



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
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February 14, 2023

MEMORANDUM

C.F.

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

FROM : The Provincial Environment and Natural Resources Officer

SUBJECT : **LETTER DATED FEBRUARY 6, 2023 FROM ATTY. ASIA WY
AND ATTY. GRIZELDA MAYO-ANDA OF THE
ENVIRONMENTAL LEGAL ASSISTANCE CENTER, INC. RE:
CONTINUING MANGROVE DESTRUCTION AND
DEVELOPMENT OF FISHPOND BY SPOUSES PERPEKTO
GABAYNO, ROMEO GAMUSARAN, SR. AND ROMEO
GAMUSARAN, JR.**

Furnished is the copy of letter dated February 6, 2023 from Atty. Asia Wy and Atty. Grizelda Mayo-Anda, Legal Staff and Executive Director respectively of Environmental Legal Assistance Center, Inc. addressed to PENRO Felizardo B. Cayatoc and Executive Director of PCSDS Niño Rey E. Estoya, MNSA, CESE relative the above subject.

Per letter, Atty. Wy and Anda manifested that the IPs including their team were disappointed with the resolution made by the ECAN Board during the hearing on January 25, 2023 pertaining to the continuing mangrove destruction and development of fishpond by spouses Perpekto Gabayno, Romeo Gamusaran, Sr. and Romeo Gamusaran, Jr. in Sitio Lalanguyan, Barangay Ransang, Rizal, Palawan. One of the three noted remarks in the said letter was made by CENRO representatives that states (*That CENRO representatives denied the destruction of mangrove trees, citing that "Only the roots were affected" and that mangrove trees were "Only piled up"*)

In view of the above, you are instructed to review the resolution of ECAN Board and the proceedings during the hearing on January 25, 2023 and validate the pronouncement made by CENRO Quezon representatives and submit comment/s thereafter. For further information and references, you may refer to the following provisions of environmental laws in relation to mangrove destructions:

- A. Presidential Decree No. 705 (*Revising Presidential Decree No. 389, otherwise known as the Forestry Reform Code of the Philippines*), provides:

SECTION 77. Cutting, Gathering and/or collecting Timber, or Other Forest Products Without License. – Any person who shall cut, gather, collect, removed timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code...



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SECTION 78. Unlawful Occupation or Destruction of Forest Lands and Grazing Lands. – Any person who enters and occupies or possesses, or makes kaingin for his own private use or for others, any forest land or grazing land without authority under a license agreement, lease, license or permit, or in any manner destroys such forest land or grazing land or part thereof, or causes any damage to the timber stand and other products and forest growth 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 or grazing land, or refuses to vacate the area when ordered to do so...

- B. Republic Act No. 10654 (*An Act to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998," and for other purposes*)

Section 99. *Conversion of Mangroves.* – It shall be unlawful for any person to convert mangroves into fishponds or for any other purpose. Upon a summary finding of administrative liability, the offender shall be penalized with a fine equivalent to the ecological value of a hectare of mangrove based on available studies or administrative fine of Ten million pesos (P10,000,000.00) per hectare, whichever is higher: *Provided*, that if the area requires rehabilitation or restoration as determined by the Department, the offender shall also be required to restore or pay for the restoration of the damaged area...

- C. Proclamation No. 2152 (*Declaring the entire province of Palawan and certain parcels of the Public Domain and/or parts of the Country as Mangrove Swamp Forest Reserves*)

For information and compliance.


FELIZARDO B. CAYATOC

Copy Furnished:

The RED, DENR MIMAROPA mimaroparegion@denr.gov.ph

The Enforcement Division, DENR MIMAROPA enforcement.mimaropa@gmail.com

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