



Red

April 5, 2023

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 DENR By the Bay Building,
Roxas Blvd., Bgy. 668, Ermita, Manila

THRU : The ARD for Technical Services

FROM : The PENR Officer
Puerto Princesa City

SUBJECT : **GROUNDING INCIDENTS IN TUBBATAHA REEFS**


Respectfully forwarded is the Incident Report submitted thru email by Tubbataha Management Office (TMO) regarding the two (2) agrounding incidents that occurred within the park.

Per report submitted, M/Y Resolute and M/Y Stella Maris Explorer run aground last March 27 and 28, 2023. Both vessels caused damaged to the coral reefs of TRNP. A total of 133.36 square meters of corals were damaged by M/Y Resolute while 79.6 square meters by M/Y Stella Maris Explorer.


The TMO-PAMO is on the process of building an administrative case against the two (2) offenders before the Tubbataha Adjudication Board (TAB). An EXECOM meeting was conducted on April 4, 2023 and discussed the said incidents with a decision that TMO-PAMO PASu Angelique Songco to coordinate with the DENR PENRO and PCSDS Legal to prepare the necessary documentary support for the filing of the said case.

Updates/development on this case will be submitted to that office soonest, including finality of action.

For information and record.


FELIZARDO B. CAYATOC



**DENR-PALAWAN
PENRO-RECORDS
RELEASED**
By 
Date: **13 APR 2023** CN **23-950**



DENR PENRO Palawan <penropalawan@denr.gov.ph>
PALAWAN RECORDS
RECEIVED

Grounding incidents in Tubbataha Reefs

BY: [Signature]
DATE: 04-04-2023 CN 23-3089

Mon, Apr 3, 2023 at 3:23 PM

Tubbataha Reefs Natural Park <tubbataha88@gmail.com>

To: PCG DISTRICTPAL <cgdpal.pcg@gmail.com>, Glenda Cadigal <a9237705@yahoo.com>, "Capt. NAVAL FORCES WEST" <nf1nfw@gmail.com>, DENR Region IV-B <mimaroparegion@denr.gov.ph>, "Gov. Dennis Socrates" <palawan.gov.socrates@gmail.com>, Sergio Tapalla <boytops_tatos@yahoo.com.ph>, Trin Custodio <tcustodio@wwf.org.ph>, Coast Guard Station Puerto Princesa <cgspuertoprincesa1968@gmail.com>, Secretary of WesCom Deputy <dcwcopns01@gmail.com>, Marivel Dygico <mdygico@wwf.org.ph>, fbcayatocenro2019@gmail.com, Cgdpal <cgdpal@coastguard.gov.ph>, WesCom Commanders Office <ou7wescomafppalawan@gmail.com>, Navforwest NF3 <nf3.hnavforwest@gmail.com>, Michaela Alyssa <michaelambundac.law@gmail.com>, DENR PENRO <penropalawan@denr.gov.ph>, PCSD- Office of Executive Director <oed@pcsd.gov.ph>, Naval Forces <navalforceswest@gmail.com>, Chrisma Salao <csalao@wwf.org.ph>, Rhodora Ubani <rhodora_ubani@yahoo.com>

Dear Tubbataha Adjudication Board (TAB) members,

We would like to inform you of the two grounding incidents that happened last week. The M/Y Resolute ran aground on March 27 and the M/Y Stella Maris on March 28. We have filed two cases for violation of Chapter 4, Rule 21 (Damage to the Reef) in the IRR of R.A. 10067. Please see attached incident reports and admin complaints for your reference.

In line with this, may we request your availability for a **TAB meeting tomorrow, 4 April, 3:00 pm, via Zoom** to discuss these two cases? Please see below Zoom details:

Topic: TAB Meeting

Time: Apr 4, 2023 03:00 PM Taipei

Join Zoom Meeting

<https://us02web.zoom.us/j/84986897444?pwd=ZktHaGZ6Q0h5a1AweTZSRWNBNVlhZDZ09>

Meeting ID: 849 8689 7444

Passcode: 546552

Thank you very much and we hope to hear from you soon.

Best regards,

Gerlie Gedorla
TAB Secretary

INCIDENT REPORT

GROUNDING OF M/Y RESOLUTE

Mga bandang 1300H, March 27, 2023, napansin ni Dany Lausing (LGU-Cagayancillo) na ang M/Y Resolute ay nabahura sa bandang likuran o timog kanluran ng mooring bouy Ranger Station Number 2. Agad na tinawagan ni CGNO Russelkhan Gadjala sa pamamagitan ng marineband radio channel 16 para alamin kung ano ang nagyari sa kanilang barko dahil napansin namin na ang position ng barko ay nasa mababaw na tubig. Sa kasamaang palad ilang beses kame tumatawag pero hinde sila sumasagot kaya kame nalang ang pumunta doon sakay ng aming patrol boat at dinghy.

Nang dumating kame sa naturang lugar aming napansin na ang M/Y Resolute ay nakapatong na pala sa corals. Agad na bumaba si Noel Bundal (TMO-MPR) sa tubig para alamin ang kalagayan ng barko. At nakita niya na nakapatong nga ang barko sa corals at kinunan niya ito ng litrato. Agad ko ding kinunan ng position ang naturang pagsadsad sa pamamagitan ng aming Garmin GPSMAP 64s at aming napag alaman na ito ay nasa coordinates na 8°50.730 N, 119°54.690 E. Tinawagan ko ang P/Y Palau Sport sa pamamagitan ng aming marineband channel 16 na tulungang na hilain ang nasabing barko. At narinig ko din na tumawag ang M/Y Resolute sa M/Y Stella Mariz na hilain sila at nahila naman nila ang M/Y Resolute sa pagkabahura bandang 1400H.

Pinuntahan namin ang M/Y Resolute para kumuha ng isang witness para sukatin ang nasirang bahura. Sinukat namin ang pinsala sa corals ng pagkakabahura ng M/Y Resolute kasama ang boat manager nito na si Vanessa Jessica Valderama upang tumulong at saksihan ang pagsukat sa mga pinsala sa mga corals. Pagkatapos ay hinatid namin si Ms. Valderama sa M/Y Resolute at umaakyat ng dalawang marine park rangers na sina Segundo Conales Jr. at Cresencio Caranay Jr., upang ipaliwanag sa may-ari ang nagawang pagsukat. Pagkatapos bumaba ang kasamahan naming dalawang marine park rangers mula sa M/Y Resolute at dumiretso na kame pabalik sa ranger station para gumawa ng paunang salaysay para ipasa sa Tubbataha Management Office.

Aming napag alaman na ang kabuuang pinsala sa bahura ay 133.36 square meters.

Isinagawa ni:

Noted ni:

Jeffrey M. David
TMO-MPR

PO2 Valentino C Facun PN
POIC

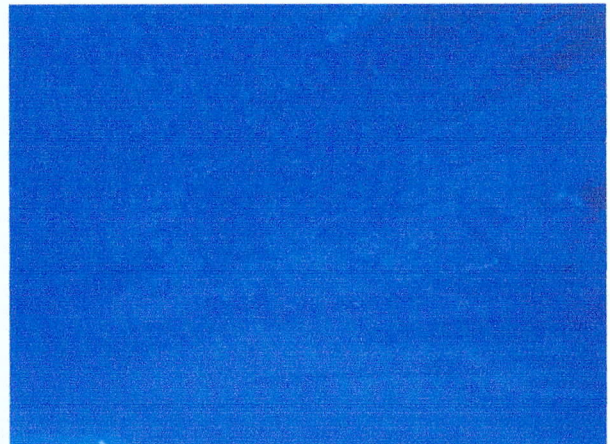
Attachment:

1. Photos of the incident
2. Damage measurement

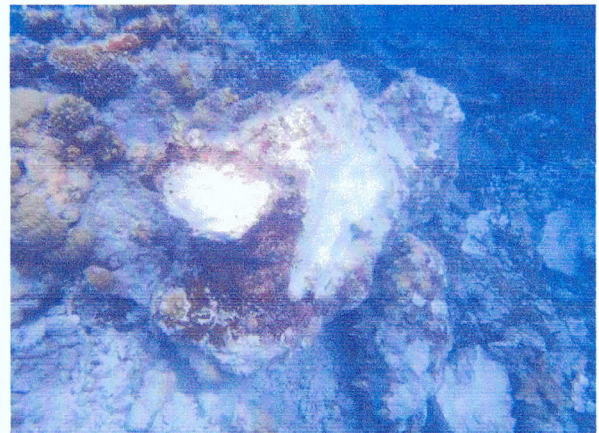
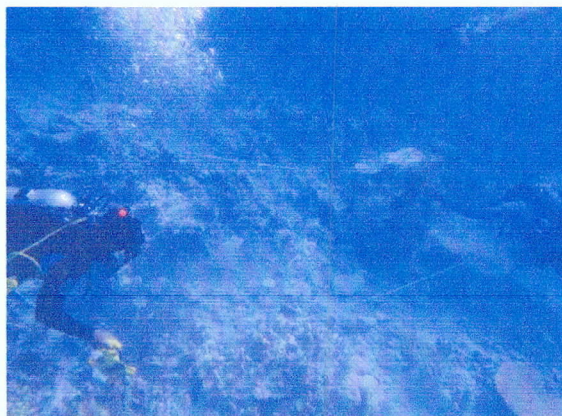
*****ORIGINAL SIGNED. TRANSMITTED ELECTRONICALLY. *****

PHOTOS RE GROUNDING OF M/Y RESOLUTE IN TUBBATAHA REEFS NATURAL PARK
27 March 2023

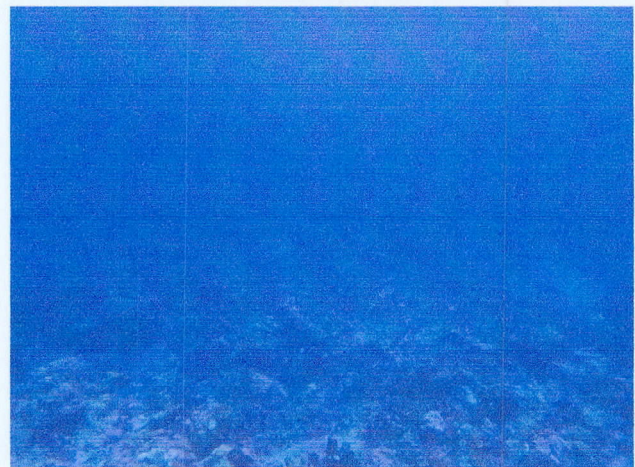
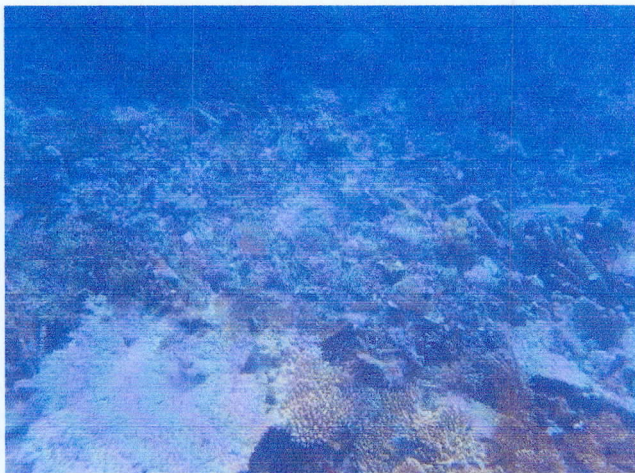
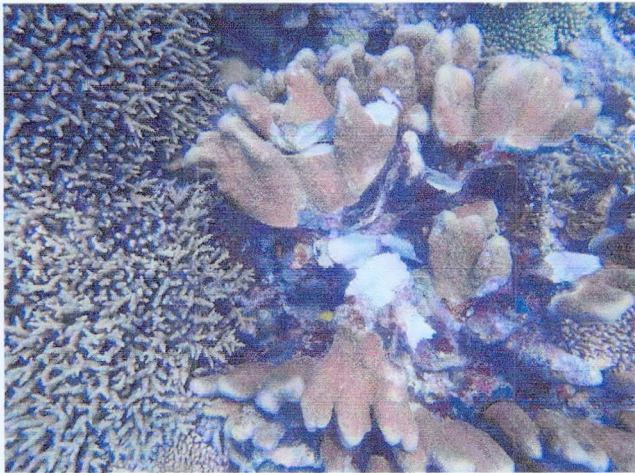
I. M/Y RESOLUTE ON TOP OF THE REEFS AND ITS HULL WITH SCRATCHES FROM RUNNING AGROUND (Photos: JEFFREY M. DAVID)



II. MARINE PARK RANGERS AND A REPRESENTATIVE FROM M/Y RESOLUTE CONDUCTING MEASUREMENT OF CORAL DAMAGES (Photos: JEFFREY M. DAVID)



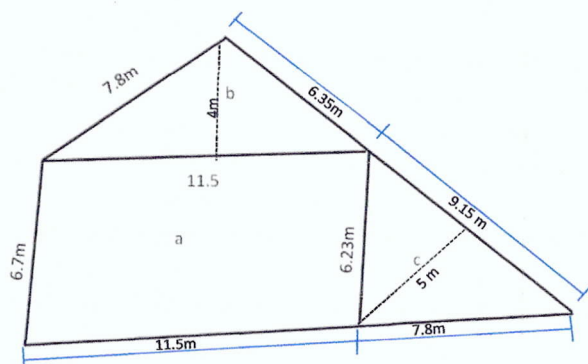
PHOTOS RE GROUNDING OF M/Y RESOLUTE IN TUBBATAHA REEFS NATURAL PARK
27 March 2023



COMPUTATION OF CORAL DAMAGES: M/Y RESOLUTE

DATE: 27 MARCH 2023

PLOT 1

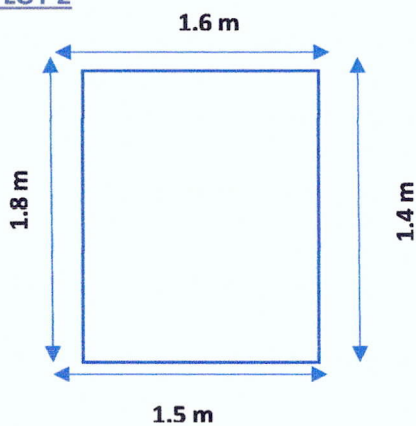


LxW	= 11.5 * (6.23+6.7/2)
TOTAL (a)	74.35 SQM

1/2bh	= 1/2(11.5)*4
TOTAL (b)	23 SQM

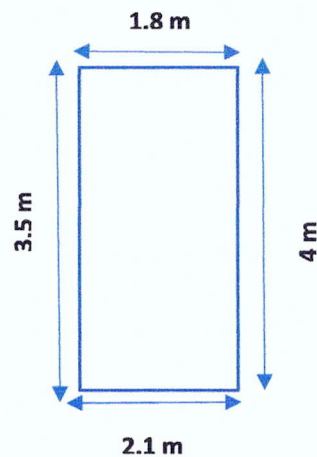
1/2bh	= 1/2(9.15)*5
TOTAL (c)	22.88 SQM

PLOT 2



LxW	= (1.5+1.6)/2 * (1.8+1.4)/2
TOTAL	2.48 SQM

PLOT 3

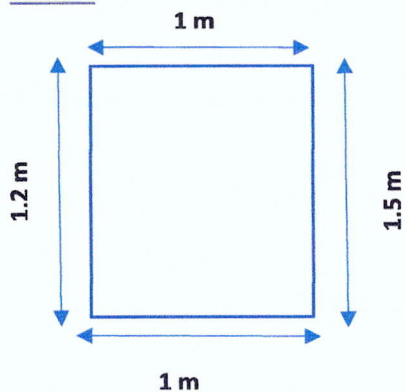


LxW	= (2.1+1.8)/2 * (3.5+4.8)/2
TOTAL (c)	7.3 SQM

COMPUTATION OF CORAL DAMAGES: M/Y RESOLUTE

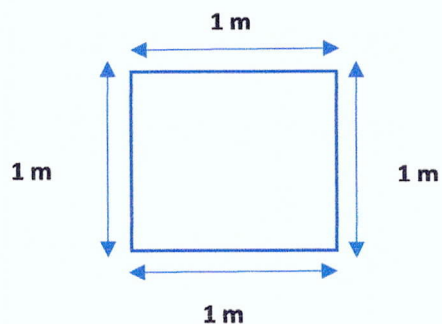
DATE: 27 MARCH 2023

PLOT 4



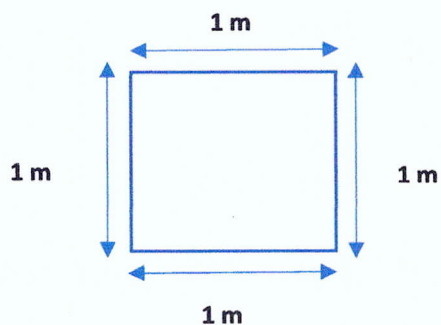
LxW	= $1 * (1.2+1.5)/2$
TOTAL	1.35 SQM

PLOT 5



LxW	= $1 * 1$
TOTAL	1 SQM

PLOT 6



LxW	= $1 * 1$
TOTAL	1

SUMMARY

Plot No.	Area (SQM)
1	120.23
2	2.4
3	7.3
4	1.3
5	1
6	1
Total	133.36



Tubbataha Management Office
Tubbataha Reefs Natural Park & World Heritage Site

TUBBATAHA MANAGEMENT OFFICE
Represented by ANGELIQUE SONGCO,
Complainant,

TAB ADMIN CASE No. 23-11

- FOR:

- versus-

MR. ERNESTO T. BATUNGBACAL
(OWNER), MS. VANESSA JESSICA
VALDERAMA (BOAT MANAGER), MR.
MAXIMO CARANDANG (BOAT
CAPTAIN), of M/Y RESOLUTE,
Respondents.

Violation of Chapter 4, Rule
21 (Damage to the Reef) of
TPAMB Admin Order No. 1,
Series of 2017.

X- - - - -X

ADMINISTRATIVE COMPLAINT

The undersigned, Protected Area Superintendent of the Tubbataha Reefs Natural Park and World Heritage Site (TRNP), under oath hereby charge MR. ERNESTO T. BATUNGBACAL, Owner, MS. VANESSA JESSICA VALDERAMA, Boat Manager, MR. MAXIMO CARANDANG, Boat Captain, all of legal age and with office address at Room 307 Golden Sun Building 29 Mindanao Avenue, Bagong Pag-asa Quezon City, NCR, 1105, for the "VIOLATION OF CHAPTER 4, RULE 21 (Damage to the Reef) of TPAMB ADMINISTRATIVE ORDER NO. 1, S. 2017 as defined and penalized under the same Order, committed as follows:

'That on or about 01:00 PM of 27 March 2023, Marine Park Ranger (MPR) Danny Lausing noticed that M/Y Resolute was on top of the reef in the vicinity of mooring buoy No. 2 near the ranger station. MPR CGNO Russelkhan Gadjala tried to communicate several times with M/Y Resolute to verify the situation but did not receive an answer from M/Y Resolute.

The marine park rangers organized a team to check the situation. Upon arrival in the area, they confirmed that the boat had run aground. MPR Jeffrey David called for help from P/Y Palau Sport, while an M/Y Resolute representative called M/Y Stella Maris to assist in extracting the boat from the reef.

The MPR team composed of Segundo F. Conales Jr., Cresencio F. Caranay Jr., Jeffrey M. David, and Noel Bundal, together with the boat manager of M/Y Resolute, Ms. Vanessa Jessica Valderama, assessed the situation and measured the total coral damage.

The team estimated the total coral damage to be 133.36 square meters. Pursuant to Chapter 4, Rule 21 of Admin Order No.1, s 2017, violators shall be

liable for the payment of an administrative fine of not less than Twelve Thousand Pesos per square meter, in this case, One Million Six Hundred Thousand and Three Hundred Twenty Pesos (PhP1,600,320.00) and for the cost of restoration of not less than Twelve Thousand Pesos per square meter or , One Million Six Hundred Thousand and Three Hundred Twenty Pesos (PhP1,600,320.00). The total fine for coral damage and restoration is Three Million Two Hundred Thousand and Six Hundred Forty Pesos (PhP3,200,640.00).

Contrary to Law
Province of Palawan, Philippines
_____ March 2023


ANGELIQUE M. SONGCO
Complainant

SUBSCRIBED AND SWORN TO before me this MAR 31 2023 day of 2023 at
Puerto Princesa City, complainant exhibiting to me her CTC Nr.
_____ issued on _____ 2023 at Puerto Princesa City.



ATTY. MICHAELA ALYSSA BUNDAC
Notary Public

Doc No: 284
Page No: 58
Book No: 1
Series of: 2023

Witnesses:

Cresencio P. Caranay, TMO
Jeffrey M. David, TMO
Noel Bundal, TMO
Segundo F. Conales, Jr., TMO




ATTY. MICHAELA ALYSSA M. BUNDAC
NOTARY PUBLIC
FOR PALAWAN
UNTIL DECEMBER 31, 2023
COMMISSION NO. 2022-047
PTR NO. 1751306 / JANUARY 10, 2023 / PPC
IBP NO. 273446 / JANUARY 06, 2023
Roll NO. 79389
TIN: 724-019-919
MCLE COMPLAINT NO. VIII-0000185

Exhibits:

Exhibit A: Incident Report

INCIDENT REPORT

GROUNDING OF M/Y STELLA MARIS EXPLORER

1. O/A 28 0520H MARCH 2023, PERS OF THIS SBTN CGNO CANALON RECIEVED RADIO CALL THROUGH MARINEBAND CHANNEL 16 FROM M/Y STELLA MARIS EXPLORER, AND WAS INFORMED THAT THE SAID VESSEL RUN AGROUND NEAR AMOS ROCK DIVE SITE DUE TO MALFUNCTION OF STEERING.
2. O/A 28 0530H MARCH 2023, PERSONNEL OF THIS SUBSTATION TOGETHER WITH PN, TMO AND LGU IMMEDIATELY BOARDED THE RANGER PATROL BOAT AND PROCEEDED TO AMOS ROCK TO CONDUCT INSPECTION OF THE STATUS OF M/Y STELLA MARIS EXPLORER AND THE REEF. THE TEAM FOUND OUT THAT THE HULL HAS SCRATCHES AND WAS NEGATIVE FROM OIL SPILL. JEFFREY DAVID OF TMO DOCUMENTED THE GPS LOCATION AS FOLLOWS: LATITUDE 08'51.003' N LONGITUDE 119'53.324' E.
3. O/A 0600H SAME DATE, P/Y PALAU SPORT TRIED TO TOW M/Y STELLA MARIZ EXPLORER BUT WITH NEGATIVE RESULT DUE TO LOW SEA LEVEL. PERSONNEL OF THIS SUBSTATION ADVISED THE BOAT CAPTAIN TO WAIT FOR HIGH TIDE.
4. O/A 0906H SAME DATE CMA WATER LEVEL WAS HIGHER. SEGUNDO CONALES JR. ADVISED THE BOAT CAPTAIN TO START THE MAIN ENGINE AND TRY TO PULL OUT WITH THE ASSISTANCE OF THEIR TWO CHASE BOATS.
5. O/A 0915H SAME DATE, M/Y STELLA MARIZ WAS PULLED OUT FROM THE REEFS. PERSONNEL OF THIS SUBSTATION ADVISED THE CAPTAIN TO PROCEED TO MOORING BUOY RS NUMBER TWO FOR OCCULAR INSPECTION OF ITS HULL.
6. O/A 1010H SAME DATE, THE TEAM TOGETHER WITH A REPRESENTATIVE FROM M/Y STELLA MARIZ EXPLORER DIVE MASTER (EDISON TORREMACHA) PROCEED TO THE DAMAGED AREA TO CONDUCT AN ASSESSMENT OF THE REEFS AND FOUND OUT THAT THE TOTAL CORAL DAMAGE WAS 79.6 SQM.

PREPARED BY:

NOTED BY:

JEFFREY M. DAVID
TMO-MPR

PO2 VALENTINO C. FACUN PN
POIC

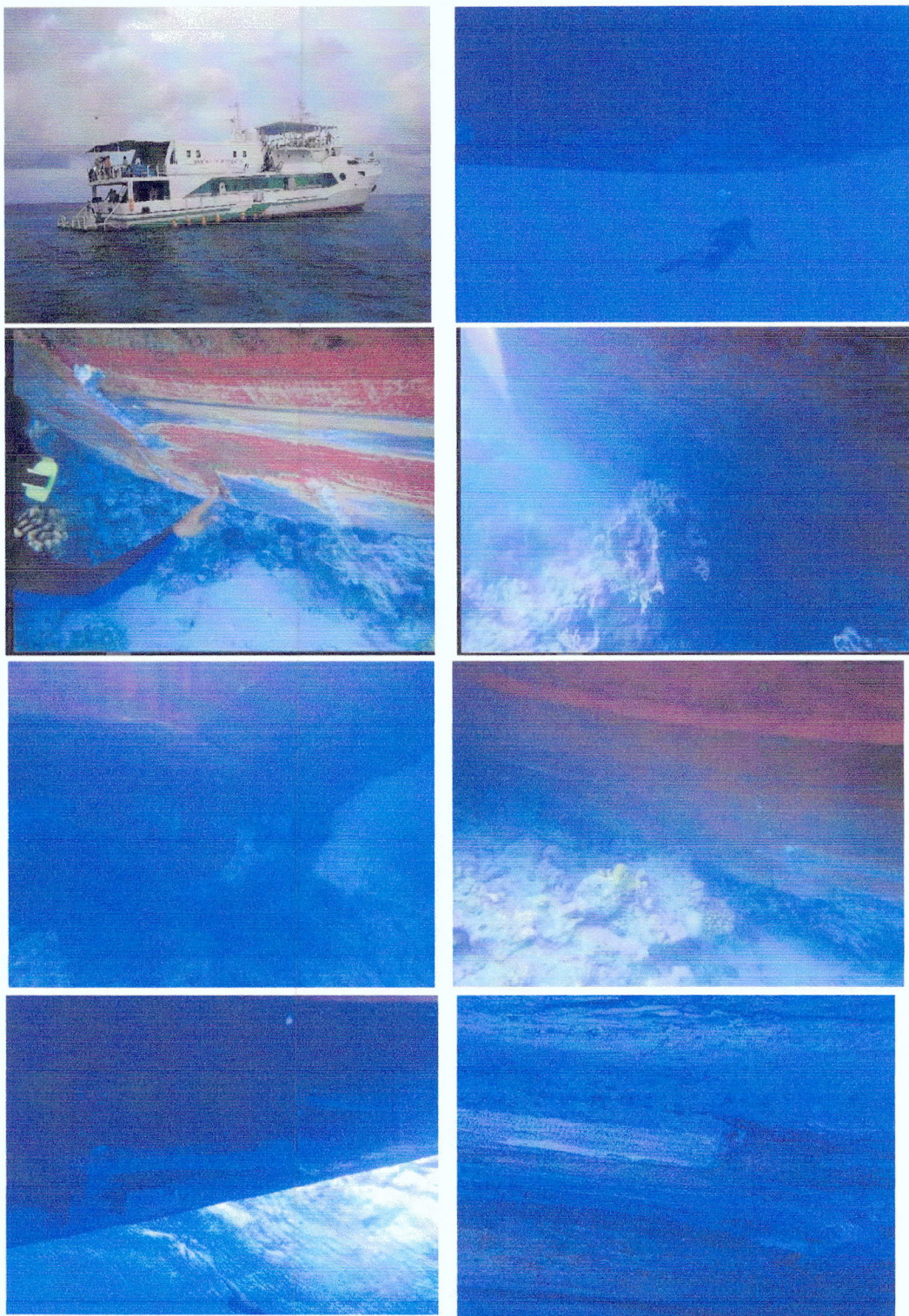
Attachment:

1. Photos of the incident
2. Damage measurement

*****ORIGINAL SIGNED. TRANSMITTED ELECTRONICALLY. *****

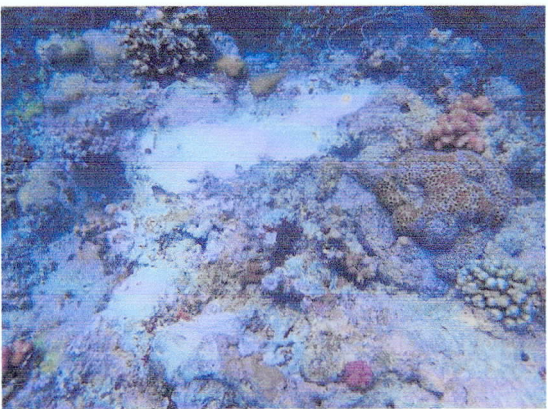
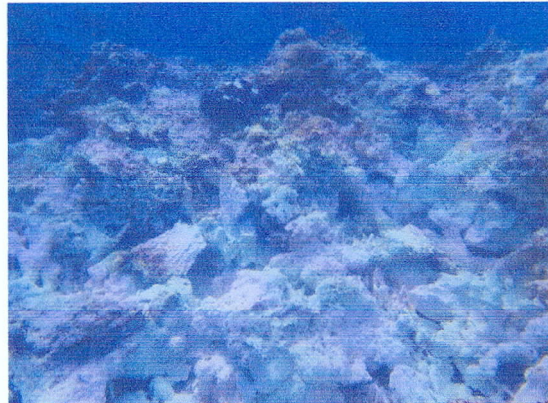
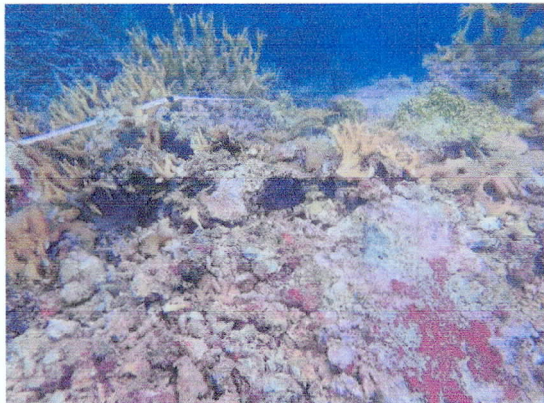
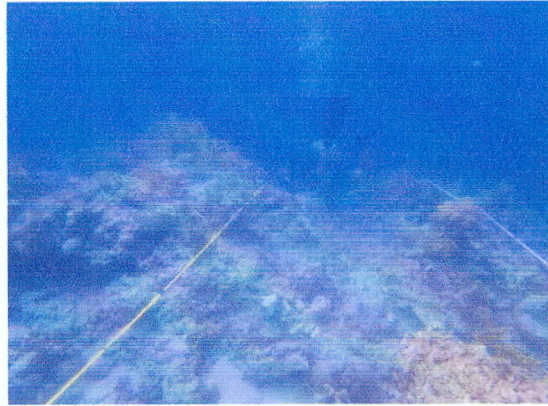
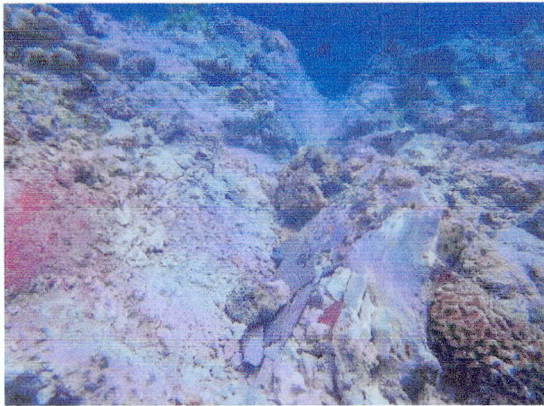
PHOTOS RE GROUNDING OF M/Y STELLA MARIS EXPLORER IN TUBBATAHA REEFS NATURAL PARK
28 March 2023

I. M/Y STELLA MARIS ON TOP OF THE REEFS AND ITS HULL WITH SCRATCHES FROM RUNNING AGROUND (Photos: SEGUNDO F. CONALES JR)



PHOTOS RE GROUNDING OF M/Y STELLA MARIS EXPLORER IN TUBBATAHA REEFS NATURAL PARK
28 March 2023

II. MARINE PARK RANGERS AND A REPRESENTATIVE FROM M/Y STELLA MARIS CONDUCTING MEASUREMENT OF CORAL DAMAGES (Photos: SEGUNDO CONALES JR)

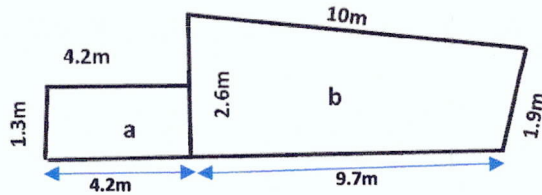


COMPUTATION OF CORAL DAMAGES: M/Y STELLA MARIS EXPLORER

TUBBATAHA REEFS NATURAL PARK

28 MARCH 2023

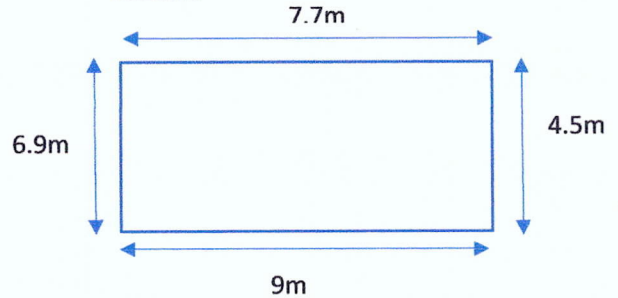
PLOT 1



L	1.3
W	4.2
TOTAL (a)	5.5 SQM

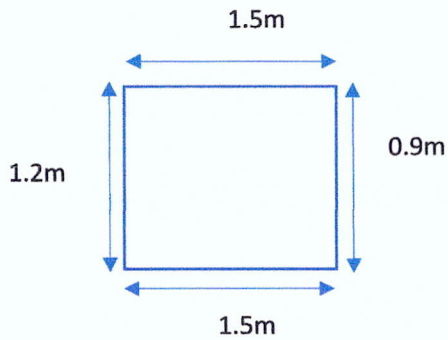
L	$9.7+10=19.7/2$	9.85
W	$1.9+2.6=4.5/2$	2.25
TOTAL (b)	9.85×2.25	22.16 SQM

PLOT 2



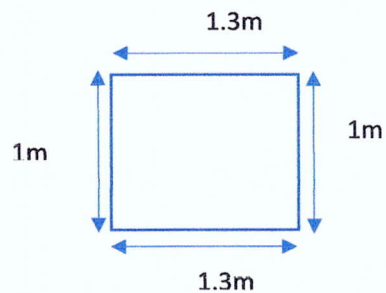
L	$9+7.7=16.7/2$	8.35
W	$6.9+4.5=11.4/2$	5.7
TOTAL	8.35×5.7	47.6 SQM

PLOT 3



L	$1.5+1.5=3/2$	1.5
W	$1.2+0.9=2.1/2$	1.05
TOTAL	1.5×1.05	1.6 SQM

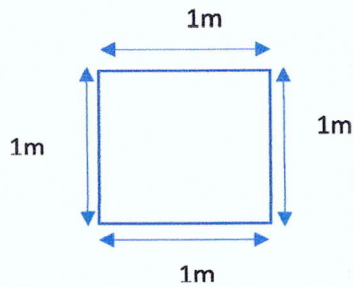
PLOT 4



L	$1.3+1.3 = 2.6/2$	1.3
W	$1+1 = 2/2$	1
TOTAL	1.3×1	1.3 SQM

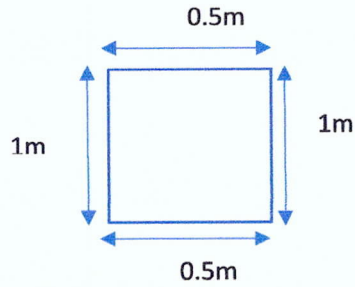
COMPUTATION OF CORAL DAMAGES: M/Y STELLA MARIS EXPLORER
TUBBATAHA REEFS NATURAL PARK
28 MARCH 2023

PLOT 5



L	1
W	1
TOTAL	1 SQM

PLOT 6



L	0.5
W	1
TOTAL	0.5 SQM

SUMMARY

PLOT NO.	TOTAL DAMAGE (SQM)
1	27.5
2	47.6
3	1.6
4	1.3
5	1
6	0.5
TOTAL	79.6



Tubbataha Management Office
Tubbataha Reefs Natural Park & World Heritage Site

TUBBATAHA MANAGEMENT OFFICE
Represented by **ANGELIQUE SONGCO,**
Complainant,

TAB ADMIN CASE No. 23-12

- FOR:

- versus-

**MR. LAWRENCE CHUA (OWNER), MR.
RODOLFO MUTYANGPILI (BOAT
CAPTAIN), of M/Y STELLA MARIS
EXPLORER**

**Violation of Chapter 4, Rule
21 (Damage to the Reef) of
TPAMB Admin Order No. 1,
Series of 2017.**

Respondents.

X-----X

ADMINISTRATIVE COMPLAINT

The undersigned, Protected Area Superintendent of the Tubbataha Reefs Natural Park and World Heritage Site (TRNP), under oath hereby charge MR. LAWRENCE CHUA, Owner, and MR. RODOLFO MUTYANGPILI, Boat Captain, all of legal age and with office address at Unit F 62 Scout Borromeo, Bgy. South Triangle, Quezon City, for the "VIOLATION OF CHAPTER 4, RULE 21 (Damage to the Reef) of TPAMB ADMINISTRATIVE ORDER NO. 1, S. 2017 as defined and penalized under the same Order, committed as follows:

'That on or about 05:20 AM of 28 March 2023, Marine Park Ranger (MPR) Canalon received a call from M/Y Stella Maris Explorer informing them that the said vessel run aground in the vicinity of Amos Rock, North Atoll of Tubbataha, due to malfunctioned steering.


On or about 5:30 AM, the MPR team proceeded to the location of M/Y Stella Maris Explorer to inspect the vessel's status for damages and oil spillage. They found scratches on the hull but no oil spill. At about 6:00 AM, P/Y Palau Sport tried to tow the M/Y Stella Maris out of the reef but failed due to low tide; hence, the team decided to wait for high tide.

On or about 9:06 AM, the M/Y Stella Maris tried to pull out from the reef, assisted by their two chase boats. The boat successfully pulled out from the reef at about 09:15 AM.

On or about 10:10 AM, the MPR Team, together with a representative from M/Y Stella Maris through its Dive Master Edison Torremacha, conducted a coral damage assessment of the reef.'

The team estimated the total coral damage to be 79.6 square meters. Pursuant to Chapter 4, Rule 21 of Admin Order No.1, s 2017, violators shall be liable for the payment of an administrative fine of not less than Twelve Thousand Pesos per square meter, in this case, Nine Hundred Fifty-Five Thousand and Two Hundred Pesos (PhP955,200.00) and for the cost of restoration of not less than Twelve Thousand Pesos per square meter or Nine Hundred Fifty-Five Thousand and Two Hundred Pesos (PhP955,200.00). The total fine for coral damage and restoration is One Million Nine Hundred Ten Thousand and Four Hundred Pesos (PhP1,910,400.00).

Contrary to Law
Province of Palawan, Philippines
____ March 2023



ANGELIQUE M. SONGCO
Complainant

SUBSCRIBED AND SWORN TO before me this MAR 31 2023 day of 2023 at
Puerto Princesa City, complainant exhibiting to me her CTC Nr.
_____ issued on _____ 2023 at Puerto Princesa City.


ATTY. MICHAELA ALYSSA BUNDAC
Notary Public

Doc No: 283
Page No: 58
Book No: 1
Series of: 2023




ATTY. MICHAELA ALYSSA M. BUNDAC
NOTARY PUBLIC
FOR PALAWAN
UNTIL DECEMBER 31, 2023
COMMISSION NO. 2022-047
PTR NO. 1751306 / JANUARY 10, 2023 / PPC
IBP NO. 273446 / JANUARY 06, 2023
Roll NO. 79389
TIN: 724-019-919
MCLE COMPLAINT NO. VIII-0000185

Witnesses:

Cresencio P Caranay, TMO
Jeffrey M. David, TMO
Noel Bundal, TMO
Segundo F. Conales, Jr., TMO

Exhibits:

Exhibit A: Incident Report