



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](mailto:penropalawan@denr.gov.ph)

February 28, 2022

**MEMORANDUM**

**FOR :** The Regional Executive Director  
DENR MIMAROPA  
1515 DENR by the Bay Building,  
Roxas Boulevard, Barangay 668  
Ermita, Manila

**THRU:** The OIC, Assistant Regional Director for  
Technical Services

**FROM :** The Provincial Environment and  
Natural Resources Officer

**SUBJECT :** **LEGAL OPINION / CLARIFICATION RE: IMPLEMENTATION OF THE  
ORDER DATED 27 DECEMBER 2017 AMENDING FLAGT NO. DENR IV  
MIMAROPA – 11302030 IN THE NAME OF EMELIE L. BESAGA IN  
BARANGAY PORT BARTON, SAN VICENTE, PALAWAN**

<b>DENR MIMAROPA RECORDS SECTION RECEIVED</b>	
P-2023-101646 MAR 10 2023	
<input type="checkbox"/> INCOMING	<input type="checkbox"/> OUTGOING <i>ED</i>
BY: _____	DATS NO. _____
TIME: _____	

Respectfully forwarded is the memorandum dated February 07, 2023 from CENRO – Roxas, Palawan, requesting for a final and or legal instruction from that office, re: implementation of the order dated December 27, 2017 by then OIC – Regional Executive Director Natividad Y. Bernardino.

Attached herewith is copy of memorandum dated November 29, 2022, of Atty. Jasmin D. Altea, Chief, Legal Unit of this office regarding the above cited subject matter.

For your information and further instruction.

For the PENRO:

*[Signature]*  
**RONIE B. GANDEZA, DMO IV**  
OIC/Chief Technical Services Division  
In-Charge Office of the PENRO

Copy Furnished:  
The Community Environment  
& Natural Resources Officer  
Roxas, Palawan

DAIF Ref. 2023-1183  
TSD-RPS-Utilization  
rac

**DENR-PALAWAN  
PENRO-RECORDS  
RELEASED**  
By *Rhea*  
Date: **07 MAR 2023** CN *2023-561*





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](mailto:cenroroxaspalawan@denr.gov.ph)

February 7, 2023

**MEMORANDUM**

**FOR :** The Regional Executive Director

**THRU :** The Provincial Environment and Natural Resources Officer.

**FROM :** The Community Environment and Natural Resources Officer

**SUBJECT :** **LEGAL OPINION/ CLARIFICATION RE: IMPLEMENTATION OF THE ORDER DATED 27 DECEMBER 2017 AMENDING FLAGT NO. DENR IV- MIMAROPA-11302030-0002 IN THE NAME OF EMELIE L. BESAGA IN BGY. PORT BARTON , SAN VICENTE, PALAWAN.**

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**

BY: *[Signature]*  
DATE: 12-10-2023 CN 23-183

This has reference on the memorandum dated January 9, 2023 from the Provincial Environment and Natural Resources Office forwarding the memorandum from atty. Jazmin D. Altea dated November 29, 2022 pertaining to the above-mentioned subject.

In this regard and based on the herein opinion of Atty. Jazmin D. Altea of the PENR Office, may we respectfully request for a final and or legal instruction from your office as to whether this Office will proceed with the Order dated December 27, 2017 of the then OIC-RED Natividad Y. Bernardino and accept the tenure application of Mrs. Luzviminda Acosta over lots 4512 and 4514, knowing that these lots are with existing building structures owned by Ms. Emelie Besaga.

Attached are the following.

1. Memorandum dated January 9, 2023; and,
2. Memorandum dated November 29, 2023.

*- 2022-10277*

For information, guidance and further instructions.

*[Signature]*  
PABLO L. CRUZ

**DENR-CENRO ROXAS  
RELEASED**

DATE: FEB 08 2023

BY: *[Signature]*

2023-02-02 18





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](mailto:cenroroxaspalawan@denr.gov.ph)

February 7, 2023

**MEMORANDUM**

**FOR :** The Regional Executive Director

**THRU :** The Provincial Environment and Natural Resources Officer.

**FROM :** The Community Environment and Natural Resources Officer

**SUBJECT :** **LEGAL OPINION/ CLARIFICATION RE: IMPLEMENTATION OF THE ORDER DATED 27 DECEMBER 2017 AMENDING FLAGT NO. DENR IV- MIMAROPA-11302030-0002 IN THE NAME OF EMELIE L. BESAGA IN BGY. PORT BARTON , SAN VICENTE, PALAWAN.**

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**  
BY: *[Signature]*  
DATE: 02-10-2023 CN 23-1183

This has reference on the memorandum dated January 9, 2023 from the Provincial Environment and Natural Resources Office forwarding the memorandum from atty. Jazmin D. Altea dated November 29, 2022 pertaining to the above-mentioned subject.

In this regard and based on the herein opinion of Atty. Jazmin D. Altea of the PENR Office, may we respectfully request for a final and or legal instruction from your office as to whether this Office will proceed with the Order dated December 27, 2017 of the then OIC-RED Natividad Y. Bernardino and accept the tenure application of Mrs. Luzviminda Acosta over lots 4512 and 4514, knowing that these lots are with existing building structures owned by Ms. Emelie Besaga.

Attached are the following.

1. Memorandum dated January 9, 2023; and,
2. Memorandum dated November 29, 2023.

For information, guidance and further instructions.

*[Signature]*  
**PABLO L. CRUZ**

**DENR-CENRO ROXAS  
RELEASED**  
DATE: FEB 08 2023  
BY: *[Signature]*  
NO. 2023-02-02 18





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](mailto:cenroroxaspalawan@denr.gov.ph)

February 7, 2023

**MEMORANDUM**

**FOR** : The Regional Executive Director  
**THRU** : The Provincial Environment and Natural Resources Officer.  
**FROM** : The Community Environment and Natural Resources Officer  
**SUBJECT** : **LEGAL OPINION/ CLARIFICATION RE: IMPLEMENTATION OF THE ORDER DATED 27 DECEMBER 2017 AMENDING FLAGT NO. DENR IV- MIMAROPA-11302030-0002 IN THE NAME OF EMELIE L. BESAGA IN BGY. PORT BARTON, SAN VICENTE, PALAWAN.**

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**

BY: *[Signature]*  
DATE: 02-10-2023 23:183

This has reference on the memorandum dated January 9, 2023 from the Provincial Environment and Natural Resources Office forwarding the memorandum from atty. Jazmin D. Altea dated November 29, 2022 pertaining to the above-mentioned subject.

In this regard and based on the herein opinion of Atty. Jazmin D. Altea of the PENR Office, may we respectfully request for a final and or legal instruction from your office as to whether this Office will proceed with the Order dated December 27, 2017 of the then OIC-RED Natividad Y. Bernardino and accept the tenure application of Mrs. Luzviminda Acosta over lots 4512 and 4514, knowing that these lots are with existing building structures owned by Ms. Emelie Besaga.

Attached are the following.

1. Memorandum dated January 9, 2023; and,
2. Memorandum dated November 29, 2023.

For information, guidance and further instructions.

*[Signature]*  
**PABLO L. CRUZ**

**DENR-CENRO ROXAS**

**RELEASED**

DATE: FEB 08 2023

BY: *[Signature]*

2023-02-02 18



Records



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](mailto:penropalawan@denr.gov.ph)

January 9, 2023

**MEMORANDUM**

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

**FROM :** The Provincial Environment and Natural Resources Officer - *on 1/12/23*

**SUBJECT :** **LEGAL OPINION/CLARIFICATION RE: IMPLEMENTATION OF THE ORDER DATED 27 DECEMBER 2017 AMENDING THE FLAgT NO. DENR IV-MIMAROPA-11302030-0002 IN THE NAME OF EMELIE L. BESAGA IN BGY. PORT BARTON, SAN VICENTE, PALAWAN**

Forwarded is the Memorandum from Atty. Jazmin D. Altea relative to your request for legal opinion/clarification re: implementation of the Order dated December 27, 2017 amending the FLAgT No. DENR-IV-MIMAROPA-11302030-0002 in the name of Emelie L. Besaga in Barangay Port Barton, San Vicente, Palawan.

For information and guidance.

For the PENR Officer:

*[Signature]*  
**RONIE B. GANDEZA**  
OIC-Chief, Technical Services Division  
In-Charge, Office of the PENRO

TSD/File \*kkva  
Doc. Ref. No. 2022-11434

c.c : RED

DENR-PALAWAN  
PENRO-RECORDS  
**RELEASED**  
By *[Signature]*  
Date: 11 JAN 2023 CN 23-11434

22-11434





Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Bgy. Poblacion 5, Coron, Palawan  
Contact No.09175042633  
Email Address: cenrocoron@denr.gov.ph

### DOCUMENT ACTION INFORMATION FORM

Doc. Ref. No.: 2022-11434

Date and Time received:

12/16/2022 10:51:49 am

From: ATTY. JAZMIN D. ALTEA

Document Type: Memorandums

PENRO-LEGAL OFFICE

Subject: LEAGAL OPINION / CLARIFICATION RE: IMPLEMENTATION OF THE ORDER DATED 27 DECEMBER 2017 AMENDING  
FLAGT NO. DENR IV-MIMAROPA-11302030-0002 IN THE NAME OF EMELIE L. BESAGA IN BRGY. PORT BARTON,  
SAN VICENTE, PALAWAN

Attachment(s): DAIF, MEMO DATED 10-27-2022 AND PERT DOCS

Earmarked As:

Date: 12/16/22	From: CIC-TSD	To: <del>For: PENRO</del>	
<b>Action Recommended/Required:</b> <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		<b>Processing Time:</b> <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ___ days or shorter	<b>Other Instruction(s):</b> Sir, for your info... and further instruction on the matter, ty 
Date:	From: DENRO	To: TSD-RPS	
<b>Action Recommended/Required:</b> <input checked="" type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		<b>Processing Time:</b> <input checked="" type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ___ days or shorter	<b>Other Instruction(s):</b> Forwards to the DENRO CC: THE RED. Retain file for future ref. and provide me copy of memo of Atty Jazmin for my info.
Date: 12/19/22	From: Chief NPO	To: S.J. Kark	
<b>Action Recommended/Required:</b> <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		<b>Processing Time:</b> <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ___ days or shorter	<b>Other Instruction(s):</b> pls refer to DENRO memo for info / guidance pls. Since copies of all documents for file.
Date:	From:	To:	
<b>Action Recommended/Required:</b> <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		<b>Processing Time:</b> <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ___ days or shorter	<b>Other Instruction(s):</b>

Printed on 12/16/2022 10:51:59am Received at: OFFICE OF THE PENRO Received by: ALMINE, ALYSSA





November 29, 2022

**DENR PENRO  
PALAWAN RECORDS**

**RECEIVED**

BY:                     

DATE: 22-11-2022 22-11-2022 434

**MEMORANDUM**

**FOR :** The Provincial Environment and  
Natural Resources Officer

**ATTENTION :** The Community Environment and  
Natural Resources Officer- Roxas, Palawan

**FROM :** Atty. Jazmin D. Altea  
Attorney III

**SUBJECT :** **LEGAL OPINION/ CLARIFICATION RE: IMPLEMENTATION  
OF THE ORDER DATED 27 DECEMBER 2017 AMENDING  
FLAGT NO. DENR IV-MIMAROPA-11302030-0002 IN THE NAME  
OF EMELIE L. BESAGA IN BGY. PORT BARTON, SAN  
VICENTE, PALAWAN**

This has reference to the Memorandum dated October 27, 2022 of the Community Environment and Natural Resources Office – Roxas, Palawan (CENRO Roxas) requesting for legal advice in the above-mentioned subject in relation to the letter dated October 21, 2022 from Atty. Ryan P. Acosta, in behalf of his client, Luzviminda Acosta, requesting for the immediate implementation of the Order dated December 27, 2017 of the then OIC-Regional Executive Director of the DENR MIMAROPA Region.

Specifically, the legal opinion of this Office is sought on whether there is a need to wait for an amended FLAgT consistent with its metes and bounds before complying with the Order dated December 27, 2017.

Upon inquiry to the Chief of Legal Division of DENR MIMAROPA Region, she mentioned that there is still a need to wait for the amended FLAgT consistent with the metes and bounds and for the cancellation of the previous one issued to Ms. Emilie Besaga. As of now, the Regional Office is still on the process of cancellation and issuance of a new FLAgT to Ms. Emilie Besaga.

However, the undersigned is of the opinion that the CENRO Roxas may still comply with the Order dated December 27, 2017 of then OIC-RED, in implementing the Decision of the Office of the President as affirmed by the Supreme Court in G.R. No. 194061, without having to await for the amended FLAgT of Emilie Besaga consistent with its metes and bounds.

In the Memorandum dated January 6, 2022 issued by the Director of Legal Affairs Service, it was determined that the prevailing Decision to be implemented is the Decision of the Secretary of DENR dated August 6, 2006. The dispositive portion of which reads:

**“WHEREFORE, PREMISES CONSIDERED, the Orders, dated December 1, 2003 and July 26, 2004, of the Regional Executive Director for DENR-MIMAROPA are hereby REVERSED and it is hereby directed that the Special Land Use Permit (Bathing Establishment), now FLAgT of Appellee Emilie Besaga be AMENDED to cover only Lot 4513 and let the Special Land Use Permit Application of Appellant Luzviminda Acosta be**





**GIVEN DUE COURSE** to cover Lot Nos. 4512 and 4514, subject to the provisions of DENR Administrative Orders No. 28, Series of 2004.

SO ORDERED. (Emphasis supplied)”

To elaborate, there are only two (2) things that should be done for the full implementation of the Decision: (1) *Amend the FLaGT of Appellee Emilie Besaga to cover only Lot 4513 and (2) Let the Special Land Use Permit Application of Appellant Luzviminda Acosta be GIVEN DUE COURSE to cover Lot Nos. 4512 and 4514, subject to the provisions of DENR Administrative Order (DAO) No. 2004-28.*<sup>1</sup>

Considering that both (1) and (2) are independent of each other and can be done simultaneously, the undersigned is of the opinion that the CENRO Roxas may initially assess and evaluate the application requirements of Spouses Acosta, subject to the requirements and procedures laid down under DAO 2004-28, for their application to be given due course. This does not necessarily mean that their application will be immediately granted. Their compliance with the necessary requirements is still subject to evaluation of the PENRO and the Regional Office in accordance with the provision of DAO 2004-28. It is to be noted that the grant of FLaGT is not a right but just a privilege given to the applicant. Hence, it may or may not be granted depending on the compliance of the applicant to the requirements under DAO 2004-28.

In view of the foregoing and to expedite the implementation of the subject Decision, for the meantime, the undersigned advises the CENRO of Roxas to assess, evaluate and process the application of Luzviminda Acosta on Lots 4512 and 4514 and process the same for it to be given due course. Once the FLaGT of Emilie Besaga has been fully cancelled and issued a new one consistent with the technical description in Lot 4513, the CENRO Roxas may issue a Notice to Vacate or secure the assistance of the LGU to remove Ms. Emilie Besaga in the subject land. The purpose of the removal of Ms. Emilie Besaga in Lots 4512 and 4514 is not to place Spouses Luzviminda Acosta in the subject land, but to claim the subject land for being a part of the public domain.

For your information and guidance.

ATTY. JAZMIN D. ALTEA

<sup>1</sup> Memorandum dated January 6, 2022 citing the Decision of the Secretary of DENR dated August 6, 2006 is hereto attached as Annex “A”;