



Republic of the Philippines
MIMAROPA Region
Province of Occidental Mindoro
OFFICE OF THE GOVERNOR

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May 19, 2023

HON. ANTONIA "TONI" YULO-LOYZAGA

Secretary

Department of Environment and Natural Resources
DENR Bldg., Visayas Avenue,
Diliman, Quezon City

Dear Secretary Yulo-Loyzaga:

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Greetings from the People of Occidental Mindoro!

Previously, we wrote your good office requesting that our province be allowed for the conduct of river mouth clearing operations in identified rivers so that flooding in our communities will be prevented especially on the onset of rainy season. As stated, the planned program comes with no funding from the government as the private proponents willing and qualified to perform river mouth clearing shall shell out their own funds to finance the said activity. A copy of the said letter is attached as Annex "A" hereof.

However, with no response yet from your end, the Department issued Memorandum Order No. 2023-01 entitled "ADDITIONAL GUIDELINES FOR PROJECTS APPLYING FOR AN ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC) WHICH ARE WITHIN OR WITH CLOSE PROXIMITY TO PROTECTED AREAS (PAs) AND/OR RAMSAR SITES". In essence, the additional guidelines require the approval and clearance of the Office of the Secretary prior to the issuance of Environmental Compliance Certificate (ECC) whenever the project is located within or with close proximity to Protected Areas (PAs). Under the said Memorandum Order, the project is considered near or in close proximity to Protected Areas if the proposed project is within the province where the Protected Area is located. With this additional step in the process, we wrote you a letter dated April 3, 2023 (attached as Annex "B") seeking for the exemption of the river restoration program under DENR Administrative Order No. 2020-12 from the subject Memorandum Order as the proponents are already in the midst of complying with all the documentary requirements including the ECC. Indeed, some proponents have yet to secure an ECC allegedly due to difficult and tedious process involved.

In view of the foregoing manifestations, we reiterate our plea for the exemption of river restoration program under DENR DAO 2020-12 from the coverage of DENR Memorandum Order No. 2023-01 in light of the foregoing reasons:

1. River restoration and rehabilitation projects are positive environmental activities that are geared towards preserving the environment and well-being of the communities;
2. River restoration and rehabilitation projects are not mining nor quarrying activities;
3. River restoration and rehabilitation projects are proactive measures to mitigate floods that have over the years exacted heavy damage to our agricultural crops and thereby has far reaching negative effects in our agricultural production considering that Occidental Mindoro is considered as a major food basket in Southern Luzon;
4. The existing rules and guidelines on ECC already contain sufficient safeguards as far as environmental protection and conservation is concerned.

"Ganado sa Serbisyo, Ganado sa Pagbabago!"

Address: Provincial Capitol Compound, Barangay. Payompon, Mamburao, Occidental Mindoro



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Accordingly, our fervent request for exemption from the coverage of DENR Memorandum Order No. 2023-01 the river restoration program under DENR DAO 2020-12 for the sake of our communities that have long endured massive flooding in their areas to the prejudice of their safety, livelihood and even lives. We hope that this request merits your favorable consideration and action in the spirit of public service.

Thank you and warm regards.

Very truly yours,

EDUARDO B. GADIANO
Provincial Governor

Cc:

LORMELYN E. CLAUDIO, CESO IV

Regional Executive Director
Department of Environment and Natural Resources
MIMAROPA Region
DENR by the Bay Bldg., 1515 Roxas Boulevard,
Ermita, Manila

ENGR. GERALD A. PACANAN

Regional Director
Region IV-B, DPWH
EDSA, Quezon City

ENGR. GLENN MARCELO NOBLE

Regional Director
Region IV-B, MGB
DENR-MIMAROPA Region
DENR by the Bay Bldg., 1515 Roxas Boulevard,
Ermita, Manila

JOE AMIL M. SALINO

Regional Director
Region IV-B, EMB
DENR-MIMAROPA Region
DENR by the Bay Bldg., 1515 Roxas Boulevard,
Ermita, Manila



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"A"

July 11, 2022

HON. ANTONIA "TONI" YULO-LOYZAGA

Secretary

Department of Environment and Natural Resources
DENR Bldg., Visayas Avenue,
Diliman, Quezon City

Dear Secretary Yulo-Loyzaga:

Greetings from the People of Occidental Mindoro!

Several low-lying areas in our province which are adjoining rivers are prone to heavy flooding especially this rainy season, thus, resulting to damaged crops, houses and other forms of livelihood. People in these communities have long been crying for solution to this perennial problem. Copies of resolutions and letters from various barangays in the province are attached herewith for your reference and perusal.

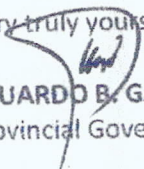
As part of the disaster prevention and mitigation program of our province, we have planned to launch river waterways clean up to clear the identified river mouths of silted materials and sediments so that the natural flow of water from upstream can pass through the river deltas with ease, thus, preventing it from rampaging through adjoining farm lands and residential communities during heavy rain. However, with limited resources, our Provincial Government cannot afford to push through with the program without the technical assistance of private proponents willing to undertake the project. The planned program comes with no funding from the Provincial Government and the private proponents' return on investments will be through their commercial utilization of the cleared materials.

The planned program is only limited to the clearing of river mouths and does not involve clearing of the river channels. Private proponents willing to undertake the project will necessarily go through the required procedure and secure the necessary documents and permits prior to their operation.

Accordingly, we are respectfully asking for your consent and guidance for the realization of the said significant program. We hope that this request merits your favorable consideration and action in the spirit of public service. We may be reached through Mr. Mario D. Mulingbayan Jr., PDRRM Officer, with cellphone number 0919-0937680.

Thank you and warm regards.

Very truly yours,


EDUARDO B. GADIANO
Provincial Governor

Cc:

LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director
Department of Environment and Natural Resources
MIMAROPA Region
DENR by the Bay Bldg., 1515 Roxas Boulevard,
Ermita, Manila

Mr. ERNESTO TAÑADA
Provincial Environment and Natural Resources Officer
DENR-Mamburao, Occidental Mindoro

"Ganado sa Serbisyo, Ganado sa Pagbabago!"

Address: Provincial Capitol Compound, Barangay. Payompon, Mamburao, Occidental Mindoro



Republic of the Philippines
MIMAROPA Region
Province of Occidental Mindoro
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03 April 2023

SEC. MARIA ANTONIA YULO LOYZAGA
Department Secretary
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City

SUBJECT: DENR MEMORANDUM ORDER 2023-01

Dear Secretary Loyzaga,

We are informed and have noted from the DENR website that the above stated Memorandum Order entitled **"ADDITIONAL GUIDELINES FOR PROJECTS APPLYING FOR ECC WHICH ARE WITHIN OR WITH CLOSE PROXIMITY TO PROTECTED AREAS (PA'S) AND OR/ RAMSAR SITES"** require the EMB Regional Office to endorse the ECC application to the Office of the Secretary through the EMB Director, after the final Environmental Impact Assessment Review Conference for clearance before issuance of the ECC. The Memorandum Order also defines **"Close Proximity"** as anywhere within the Province.

With due respect, having worked closely with a number of Proponents for the Restoration and Rehabilitation of the "flood causing" rivers located in the Province of Occidental Mindoro, we have observed their struggle to meet with the stringent requirements of DAO 2020 -12 that are all pending for three (3) years since the program to restore and rehabilitate the said flood causing rivers was initiated.

To date, only a few proponents are nearing completion due to the voluminous set of documents to prepare and the time required by the Agencies to review these documents. To add another step will increase regulatory burden and will further extend the time to complete. Meanwhile, our communities fret in fear at the prospect of the coming rains.

Hence, we request you to exempt River Restoration and Rehabilitation Projects from the above Memorandum Order based on the following:

1. River Restoration and Rehabilitation Projects are "positive environmental activities" that are geared towards preserving the environment and well-being of the host communities.
2. River Restoration and Rehabilitation Projects are not mining nor quarrying activities.

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3. **River Restoration and Rehabilitation Projects** are proactive measures to mitigate floods that have over the years have exacted heavy damage to our crops thereby has far reaching effects as Occidental Mindoro is a major supplier of rice and other food stuff to Metro Manila and other provinces.

We wholly support the DENR's objective to preserve the Protected Areas and Reservations in order to preserve bio-diversity and slow down the effects of climate change. We believe however that the existing protective regulations are adequate and our Province has a proven record of strict adherence to these regulations that we can hand in hand, with the DENR, ensure that these regulations are implemented by the proponents of River Restoration and Rehabilitation Projects.

Moreover, may we be informed if this new policy was subjected to the **Regulatory Impact Assessment (RIA)** by the **Anti-Red Tape Authority (ARTA)** pursuant to **R.A 11032 or the Ease of Doing Business and Efficiency in Government Service Delivery Act of 2018**, considering that said changes would mean additional layer of authority and signatories. This shift of rules in the middle of compliance by the Proponents would further delay the permitting process and is considered an encroachment to the mandate of the Inter-Agency Committee (IAC) created by DAO 2020-12, which is supposed to be given autonomy to promulgate guidelines to expedite the primordial intent of flood mitigation along the coastal towns of the Province.

We appeal for your reconsideration.

Sincerely,



EDUARDO B. GADIANO
Governor

Cc: Office of the Ombudsman
Anti-Red Tape Authority
Civil Service Commission

"Gawdo sa Serbisyo, Gawdo sa Pagbabago!"

Address: Provincial Capitol Compound, Balangay, Pambujan, Marikina, Occidental Mindoro

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