



MEMORANDUM

TO : THE PENR OFFICER
Palawan

ATTENTION: THE OIC, CENR OFFICER
Puerto Princesa City

FROM : THE OIC, REGIONAL EXECUTIVE DIRECTOR

SUBJECT : REQUEST FOR TRANSFER OF FLAgT NO. 02-2008 ISSUED TO
STARFISH SANDBAR RESORT TO PALAWAN JOLLY FOODS CORP.
LOCATED AT BRGY. STA. LOURDES, PUERTO PRINCESA CITY [B-
2020-28734] 106706

DATE : AUG 18 2023

This pertains to the request for transfer of FLAgT No. 02-2008 issued to Starfish Sandbar Resort of Ma. Isabel B. Gallardo to Palawan Jolly Foods Corp. covering 2.63 hectares of forestland for Bathing Establishment located at Brgy. Sta. Lourdes, Puerto Princesa City.

Kindly be informed that per Memorandum (*copy attached*) dated January 21, 2020 by then OIC Director Forest Management Bureau For. Lourdes C. Wagan, the requirements being requested for the subject transfer such as posting of performance bond and submission of rectified CDMP has been complied with by the proponents, except for the payment of exact surcharges for the year 2013 to 2017 which is computed under item b.2 of the said Memorandum. The table below shows the updated and recomputed payments and total unpaid fees based on the provided copies of Official Receipts.

YEAR	Annual Rental (PhP)			No. of months delayed [D]	Surcharge (PhP) [E] (D x 8.33% of A)	Total UNPAID User's Fee (PhP) [(E+A)-C]
	PER YEAR [A]	DATE PAID [B]	AMOUNT PAID [C]			
2009*	85,475.00	04/13/2023	85,475.00	*Accordingly, payments were made by the former/original holder however, copies of the official receipts can no longer be retrieved. On April 13, 2023 under Official Receipt No. 7133168 E, the transferee initiated payment of the AGS for 2009-2011.		
2010*	85,475.00	04/13/2023	85,475.00			
2011*	85,475.00	04/13/2023	85,475.00			
2012	85,475.00	03/02/2012	85,475.00	0	0	0
2013	85,475.00	08/11/2017	170,950.00	50	356,003.38	270,528.38
2014	85,475.00	08/11/2017	170,950.00	38	270,562.57	185,087.57
2015	85,475.00	08/11/2017	170,950.00	26	185,121.82	99,646.82
2016	85,475.00	08/11/2017	170,950.00	14	99,680.98	14,205.98
2017	85,475.00	08/11/2017	106,853.73	2	14,240.14	-7,138.60
2018	85,475.00	06/25/2018	85,475.00	0	0	0
2019	85,475.00	03/07/2019	85,475.00	0	0	0
Total (PhP)						562,330.12
2020	85,475.00	03/13/2020	85,475.00	0	0	0
2021	85,475.00	03/10/2021	85,475.00	0	0	0
2022	85,475.00	03/25/2022	85,475.00	0	0	0
2023	85,475.00	03/23/2023	85,475.00	0	0	0

In view hereof, you are hereby instructed to coordinate with the subject proponents and provide guidance with regards to the unpaid surcharges for the year 2013 to 2017 pursuant to existing policies, rules and regulations.

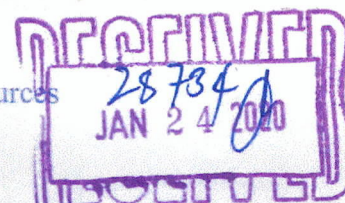
FOR IMMEDIATE COMPLIANCE

FELIX S. MIRASOL, JR. CESO IV

CC:
EVA CHRISTIE FATIMA H. VILLEGAS
President, Palawan Jolly Foods Corporation

LPDD/WRPS/MGGG/10-27-2022





MEMORANDUM

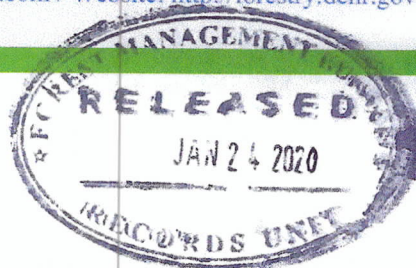
FOR : The Regional Executive Director
DENR MIMAROPA Region
L&S Building, Roxas Boulevard

FROM : The OIC Director

SUBJECT : REQUEST FOR TRANSFER OF FOREST LANDUSE AGREEMENT
FOR TOURISM (FLAgT) PURPOSES NO. 02-2008 ISSUED TO MS.
ISABEL B. GALLARDO OF STARFISH SANDBAR RESORT IN
FAVOR OF JOLLY FOODS CORPORATION LOCATED IN
BARANGAY STA. LOURDES, PUERTO PRINCESA, PALAWAN,
COVERING 2.63 HECTARES OF FORESTLANDS

**DOCUMENT/S
ATTACHED :** One (1) folder of documents relevant to the case

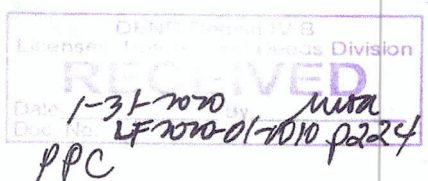
DATE : JAN 21 2020



This pertains to your Memorandum dated 04 November 2019, favorably endorsing the letter request for transfer of the Forest Land Use Agreement For Tourism Purposes (FLAgT) No. 02-2008 issued to Starfish Sandbar Resort (SSR) of Ma. Isabel B. Gallardo in favor of Jolly Foods Corporation (JFC) covering 2.63 hectares in Barangay Sta. Lourdes, Puerto Princesa City, Palawan.

FACTS OF THE CASE

1. Starfish Sandbar Resort represented by its Proprietress Ms. Isabel B. Gallardo was issued a Special Land Use Permit (SLUP) on 06 November 1999 renewed yearly up to CY 2009 and was converted into a FLAgT No. 02-2008 on 2 June 2008 with a duration of Twenty Five (25) years and will expire on 15 October 2032 covering 2.63 hectares;
2. Mrs. Isabel B. Gallardo issued a Waiver of Right with Acceptance and Waiver/Transfer of Rights Over the said FLAgT subject to DENR approval dated 12 June 2012, who hereby Waive, Assign, Transfer and Convey totally and perpetually unto Palawan Jolly Foods Corporation with business address at Rizal Avenue Corner Lacao Street, Puerto Princesa City, Palawan represented by Mr. Elroy John M. Hagedorn the FLAgT No. 02-2008;
3. A Memorandum from the Undersecretary for Staff Bureaus and Project Management dated 13 September 2012 addressed to the Regional Executive Director (RED) of DENR-MIMAROPA, instructed the concerned field offices in coordination with the proponent to facilitate the submission of the documentary requirements needed for the transfer of FLAgT in accordance with Sections 15 and 18 of DAO 2004-28, DAO 2009-16 and Memorandum Order No. 2011-02, Series of 2011.



COMMENTS AND OBSERVATIONS

a.) As provided for by DAO 2004-28, Chapter VIII, Section 18:

“ Transfer – As provided in PD 705 as amended, a FLaGT holder may transfer, exchange, sell or convey the FLaGT or any rights therein, or any assets used therewith, if authorized by the Secretary, and if:

18.1 The FLaGT has been in existence for at least three (3) years;

18.2 The FLaGT holder has been faithfully complying with all the terms and conditions of the FLaGT including the implementation of the SMP (IDP);

18.3 The transferee has all the qualifications and none of the disqualifications to hold a FLaGT area; and

18.4 The transferee shall assume all the obligations and responsibilities of the transferor specified in FLaGT, SMP (IDP) and ECC”.

b.) Review of the submitted documents in support of the subject request and the documents available to this Office reveals the following observations; to wit:

b.1 The Starfish Sandbar Resort has not yet submitted the approved CDMP duly deliberated by the Regional Office concerned for approval of the Secretary. Per Section 14.2 of DAO 2009-16 provides that the holder of FLaGT shall submit within six (6) months from the issuance a CDMP which forms part of the agreement. The CDMP shall provide among others for appropriate schemes, arrangements or activities that will maximize the use of FLaGT area and is the basis for monitoring and evaluation of the DENR;

b.2 None submission of Official Receipts (OR) documenting the payment of annual rental since CY's 2009 to 2019, including surcharges tabulated as follows:

YEAR	Annual Rental (Php)			No. of months delayed	Surcharge (Php)	Total Unpaid User's Fee (Php)
	Per Year	Date Paid	Amount Paid			
2008	85,475.00	1/23/08	85,475.00	-	-	-
2009	85,475.00	-	0	126	897,128.51	982,603.51
2010	85,475.00	-	0	114	811,687.70	897,162.70
2011	85,475.00	-	0	102	726,246.89	811,721.89
2012	85,475.00	-	0	90	640,806.08	726,281.08
2013	85,475.00	8/20/17	170,950.00	50	356,003.38	270,528.38
2014	85,475.00	8/20/17	170,950.00	38	270,562.57	185,087.57
2015	85,475.00	8/20/17	170,950.00	26	185,121.82	99,646.82
2016	85,475.00	8/20/17	170,950.00	14	99,680.98	14,205.98
2017	85,475.00	8/20/17	106,853.73	2	14,240.14	-7,138.60
2018	85,475.00	-	0	18	128,161.26	213,636.26
2019	85,475.00	-	0	6	42,720.42	128,195.42
Total (Php)			* 876,128.73	586	4,172,359.72	4,321,930.99

* No receipts provided to FMB

- b.3 As of this writing the FLAgT holder also did not post the required Performance Bond in the amount of Php170,950.00; and
- b.4 The Official Receipts (ORs) of the Annual Rentals paid by SSR with a total amount of Php 876,128.73 dated 20 August 2017 are not included in this submission.

RECOMMENDATIONS

Foregoing considered and in as much as the SSR has issued a Waiver/Transfer of Rights unto Jolly Foods Corporation, DENR MIMAROPA Office is requested to conduct further review of the subject request and assess the qualification of the latter to apply for FLAgT and their willingness to assume all the obligations of SSR as specified in the rules and regulations on the matter, to wit:

1. Posting of the Performance Bond in the amount of P170,950.00;
2. Payment of users fees and surcharges for CY 2009, 2010, 2011, 2012, 2013 2018, 2019 amounting to Php 4,321,930.99 ;
3. Submission of a rectified CDMP duly deliberated by the Regional Office and approved by the Undersecretary for Field Operations; and
4. Submission of the copies of Official Receipts of the payment made for user's fee.

Further, may we request DENR MIMAROPA Region to submit/cause the submission of the above-mentioned requirements including their categorical recommendations for the herein request of SSR.

FOR FURTHER APPROPRIATE ACTION.


FOR. LOURDES C. WAGAN, CESO IV

cc: The Assistant Secretary for Field Operations – Southern Luzon
The Undersecretary for Field Operations - Luzon