



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)

---

March 20, 2023

**MEMORANDUM**

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

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

**SUBJECT :** **SITE INVESTIGATION REPORT ON THE ALLEGED  
EXCAVATION OF AGGREGATES IN PEARL VILLAS AT  
BARANGAY STO. NIÑO BUSUANGA, PALAWAN**

Forwarded is the memorandum dated 14 March 2023 of CENRO Calamianes Island transmitting the appended report related to the alleged excavation of aggregates in Pearl Bay Villas at Barangay Sto. Niño Busuanga, Palawan.

For information, and record.

  
FELIZARDO B. CAYATOC

DENR-PALAWAN  
PENRO-RECORDS  
**RELEASED**  
By Are  
Date: 22 MAR 2023 23-742



March 14, 2023

**MEMORANDUM**

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**  
BY: *[Signature]*  
DATE: 03.14.2023 23.2391

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

THRU : The Provincial Environment and  
Natural Resources Officer  
Brgy. Sta. Monica, Puerto Princesa City

FROM : The OIC - Community Environment and  
Natural Resources Officer  
Coron, Palawan

SUBJECT : **SITE INVESTIGATION REPORT ON THE ALLEGED EXCAVATION  
OF AGGREGATES IN PEARL BAY VILLAS AT BARANGAY STO.  
NIÑO, BUSUANGA, PALAWAN**

Forwarded is the report regarding the alleged excavation of aggregates in Pearl Bay Villas at Barangay Sto. Niño, Busuanga, Palawan.

Attached herewith are the following documents:

1. Report
2. Photos

For your information and record.



"For and in the absence of the CENRO"

*[Signature]*  
**EDWIN I. CAC**  
Asst. CENRO/DMO IV



Republic of the Philippines  
**Department of Environment and Natural Resources**  
Community Environment and Natural Resources Office  
Barangay 5, Calamianes Island, Coron, Palawan  
Telephone No. +63 917 504 2633

E-mail: cenrocoron@denr.gov.ph Website: www.denr.gov.ph

March 14, 2023

**JUNYBIEBE B. KAY**

Owner  
Brgy. Sto. Niño,  
Busuanga, Palawan

Dear **Ms. Junybiebe Kay**:

Please be informed that on 22 February 2023, the technical personnel of CENRO-Coron confirmed that you have been developing in salvage zone that causes destruction to the mangrove ecosystem and destructive modification of the landscape of Barangay Sto. Niño, Busuanga, Palawan.

The above-cited destruction of mangroves is a violation of the following provisions of environmental laws and regulations to wit:

**a. Presidential Decree No. 1067 also known as "Water Code of the Philippines" specifically Article 51 states that:**

*"The bank of the rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and Forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to build structures any kind."*

**b. 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 Reserves" pronouncing withdraw from entry, sale, settlement or other forms of disposition, subject to valid private rights, if any there be.**

**c. Presidential Decree No. 705, Section 43**

*"Swamplands and mangrove Forests bordering numerous lands which protects the shoreline, the shoreline roads and even coastal communities from the destructive force of the sea during high winds and typhoons, shall be maintained and shall not be alienated. Such strips must be kept free from artificial obstruction so that flood water will flow unimpeded to the sea to avoid flooding or inundation of cultivated areas in the upstream....xxx"*

In addition, this office would like to inform you that an existing **CEASE AND DESIST ORDER** that was issued to your company is still in effect, thus you are ordered to refrain from further developing in the area. You are also advised to comply with the legal documents for the said development to avoid violation of the above provisions of our environmental laws.

Please be guided accordingly. Thank you.

Sincerely yours,

*"For and in the absence of the CENRO"*



*[Signature]*  
**EDWIN T. CAC**  
Asst. CENRO/  
DMO IV





Republic of the Philippines  
Department of Environment and Natural Resources  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
MIMAROPA Region  
Coron, Palawan

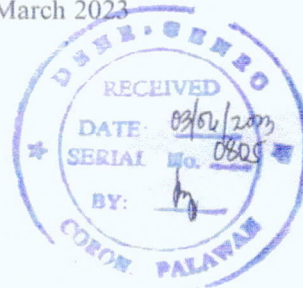
02 March 2023

**MEMORANDUM**

**FOR :** The Community Environment and  
Natural Resources Officer  
Coron, Palawan

**FROM :** The Undersigned

**SUBJECT :** SITE INVESTIGATION REPORT ON THE ALLEGED  
EXCAVATION OF AGGREGATES IN PEARL BAY VILLAS IN  
BARANGAY SANTO NIÑO, BUSUANGA, PALAWAN



Under Travel Order No. 2023-003, the undersigned conducted a site investigation last 22 February 2023 in Brgy. Santo Niño, Busuanga, Palawan. This is in response to the verbal complaint from Punong Barangay Ernesto G. Lopez, through a CENRO-Coron personnel, last 20 February 2023.

**Background Information**

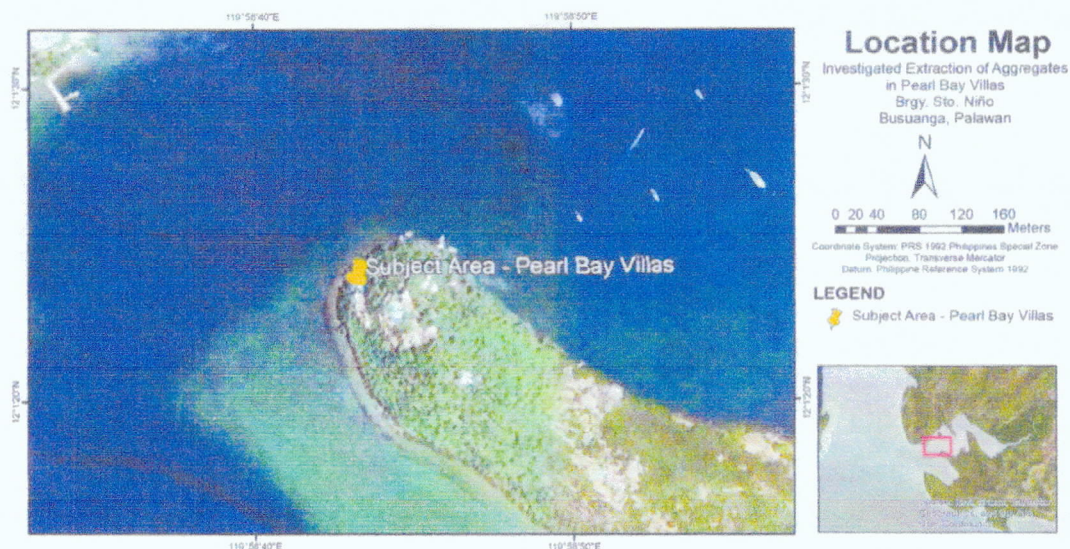
Based on the complaint of Hon. Lopez, Pearl Bay Villas has been excavating aggregates along the coast to construct a new building in their resort. Hon. Lopez requested CENRO-Coron to investigate the matter for legal action, if necessary.

**Purpose and Scope**

The undersigned conducted the fieldwork to investigate the alleged extraction of aggregates and other operations in the area. The investigation includes an ocular inspection of the site, photo documentation, a verbal interview with the private property owner, barangay personnel, and Al Faro owner, and apprehension, if necessary.

**Findings and Observations**

1. The subject area is Pearl Bay Villas, Brgy. Santo Niño, Busuanga, Palawan. It is geographically situated at  $12^{\circ} 1'17.83"N$ ,  $119^{\circ}58'48.03"E$  (**Figure 1**). It is approximately 35 kilometers from CENRO, which is reachable by a 45-minute motorcycle ride followed by a 10-minute speed boat ride (**Photo 1**).



**Figure 1.** Location map of the investigated excavation of aggregates in Pearl Bay Villas, Brgy. Santo Niño, Busuanga, Palawan.

2. The undersigned went to the Barangay Hall of Brgy. Santo Niño before the investigation for a courtesy call with Hon. Lopez. However, Hon. Lopez has already proceeded to the subject area with his team.
3. Upon arrival in the subject area, Pearl Bay Villas has posted a Building Permit dated 16 February 2023, issued by Mr. Edilberto Gatchalian, Building Official of the Municipality of Busuanga, with the project title: *Proposed Commercial/Resto Bar (Annex 1)*.
4. The proposed commercial/restobar is 24m x 6m (**Annex 2**).
5. Pearl Bay Villas is owned by Ms. Junybiebe B. Kay who is currently residing overseas. She is represented by Ms. Rosalie F. Polanguy, through a Special Power of Attorney (SPA). The undersigned proceeded to interview Ms. Polanguy (**Photo 2**).
6. The undersigned requested Ms. Polanguy for a copy of the Barangay Clearance stating that the Barangay agrees to the construction of the *restobar (Annex 3)*. Upon confirmation with Hon. Lopez, he mentioned that he provided the barangay clearance to Ms. Polanguy to process the building permit requirements for Strategic Environment Plan (SEP) clearance and not for the construction of the *restobar*. However, both the barangay clearance and building permit were dated 16 February 2022. Thus, Ms. Polanguy did not have consent from the barangay to start constructing the *restobar*.
7. A noticeable ground clearing can be observed in the area. Pearl Bay Villas is already working on the foundation of the building and aggregates have already been excavated from the subject area. They will also create a riprap where the building will be constructed (**Photo 3**). Only a concrete mixer was present in the area.



8. Sacks of aggregates were also seen in the subject area **(Photo 4)**. Ms. Polanguy stated that he bought these from a nearby quarry permittee. However, Ms. Polanguy provided no receipt or document to the undersigned.
9. On the same day, a letter was received by Ms. Polanguy, dated 14 February 2023, signed by CENR Officer Rodney Verian, to temporarily stop/desist any activities or engaging in any operation/s since the establishment is within timberland/forestland and has been verified to be operating without any approved tenurial instrument **(Annex 4)**.
10. The undersigned also requested documentation of complaints received by the barangay regarding the operations and activities conducted by Pearl Bay Villas. CENRO-Coron received such from the barangay on 02 March 2023 with the following documents **(see attached file)**:

Date	Content	Signed by
22 February 2023	Request to stop operations of Pearl Bay Villas	Hon. Ernesto G. Lopez Punong Barangay Brgy. Sto. Niño Busuang, Palawan
24 January 2023	Complaint Letter with Photo Documentation	Nenita H. Loser The Manager/Owner Al Faro, Palawan Inc.
11 January 2023	Complaint Letter with Photo Documentation	Nenita H. Loser The Manager/Owner Al Faro, Palawan Inc.

#### **Comments and Recommendations**

1. The Pearl Bay Villas was already ordered by CENRO-Coron to temporarily stop/desist any activities until they have secured their tenurial instrument. Ms. Polanguy was already advised to comply with such requirements.
2. Regarding the extraction and deposition of aggregates, it is also recommended that Pearl Bay Villas be issued a Cease-and-Desist Order (CDO) order for the construction, clearing, and riprapping activities.

To reiterate, the extraction and deposition of sand and gravel violates Section 103 of the Republic Act 7942, otherwise known as the Philippine Mining Act of 1995:

*Theft of Minerals. - Any person extracting minerals and disposing the same without a mining agreement, lease, permit, license, or steals minerals or ores or the products thereof from mines or mills or processing plants shall, upon conviction, be imprisoned from six (6) months to six (6) years or pay a fine from Ten thousand pesos (P10,000.00) to Twenty thousand pesos (P20,000.00), or both, at the discretion of the appropriate court. In addition,*

*he shall be liable to pay damages and compensation for the minerals removed, extracted, and disposed of.*

Furthermore, the extracted materials are considered illegally sourced mineral/mineral products. Based on Section 116 Chapter XII of DAO 2010-21,

*Illegally-sourced minerals/mineral products are those which are mined, extracted, removed and/or disposed of without authority or permit under existing mining laws, rules and regulations.*


3. In view of DENR Administrative Order No. 2021-07 or the *Guidelines on the Establishment of Legal Easements Along the Seas, Rivers, Lakes, Esteros, and Creeks* the following shall be strictly implemented and adhered to by the Pearl Bay Villas:


Section 5.2 of DAO 2021-007 states that rural municipalities shall adopt a **40-meter easement zone on forest lands**. Furthermore, in Section 6.1, the measurement of legal easement, lands bordering the seas, gulfs, bays or ports shall be subjected to *easement of salvage zone of 40 meters in forest lands measured landwards from the Mean High Water line or interior limit of the shoreline.*

Thus, private individuals or entities owning or managing establishments that violate the rules on the establishment of salvage zones and legal easements shall be subject to possible relocation and demolition, if warranted.

4. Ms. Polanguy is also advised to visit CENRO-Coron to comply with pertinent documents and necessary permits.
5. Regular monitoring is recommended to ensure that no illegal extraction or other activities will happen in the area. At the same time, Pearl Bay Villas shall comply with all requirements and pertinent documents requested by this office and other concerned agencies.

For your reference, record, and further instruction(s).

  
**Alessa Anne S. Estorninos**  
Science Research Specialist II  
MGB MIMAROPA – Embedded Personnel

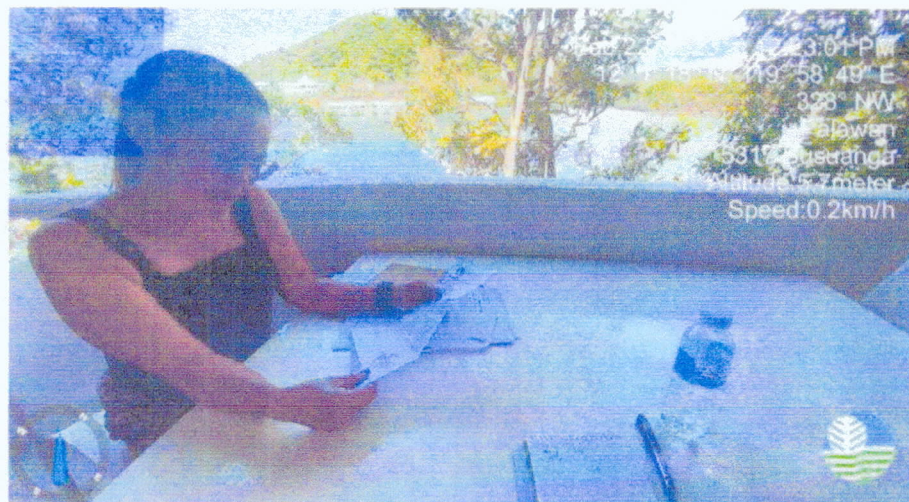
  
**Patrick Israel T. Panlilio**  
Forest Technician I  
CENRO – Coron



## Photo Documentation



**Photo 1.** 10-minute speed boat ride going to the subject area.



**Photo 2.** Interview with Ms. Rosalie F. Polangui.





Photo 3. On-going foundation works for the *restobar*.

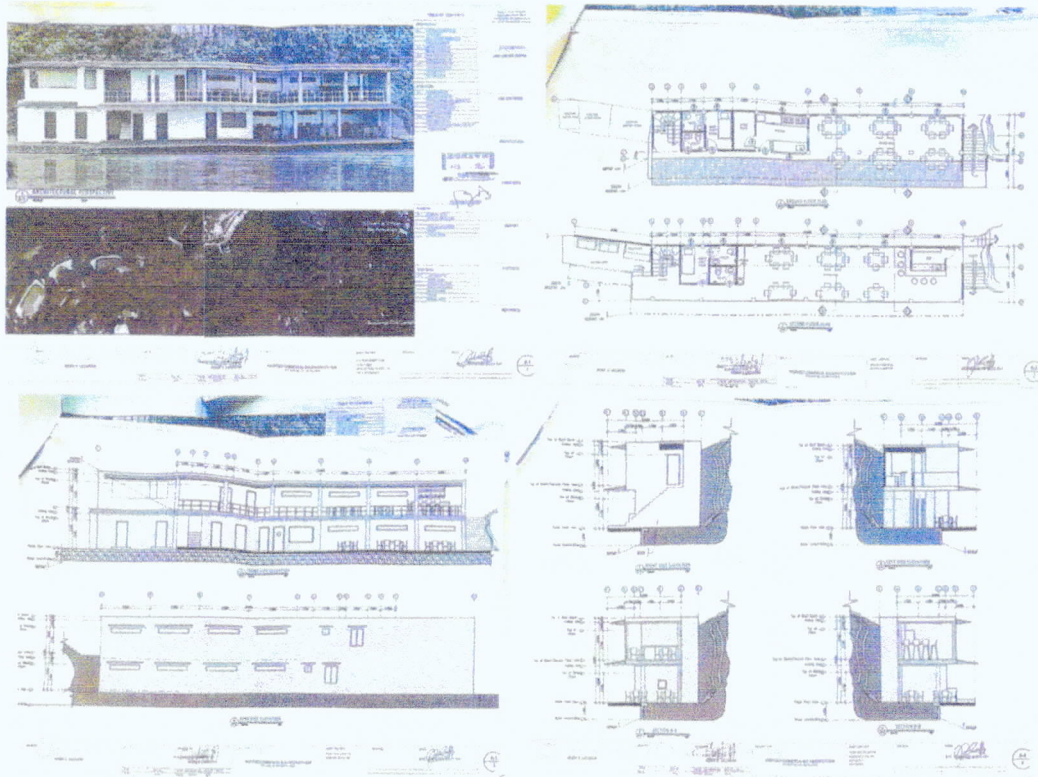


Photo 4. Sacks of aggregates in the subject area.

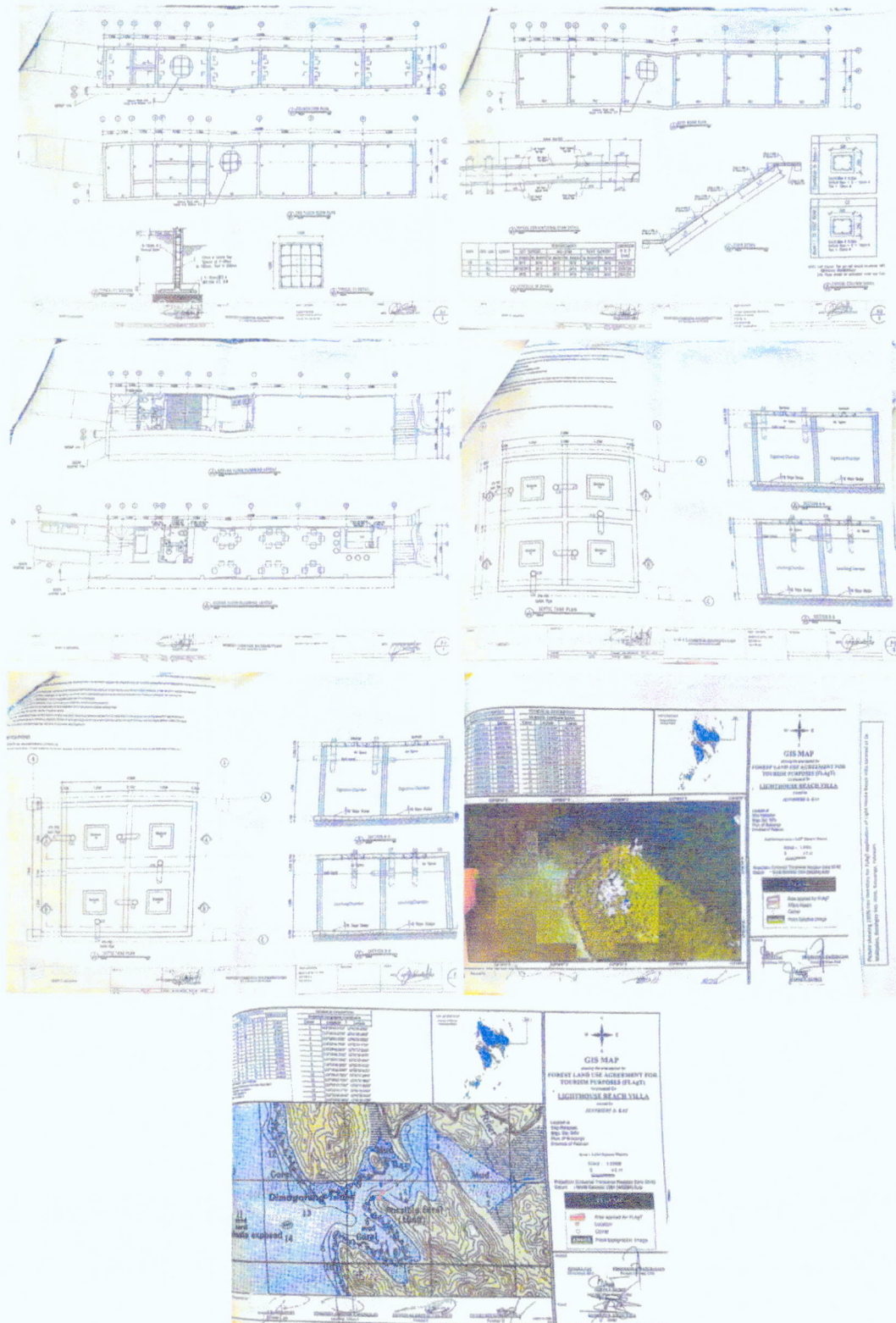
## Annexes



Annex 1. Building Permit issued to Pearl Bay Villas for the proposed commercial/restobar.







Annex 2. Plans and architectural design of the proposed commercial/restobar and GIS maps.



Republic of the Philippines Province of Palawan Municipality of Buzanga <b>BARANGAY STO. NIÑO</b> OFFICE OF THE PUNONG BARANGAY	
<b>BARANGAY CLEARANCE</b>	
<b>BARANGAY OFFICIALS</b> Hon. Ernesto G. Lopez Punong Barangay  <b>SANGGUNIANG BARANGAY MEMBERS</b> Hon. Albert M. Francisco Hon. Roseline C. Valdecanon Hon. Junedick L. Samson Hon. Nina Villa M. Gutierrez Hon. Servito M. Cabrastante Hon. Jayson C. Balicod Hon. Norberto A. Ricamar Hon. Michael D. Pangaribisan	<b>TO WHOM IT MAY CONCERN:</b> Date Issued: February 16, 2023 This is to certify whose name and right thumb mark appear hereon has requested a Barangay Clearance from this office and result is/are listed below.  → Good moral character that according to the records kept in this office s/he has never been accused of any crime involving moral turpitude nor found derogatory records against him/her.  <b>Name:</b> JENY BIEBES KAY <b>Address:</b> Barangay Sto. Niño, Buzanga, Palawan <b>Date of Birth:</b> DECEMBER 26, 1976 <b>Place of Birth:</b> Nervana  <b>Purposed:</b> For Building Permit Requirements <b>CTC:</b> _____ <b>Issued on:</b> _____ <b>Issued at:</b> Buzanga, Palawan  <b>JENY BIEBES KAY</b> Signature Over Printed Name  Right Thumb Mark <div style="border: 1px solid black; width: 50px; height: 50px; margin: 10px auto;"></div> <b>HON. ERNESTO G. LOPEZ</b> Punong Barangay  Control No. 2023-000621

Annex 3. Barangay Clearance issued to Jeny Biebes Kay.

Republic of the Philippines Department of Environment and Natural Resources Community Environment and Natural Resources Office Barangay 5, Calamianes Island, Coron, Palawan Telephone No. +63 817 301333 Email: cenro@denr.gov.ph Website: www.denr.gov.ph	
February 14, 2023	
<b>THE MANAGER</b> Light House Beach Villa So. Malajalen, Jeng, Sta. Nilo, Buzanga, Palawan	
Sir/Madam: Greetings!	
In reference to the conducted inventory of establishments/occupants within timberland/forestland under the administrative jurisdiction of CENRO Coron, please be informed that your establishment has been verified to be operating without any approved tenorial instrument which violates Section 78 of Presidential Decree No. 705 or the "Revised Forestry Code of the Philippines".	
<p><i>"Any person who enters and occupies or possesses, or makes habitation 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 refuses to vacate the area when ordered to do so, ... shall, upon conviction, be fined in an amount of not less than Five Hundred Pesos (P500.00), nor more than Twenty Thousand Pesos (P20,000.00) and imprisoned for not less than six (6) months nor more than two (2) years for each such offense, and be liable to the payment to ten (10) times the rental fees and other charges which would have accrued had the occupation and use of the land been authorized under a license agreement, lease, license or permit."</i></p>	
In view hereof, this Office hereby advised you to temporarily suspend/stop any activities or engaging any operation/s until such time that you have secured your tenorial instrument.	
Please be guided accordingly. Thank you.	
Very truly yours,  <b>RODNEY VERIAN</b> CENR OFFICER	

Annex 4. Letter addressed to the Manager of Light House Beach Villa, dated 14 February 2023, signed by CENR Officer Rodney Verian, to temporarily stop/desist any activities or engage in any operation/s.