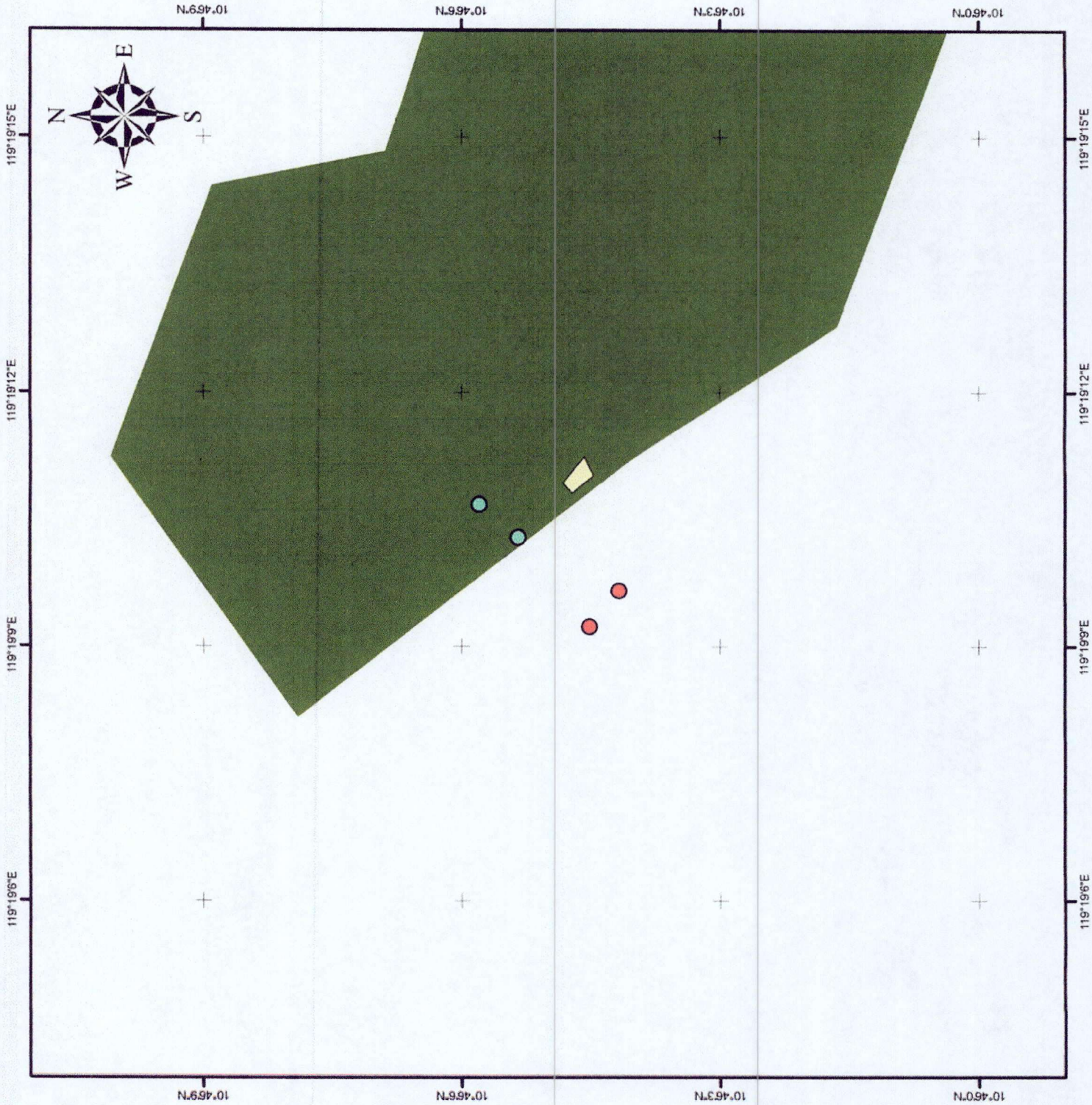
Forestland

No Data

PROCLAMATION 16

UPF

Unclassified Public Forest





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

MEMORANDUM

TO : The Community Environment
and Natural Resources Officer
DENR-CENRO, Roxas, Palawan

FROM : The Provincial Environment
and Natural Resources Officer

SUBJECT : **LETTER REQUEST OF BINGA BEACH BROTHERS (BBB), INC.
REGARDING THE REMOVAL AND DEMOLITION OF
STRUCTURES INCLUDING FENCES ILLEGALLY
CONSTRUCTED WITHIN THE SALVAGE ZONE AND
PROTECTED AREA LOCATED IN BINGA, SAN VICENTE,
PALAWAN**

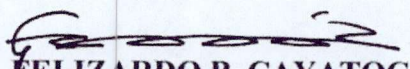
Referred is the memorandum from Maximo C. Landrito, OIC Assistant Regional Director for Technical Services of MIMAROPA Region dated July 1, 2022 relative the above subject.


Per memorandum, OIC ARD Landrito referred the letter dated May 20, 2022 from Ma. Louella Martinez-Aranas, Managing Partner of Binga Beach Brothers, Inc. pertaining the removal and demolition of structures and fences illegally constructed in the Salvage Zone and Protected Area located at Lumambong Beach Road, Barangay Binga, San Vicente, Palawan.

In line with this, you are hereby instructed to monitor, conduct investigation and submit update report with recommendation on the matter for monitoring purposes.

For information and strict compliance.

Copy Furnished:
The RED, DENR MIMAROPA mimaroparegion@denr.gov.ph
The Enforcement Division, DENR MIMAROPA enforcement.mimaropa@gmail.com
File/2022-024ACG/MES Doc. Ref. No. 2022-5801


FELIZARDO B. CAYATOC

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By: 
Date: 14 JUL 2022 N 22-5801



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

MEMORANDUM

JUL 01 2022

TO : PENR Officer
PENRO-Palawan

ATTN : CENR Officer
CENRO-Roxas

FROM : The OIC, Assistant Regional Director for Technical Services

SUBJECT : LETTER REQUEST OF BINGA BEACH BROTHERS (BBB)
INC. REGARDING THE REMOVAL AND DEMOLITION OF
STRUCTURES INCLUDING FENCES ILLEGALLY
CONSTRUCTED WITHIN THE SALVAGE ZONE AND
PROTECTED AREA LOCATED IN BINGA, SAN VICENTE,
PALAWAN

DENR PENRO
PALAWAN RECORDS
RECEIVED

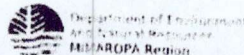
BY: *[Signature]*
DATE: 07-07-2022 22:5801

We are forwarding the letter dated May 20, 2022 of Ma. Louella Martinez-Aranas to your office pertaining to the above-subject and update this Office on the action taken thereof.

Please direct your reply to the client BBB for information and guidance.

For compliance, please.

[Signature]
MAXIMO C. LANDRITO

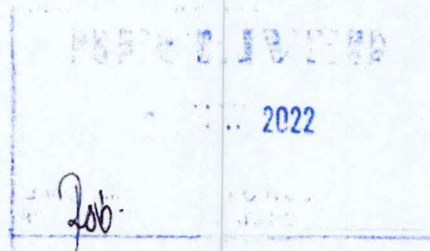


Doc ID: 87546

ARDTS/AI/06/29/22

1515 L. & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP: (02) 248-3367/ 248-3468/ 249-3367/ 405-0416 local 2700 / 2717
Facsimile: (632) 405-0046
Email: mimaroparegion@denr.gov.ph

20 May 2022



Department of Environment and Natural Resources
DENR-MIMAROPA Region
1515 L & S Building,
Roxas Boulevard,
Ermita, Manila

TO : **Vicente B. Tuddao, Jr., Ph.D., CESO IV**
Assistant Regional Director for Technical Services

CC : **Lormelyn E. Claudio, CESO IV**
OIC, Regional Executive Director

SUBJECT : **DENR MIMAROPA REGION**
MEMORANDUM dated 22 April 2022

Dear ARD Tuddao,

We write to you on behalf of our client **BINGA BEACH BROTHERS, INC., ("BBB")**, regarding the removal and demolition of structures and fences illegally constructed in the "Salvage Zone" and/or Protected Area located in front of their property at Lumambong Beach Rd., Binga, San Vicente, Palawan, 5309.

On 28 April 2022, we received a copy of the Memorandum dated 22 April 2022 addressed to PENRO Palawan and CENRO Roxas. In the said document, this office ordered the said authorities to furnish the Office of the Regional Executive Director with a Completed Staff Work (CWS) report and a case update on their actions taken to remove the illegal fences.

We would like to respectfully follow up on the current status of the above-mentioned order.

We trust that you will give this matter preferential attention.

Thank you.

Very respectfully yours,

LMA LAW

By:

MA. LOUELLA MARTINEZ-ARANAS
Managing Partner

Unit 22, 2nd Floor Zeta Bldg. 191 Salcedo St., Legaspi Village Makati City 1229

+63 02 751 0849 / +63 02 623 1301

lmartanas@lmalaw.org • www.lmalaw.org



Republic of the Philippines
Department of Environment and Natural Resources

Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenroroxaspalawan@denr.gov.ph

July 19, 2022

MEMORANDUM

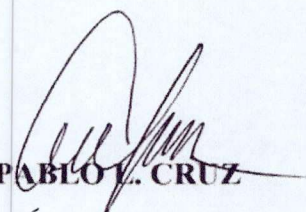
FOR : The Provincial Environment and
Natural Resources Officer
Sta. Monica, Puerto Princesa City

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : **LETTER REQUEST OF BINGA BEACH BROTHERS (BBB)
INC. REGARDING THE REMOVAL AND DEMOLITION OF
STRUCTURES INCLUDING FENCES ILLEGALLY
CONSTRUCTED WITHIN THE SALVAGE ZONE AND
PROTECTED AREA LOCATED IN BINGA, SAN VICENTE,
PALAWAN**

This is in reference with the memorandum of the OIC, Assistant Regional Director for Technical Services dated July 1, 2022 on the follow-up letter of LMA LAW Ma. Louella Martine-Aranas regarding the abovementioned subject. Please be informed that this Office, due to dearth of information, is having a hard time on finding witnesses who are willing to execute testimonies against any individuals responsible in the installation of fences in the said area. Rest assured that as soon as the required documents are at hand, the appropriate case(s) shall be immediately filed in court.

For information.


PABLO V. CRUZ
8

DENR-CENRO ROXAS
RELEASED
DATE: JUL 19 2022
BY: 
DOC. NO. 2022-07-1120



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

Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenrroxaspalawan@denr.gov.ph

August 2, 2022

FOR : The Community Environment and
Natural Resources Officer
Roxas, Palawan

THRU : The Chief, MES

FROM : The Undersigned



**SUBJECT : FOLLOW UP INVESTIGATION REGARDING THE LETTER
EXECUTED BY MA. LOUELLA MARTINEZ-ARANAS MAY 20, 2022 RE:
THE REMOVAL AND DEMOLITION OF STRUCTURES AND FENCES
ILLEGALLY CONSTRUCTED IN THE "SALVAGE ZONE" AND/OR
PROTECTED AREA LOCATED IN FRONT OF BINGA BEACH
BROTHERS (BBB) INC. LOCATED AT SITIO LUMAMBONG,
BARANGAY BINGA, SAN VICENTE, PALAWAN.**

This is in reference to the memorandum of PENRO Felizardo B. Cayatoc dated July 12, 2022 to monitor and conduct investigation regarding the letter request of Binga Beach Brothers (BBB), Inc.

Please be informed that the undersigned conducted follow up investigation on the above mentioned subject last July 27, 2022 at around 2:20 PM, we the undersigned together with Barangay Kagawad Julius C. Fernandez of the said Barangay proceeded to the Binga Beach Brothers (BBB) resort and conducted the above-mentioned subject. Based on our interview to Ms. Mylen San Diego (Staff of BBB resort), she mentioned that last June 13, 2022 at around 4 PM the security guard of LAB Security Agency removed the installed fences in the mangrove forest areas adjacent to their area (BBB resort), the mangrove forest areas is now utilize by the BBB resort as walkway going to the Beach area.

In that same date, Mr. Smith called Ms. Jane Distal (thru phone call) to join our investigation activity. Ms. Distal arrived and mentioned to the undersigned that the Security guards of the said Security Agency is still conducting roving patrolling on some part of the area they claimed, and they were restricted in gathering coconut as well as prohibited to conduct cleaning activities in the area. Further, Ms. Distal express her willingness to execute her testimonies against the offense(s) committed by the aforementioned Security Agency and also added that she is willing to convince the adjacent lot claimant to testify.

During ground verification, we observed that the fences previously installed in the said mangrove forest areas are now removed and not seen therein. However, the one (1) unit nipa hut that utilize as shed by security guard of abovementioned agency was still erected thereat.

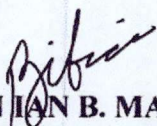
This investigation conducted by the undersigned was coordinated to the Barangay LGU of Barangay Binga, San Vicente, Palawan to further inform the Barangay Officials in the activity.

In light of the above, the undersigned who conducted the investigation respectfully submit the following recommendations:

- If possible, file appropriate complaint to the owner or the said Security Agency for not removing their one (1) unit nipa hut structure that still within the area of 40 meters easement setback and within the Forestland.
- Conduct Information Education Campaign on the said Barangays regarding Forestry.

Attached are the Geo-tagged pictures taken during the investigation your ready reference.

For information and record.


RONNIE JANN IAN B. MABITASAN
Forest Ranger


MARK WILLIAMS R. SOTOZA
Forest Ranger



ALONSO A. TABANGAY
Forest Ranger

PHOTO DOCUMENTATION



CERTIFICATION

THIS IS TO CERTIFY that the Geo-tagged pictures showing the removal of fences illegally constructed of Lab Security Agency suited at Sitio Lumangbong, Barangay Binga, San Vicente, Palawan.

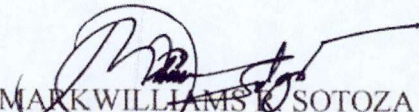

MARK WILLIAMS SOTOZA
Forest Ranger

PHOTO DOCUMENTATION



CERTIFICATION

THIS IS TO CERTIFY that the Geo-tagged pictures showing the the erected hut which serves as shed during the shifts of roving guards suited at Sitio Lumangbong, Barangay Binga, San Vicente, Palawan.

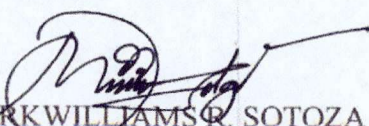

MARK WILLIAMS R. SOTOZA
Forest Ranger

PHOTO DOCUMENTATION



CERTIFICATION

THIS IS TO CERTIFY that the Geo-tagged pictures showing the removal of fences illegally constructed of Lab Security Agency suited at Sitio Lumangbong, Barangay Binga, San Vicente, Palawan.


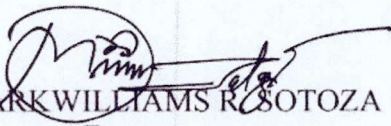

MARK WILLIAMS R. SOTOZA
Forest Ranger

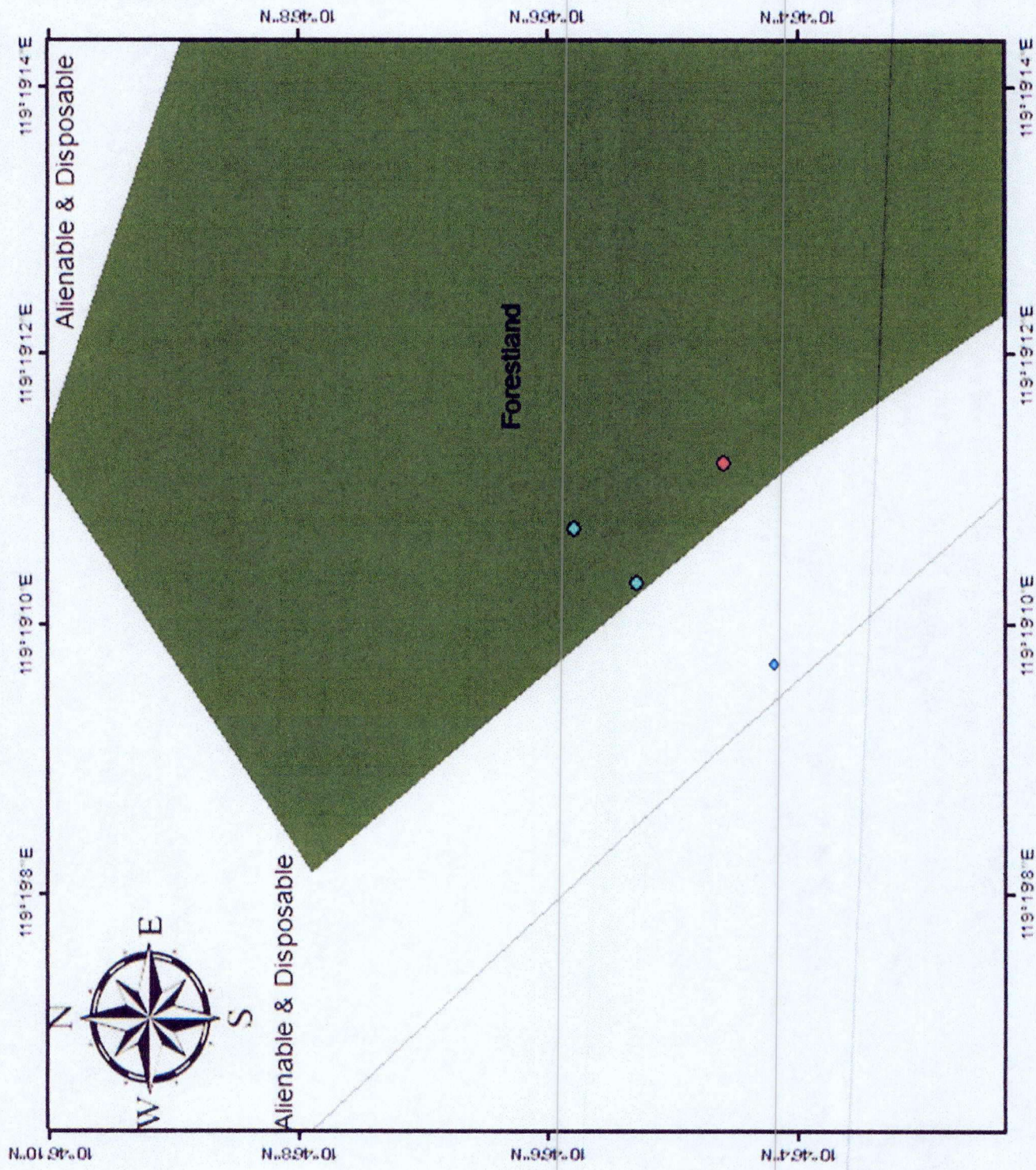
PHOTO DOCUMENTATION



CERTIFICATION

THIS IS TO CERTIFY, that the Geo-tagged pictures showing the hut utilize as shed by security guards of Lab Security Agency suited at Sitio Lumangbong, Barangay Binga, San Vicente, Palawan.


MARK WILLIAMS ROSOTOZA
Forest ranger



SHOWING THE AREA OF LOCATION
OF THE NIPA HUT SHED OF LAB
SECURITY AND INVESTIGATION AGENCY
LOCATED AT SITIO LU MAMBONG
BARANGAY BINGA, SAN VICENTE
PALAWAN.

SCALE 1: 1,250

Legend

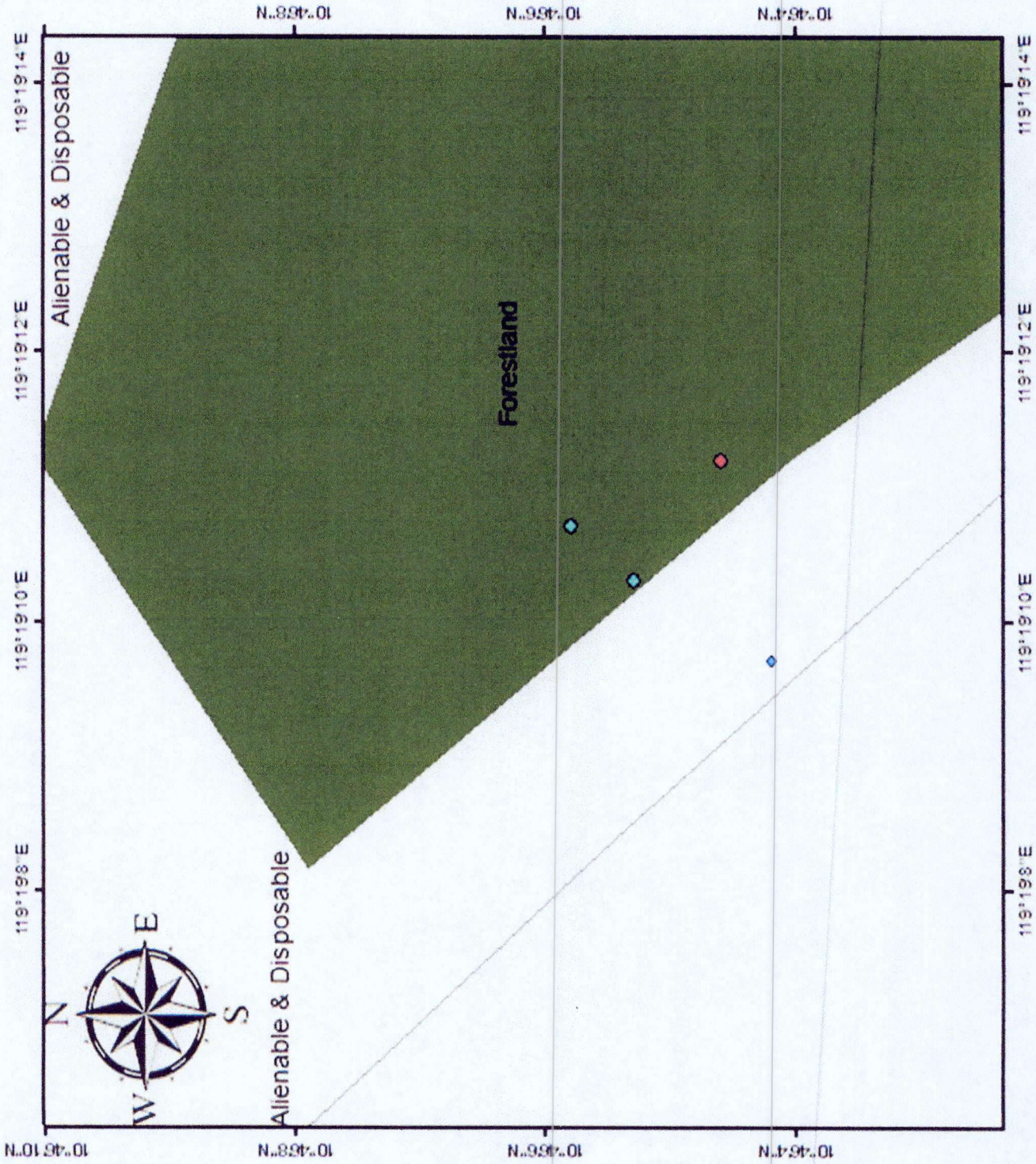
- ◆ Easement Beach Front
- ◆ Creek Easement
- ◆ location of Nipa hut shed

Palawan LC map WGS

<all other values>

LC_STATUS

- Alienable & Disposable
- Communal Forest
- Forestland
- No Data
- PROCLAMATION 18
- UPF
- Unclassified Public Forest



SHOWING THE AREA OF LOCATION
OF THE NIPA HUT SHED OF LAB
SECURITY AND INVESTIGATION AGENCY
LOCATED AT SITIO LU MAMBONG
BARANGAY BINGA, SAN VICENTE
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SCALE 1: 1,250

Legend

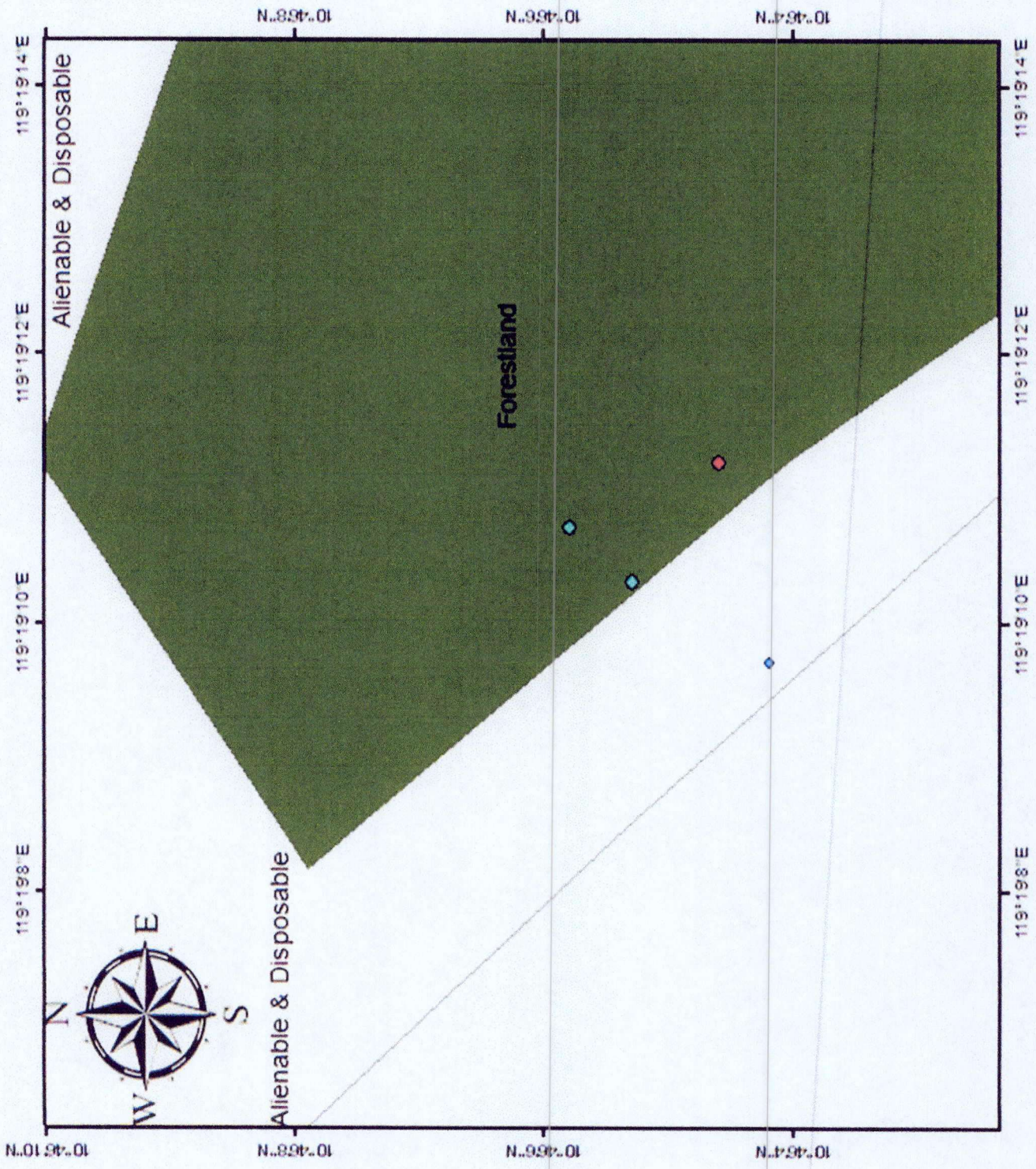
- ◆ Easement Beach Front
- ◆ Creek Easement
- ◆ location of Nipa hut shed

Palawan LC map WGS

<all other values>

LC_STATUS

- Alienable & Disposable
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- No Data
- PROCLAMATION 16
- UPF
- Unclassified Public Forest



SHOWING THE AREA OF LOCATION OF THE NIPA HUT SHED OF LAB SECURITY AND INVESTIGATION AGENCY LOCATED AT SITIO LUMAMBONG BARANGAY BINGA, SAN VICENTE PALAWAN.

SCALE 1: 1,250

Legend

- Easement Beach Front
- Creek Easement
- location of Nipa hut shed

Palawan LC map WGS

LC_STATUS

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- UPP
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