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

May 5, 2023

MEMORANDUM

FOR : The Regional Executive Director
DENR – MIMAROPA Region
Roxas Boulevard, Barangay 668,
Ermita, Manila

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **APPLICATION FOR AREA CLEARANCE FOR THE PROPOSED RECLAMATION PROJECT OF MR. WILLIAM TAN LOCATED AT SITIO TAWIRAN, BRGY. LUZVIMINDA, PUERTO PRINCESA CITY, PALAWAN (E-2022-9691)**

Forwarded is the Memorandum dated April 25, 2023 from CENRO Puerto Princesa City submitting the inspection report of For. Dennis Aldrin O. Velasco, Chief, MES of that Office relative to the above-cited subject.

Report disclosed that during the recent actual inspection conducted on the subject area, it was found out that there were no existing activities done in the area and is presumed that it has been long halted since grass and shrub has already grown and starting to dominate the reclaimed area and that there was no more evidence to attribute with the damage of vegetation in the particularly the mangrove area except the google earth image which was generated by that Office from 2011to 2021.

Further, records of that office shows that there is no strong evidence to cause filing of criminal action against Mr. William Tan that will satisfy the court for conviction of the party for violation of Environmental Laws. However, they believe that there is a strong evidence for violation of DAO 2018-14 for reclamation undertaken prior to the issuance of area clearance for reclamation project.

For information and further instruction/s.

For the PENR Officer:

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

TSD/File *kkva
Doc. Ref. No. 2023-3784

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By: Date: 08 MAY 2023 CN: 23-1252

Republic of the Philippines
Department of Environment and Natural Resources
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
PUERTO PRINCESA CITY
South National Highway, Bgy. Sta. Monica Puerto Princesa City
Email Address: cenropuertoprincesa@denr.gov.ph
Tel. Fax No.: (048) 717-0702

MEMORANDUM

DENR PENRO
PALAWAN RECORDS
RECEIVED
BY:
DATE: 04/25/2023 23784

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 L&S Bldg., Roxas Boulevard, Ermita, Manila

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

FROM : The OIC, Community Environment and Natural Resources Officer
Puerto Princesa City

SUBJECT : **APPLICATION FOR AREA CLEARANCE FOR THE PROPOSED RECLAMATION PROJECT OF MR. WILLIAM TAN LOCATED AT SITIO TAWIRAN, BRGY. LUZVIMINDA, PUERTO PRINCESA CITY, PALAWAN (E-2022-9691)**

DATE : **April 25, 2023**

Respectfully submitted is the inspection report dated April 20, 2023 on the actual inspection conducted last April 19, 2023 at Sitio Tawiran, Brgy. Luzviminda, Puerto Princesa City by the Chief MES of this Office Forester Dennis Aldrin O. Velasco.

Please be informed that based on the recent actual inspection conducted at Sitio Tawiran, Brgy. Luzviminda, Puerto Princesa City, it was found out that were no existing activities done in the area and it is presumed that it has been long halted since grass and shrub has already grown and starting to dominate the reclaimed area. That there was no more evidence to attribute with the damage of vegetation in the area particularly the mangrove area except the google earth image which was generated by this Office from 2011 to 2021.

Upon review of the documents filed in this Office, there was an inspection report dated February 24, 2017, with a findings of forty-three (43) cutting stumps of Bakauan lalaki and Tabigi in the mangrove area were observed with equivalent total volume of 1.8 cubic meter. However, no person was identified responsible for the said cuttings.

Another inspection report dated March 21, 2018, also mentioned that cutting of mangroves were observed, however, no person was again identified as to who did the cutting.

In the minutes of the meeting conducted on March 17, 2017 at CENRO Puerto Princesa Office, Atty. Patrick Tan said that they already stopped operation in the area since December 2016 and he is wondering if there is someone who wants to sabotage their company. The said that the mangroves are outside their property and there's no practical reason for them to cut it.

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Tel. Fax No.: (048) 717-0702

Based on records of this office, there is no strong evidence to cause the filing of criminal action against Mr. William Tan that will satisfy the court for the conviction of the party for violation of Environmental Laws. However, this Office believes that there is a strong evidence for violation of DAO 2018-14 for the reclamation undertaken prior to the issuance of area clearance for reclamation project. Hence, necessary action should be taken on this matter.

For your information and reference.

"For and in the absence of OIC-CENRO"

NORMA D. CAYATOC
DMO IV
Office In-charge

DENR MIMAROPA REGION
CENRO PUERTO PRINCESA
RELEASED
NO 988
DATE: 4-25-23
BY

Republic of the Philippines
Department of Environment and Natural Resources
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
PUERTO PRINCESA CITY
South National Highway, Bgy. Sta. Monica Puerto Princesa City
Email Address: cenropuertoprincesa@denr.gov.ph
Tel. Fax No.: (048) 717-0702

MEMORANDUM

DENR MIMAROPA REGION
CENRO PUERTO PRINCESA
RECEIVED
APR 20 2023
NAME:
POSITION
SIGNATURE

FOR : The OIC, Community Environment and Natural Resources Officer

FROM : Forester II Dennis Aldrin O. Velasco

SUBJECT : **SPOT REPORT RE: APPLICATION FOR AREA CLEARANCE FOR THE PROPOSED RECLAMATION PROJECT OF MR. WILLIAM TAN LOCATED AT SITIO TAWIRAN, TAWIRAN BGY. LUZVIMINDA, PUERTO PRINCESA CITY, PALAWAN (E-2022-99691)**

This report is respectfully submitted pursuant to the Memorandum of the ARD-TS dated February 10, 2023

WHAT

Report on the ocular inspection conducted relative to the above subject.

WHEN

The inspection was conducted last April 19, 2023 at 10:00 o'clock in the morning.

WHERE

Sitio Tawiran, Barangay Luzviminda, Puerto Princesa City, Palawan

WHO

The inspection was conducted by the undersigned accompanied by Forester Arjay T. Gregas and Forest Ranger Michael G. Pollido

WHY

The inspection was conducted to gather evidences against the project proponent for alleged violation of ENR laws, rules and regulation, and see whether the filing of criminal case is possible given the current situation/status of the area as advised through the PENRO Memorandum dated March 2,2023 in relation to the Regional Office Memorandum dated February 10, 2023 in connection with the Memorandum of Atty. Jazmin D. Altea to the PENRO dated June 30, 2022 commenting on the above subject. This has been a long-standing issue which started way back in 2016 wherein the reclamation of the area is in question. It has now led us to the present given the previous circumstances and actions taken by this Office, The LGU and other agencies.

HOW

The team proceeded to the area, after having been given verbal instructions, a day prior to the inspection date. Upon arrival in the area the team was able to take geotagged photos showing the current status of the area. It can be observed that there are no activities in the area and has long halted since grass, and shrubs has already grown and starting to dominate the reclaimed area. That there is no more evidence to attribute with the damage of vegetation in the area particularly the mangrove area. That based on the current state of the land, only the

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Tel. Fax No.: (048) 717-0702

reclamation is now present and can be associated with the opinion advised by Atty. Altea on her Memorandum to the PENRO page 3, paragraph 11, items 3 and 4.

Recommendation

The undersigns recommends the following:

1. To consider the rehabilitation of the supposedly mangrove area, to be initiated by the proponent Mr. William Tan and that a MOA be entered into, between the DENR and the proponent for the said rehabilitation.

2. That the area be monitored constantly to ensure that the area is rehabilitated properly.

3. That the proponent be compelled to apply for any possible tenurial instrument/ clearances and permits, if need be, since it would be for the best interest of the public to allow development to occur in the area but should be done properly.

4. Finally, that the filling of case be conceded to the PRA relative to his violations on reclaiming the area without securing the proper documents/permits/clearances prior to the reclamation.

For your information and record.

DENNIS ALDRIN O. VELASCO R.P.F.
Chief, Monitoring and Enforcement Section

Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

DENR PENRO
PALAWAN RECORDS
RECEIVED
BY:
DATE: 01/28/2023 23 1744

MEMORANDUM

TO : THE PENR OFFICER
Palawan

ATTENTION : THE OIC, CENR OFFICER
Puerto Princesa City

FROM : THE OIC, ASSISTANT REGIONAL DIRECTOR
for Technical Services

SUBJECT : **APPLICATION FOR AREA CLEARANCE FOR THE PROPOSED RECLAMATION PROJECT OF MR. WILLIAM TAN LOCATED AT SITIO TAWIRAN, BRGY. LUZVIMINDA, PUERTO PRINCESA CITY, PALAWAN [E-2022-99691]**

DATE : FEB 10 2023

This pertains to the letter dated November 29, 2022 of Mr. William Tan addressed to the Regional Executive Director regarding his application for the issuance of area clearance for the proposed reclamation project at Sitio Tawiran, Brgy. Luzvimina, Puerto Princesa City, Palawan.

Based on the letter, the proposed reclamation project has a total area of 22.2 hectares adjacent to the land boundaries of Brgy. Luzviminda, Puerto Princesa City. Accordingly, the said reclamation project will be utilized as a port that will complement the light industrial park in the area.

However, based on the memorandum dated June 30, 2022 of Atty. Jazmin D. Altea, Chief Legal Unit, PENRO-Palawan, it was observed that there were issues of illegal reclamation and cutting of mangroves in the subject area which were not settled up to present. Further, the proposed area to be reclaimed are covered by Presidential Proclamation No. 2347 dated March 29, 1984 known as "Reserving as a Barangay ng mga Mangingisda".

In line with this, you are hereby directed to advise CENRO-Puerto Princesa City to gather evidence/s in preparation for the filing of a criminal complaint against the project proponent for violation of existing ENR laws, rules and regulations. Submit report of your action/s taken within five (5) working days upon receipt hereof for monitoring purposes.

MAXIMO C. LANDRITO

Cc: The Chief, LPDD

ED/MMM/2-2-23

Department of Environment and Natural Resources
MIMAROPA Region
Doc ID: 99691

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP: (02) 248-3367/ 248-3468/ 249-3367/ 405-0416 local 2700 / 2717
Facsimile : (632) 405-0046
Email: denr.mimaropa@gmail.com

Republic of the Philippines
Department of Environment and Natural Resources
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
PUERTO PRINCESA CITY
South National Highway, Bgy. Sta. Monica Puerto Princesa City
Email Address: cenropuertoprincesa@denr.gov.ph
Tel. Fax No.: (048) 717-0702







This is to certify that the geotagged photos show the area reclaimed by Mr. William Tan located at Sitio Tawiran, Bgy. Luzviminda, Puerto Princesa City. Palawan

DENNIS ALDRIN O. VELASCO R.P.F.
Chief, Monitoring and Enforcement Section

South National Highway, Bgy. Sta. Monica, Puerto Princesa City
Email Address: cenroppchuc@yahoo.com
Tel Fax No.: (048) 433-0660

Republic of the Philippines
Department of Environment and Natural Resources
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
PUERTO PRINCESA CITY
South National Highway, Bgy. Sta. Monica Puerto Princesa City
Email Address: cenropuertoprincesa@denr.gov.ph
Tel. Fax No.: (048) 717-0702





This is to certify that the geotagged photos show the area reclaimed by Mr. William Tan located at Sitio Tawiran, Bgy. Luzviminda, Puerto Princesa City. Palawan

DENNIS ALDRIN O. VELASCO R.P.F.
Chief, Monitoring and Enforcement Section

South National Highway, Bgy. Sta. Monica, Puerto Princesa City
Email Address: cenroppchuc@yahoo.com
Tel Fax No.: (048) 433-0660

Figure 15. February 2011

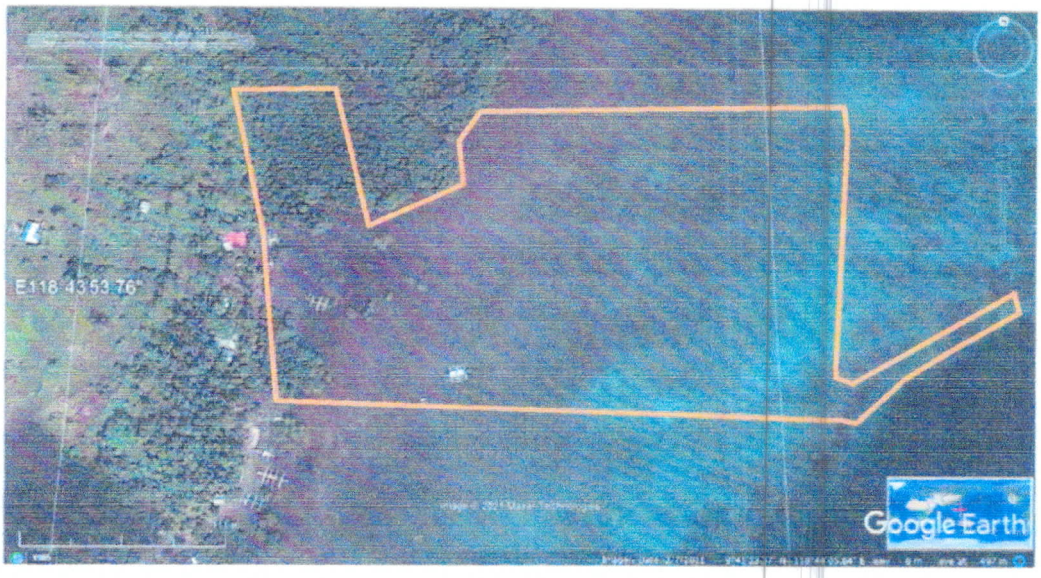


Figure 13. February 2015

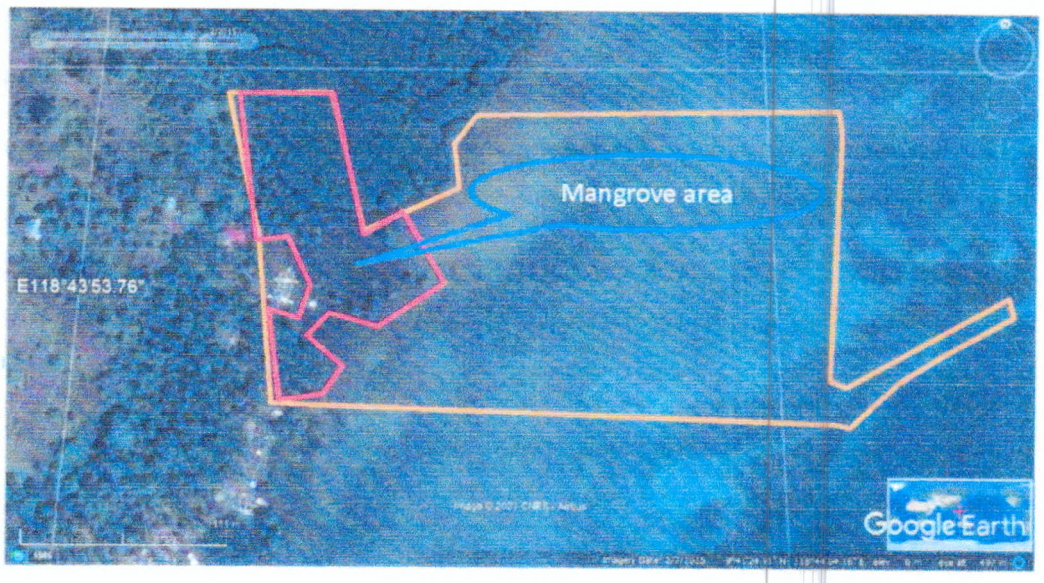


Figure 14. February 2014

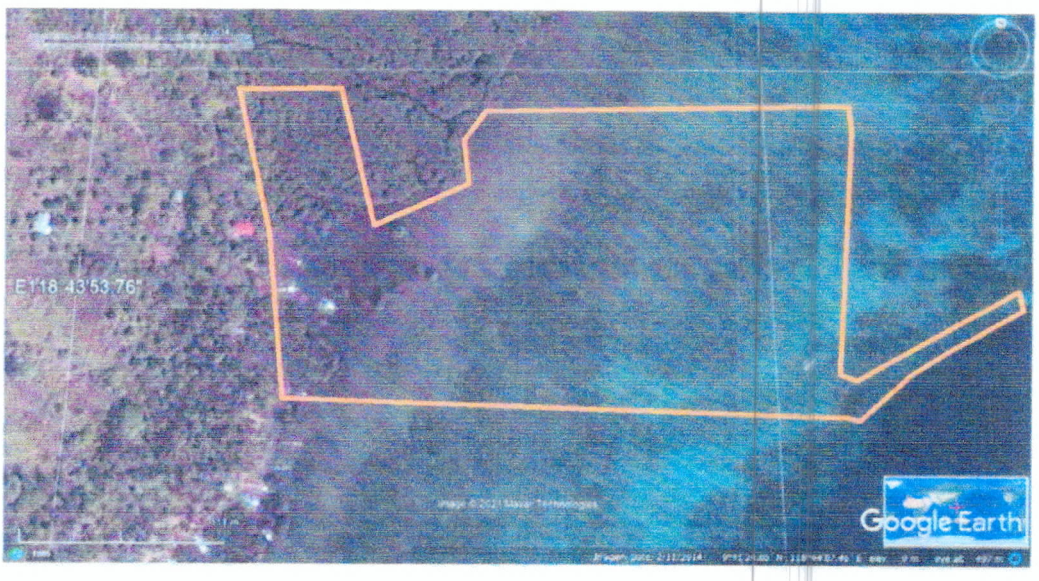


Figure 11. March 2016

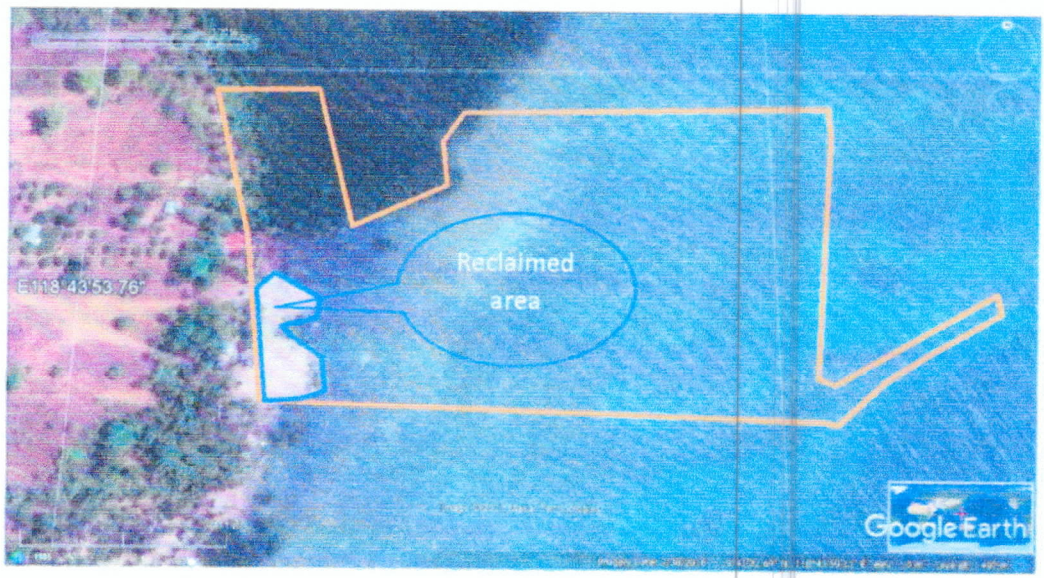


Figure 12. February 2016

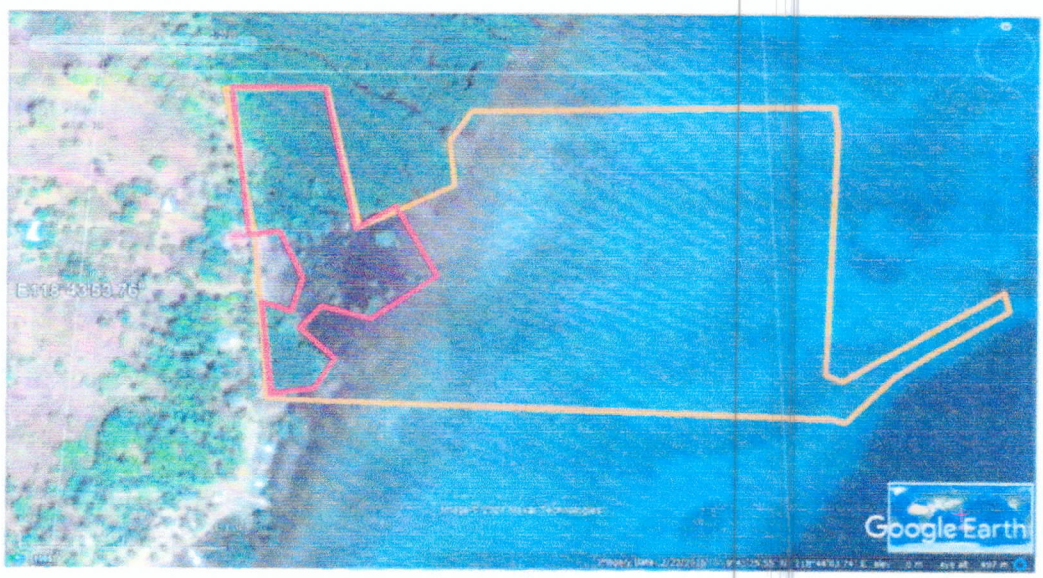


Figure 9. October 2016

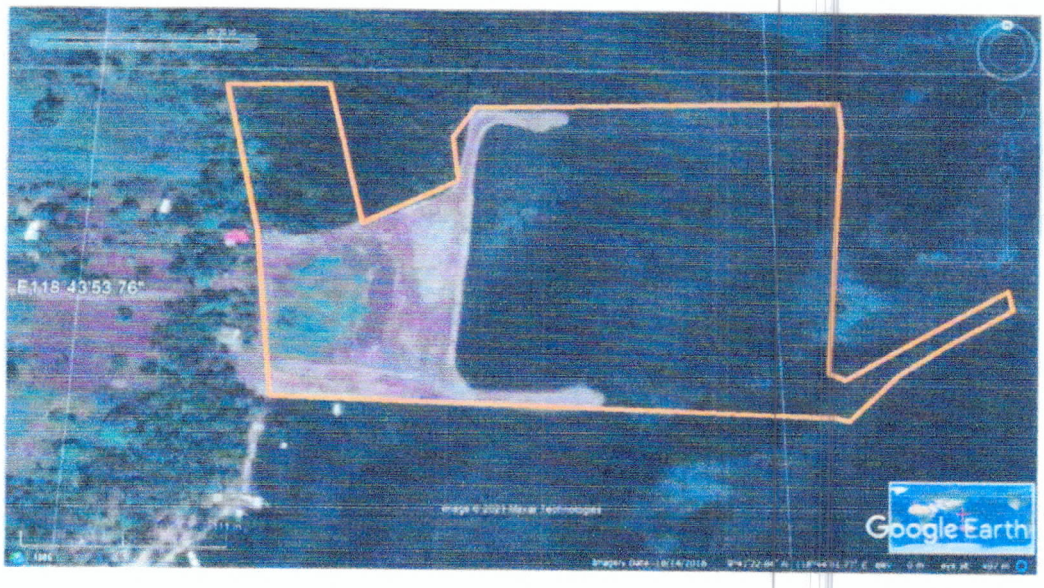


Figure 10. June 2016



Figure 7. April 2017

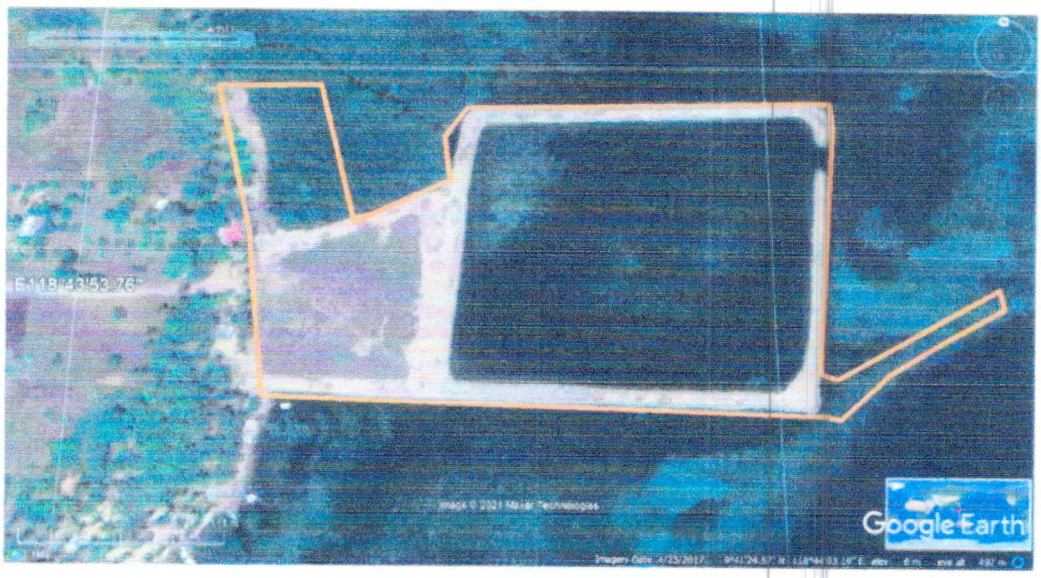


Figure 8. December 2016

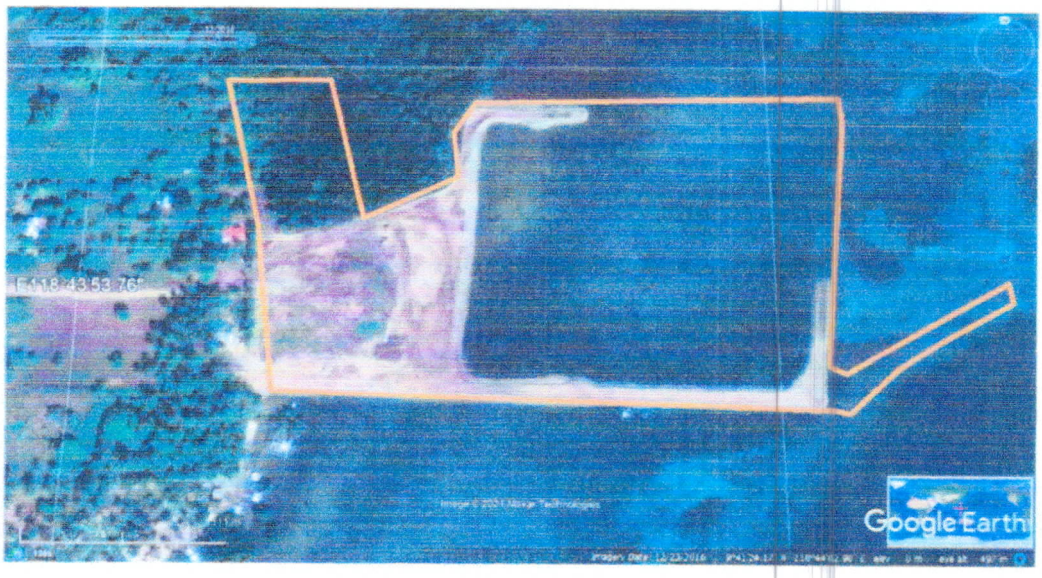


Figure 5. October 2018

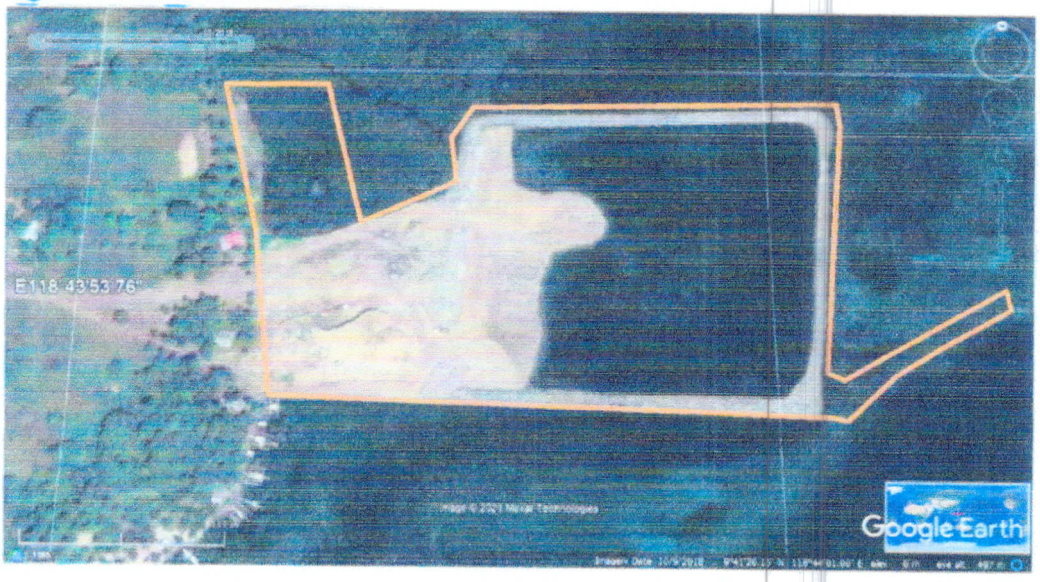


Figure 6.March 2018

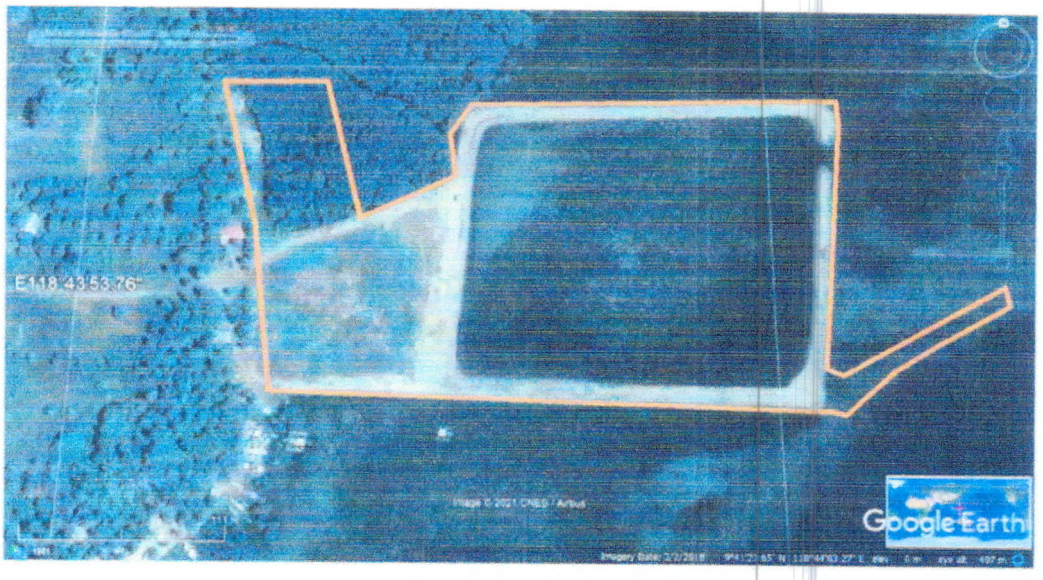


Figure 3. March 2019

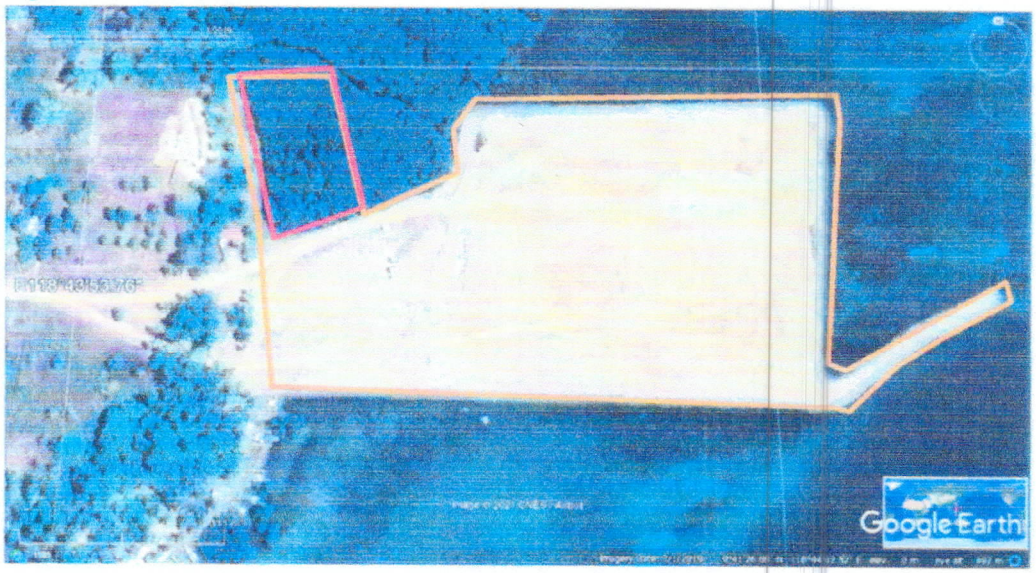
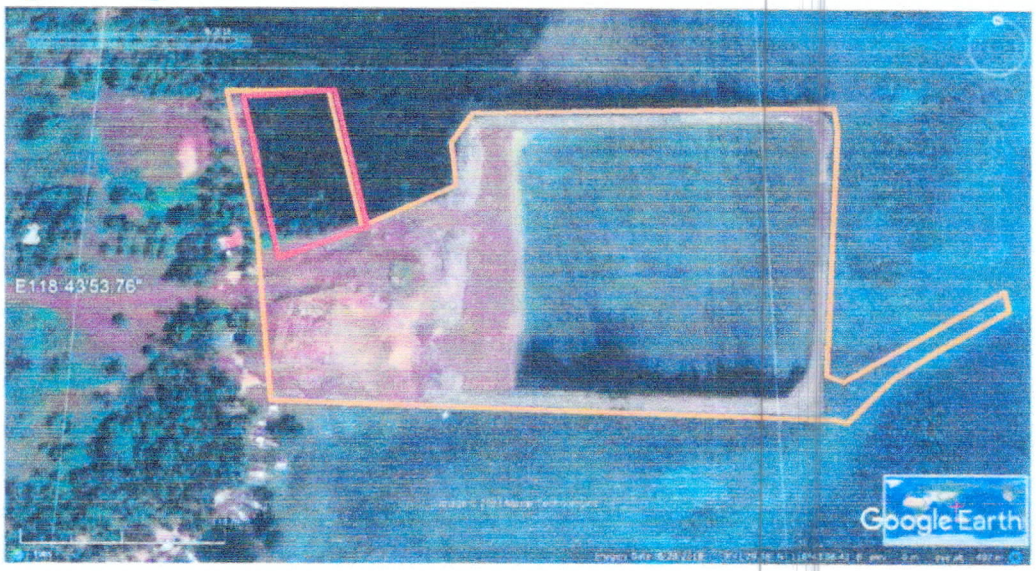


Figure 4.August 2018

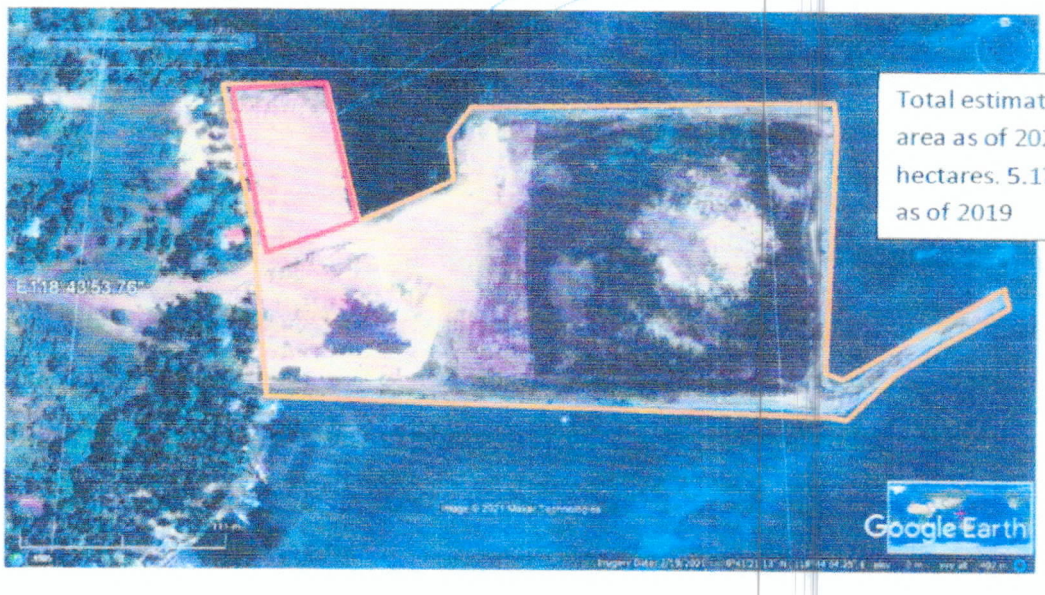


ANNEX "M"

Google earth images below show the historical imagery from year 2011 to 2021 of the reclamation project which affecting mangrove area being conducted by William Tan Enterprise Incorporated located at Purok Tawiran, Brgy. Luzviminda, Puerto Princesa City

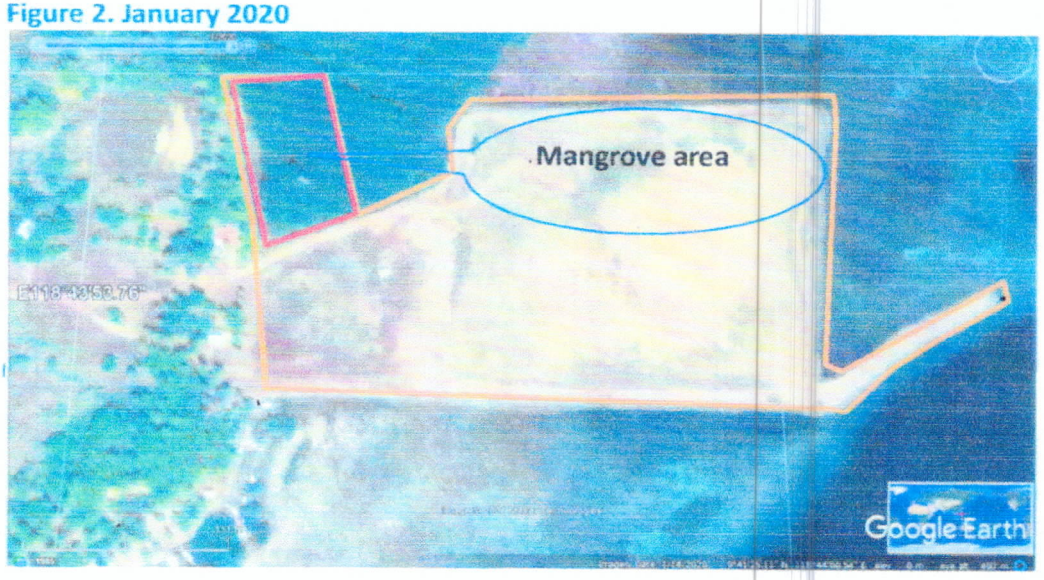
Newly reclaimed mangrove area

Figure 1. February 2021



Total estimated reclaimed area as of 2021 – 5.8982 hectares. 5.1701 hectares as of 2019

Figure 2. January 2020



Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

March 17, 2017

MEMORANDUM

DENR PENRO
PALAWAN RECORDS
RECEIVED
BY:
DATE 03-21-17 CN
2:00 PM

For : The Regional Director
DENR-IVB-MIMAROPA

THRU : The PENRO

FROM : THE CENRO
Puerto Princesa City

SUBJECT : QUARRYING AND EARTH MOVING IN
BGY. LUZVIMINDA, PUERTO PRINCESA CITY.

This is in reference to OIC Regional Director Memorandum dated February 28, 2017 and PENRO Memorandum dated March 9, 2017.

Please be informed that we have already submitted our report and Completed Staff Work (CSW) of actions taken in the case of illegal reclamation done by William Tan Enterprises Inc.

Attached please find the photocopy of our report earlier submitted.

EMER D. GARRAEZ

DENR-IV, MIMAROPA - CENRO
RELEASED
DATE: 3-21-17
BY:
PUERTO PRINCESA CITY

South National Highway, Bgy. Sta. Monica
Puerto Princesa City
Email Address: cenroppchuc@yahoo.com
Tel Fax No.: (048) 433-0660

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

24 February 2017

RECEIVED
DENR-CENRO
PUERTO PRINCESA
DOC. NO. 1267
DATE: FEB 28 2017
TIME: 1:32 PM
NAME: Julie
POSITION:
SIGNATURE:

MEMORANDUM

FOR : The CENR Officer
DEN-CENRO Puerto Princesa City

FROM : The Investigation Team

SUBJECT : **INVESTIGATION REPORT ON THE ALLEGED ILLEGAL RECLAMATION OF MANGROVE AREA MADE BY WILLIAM TAN ENTERPRISES INC. (WTEI) LOCATED AT PUROK TAWIRAN, BRGY. LUZVIMINDA, PUERTO PRINCESA CITY.**

I. BACKROUND OF THE SITUATION:

On September 29, 2016 the DENR-CENR Office of Puerto Princesa received a letter of intent to apply for Special Forest Land Use Permit Agreement (FLAG) from Mr. William C. Tan, CEO & President of William Tan Enterprises Inc. (WTEI) dated September 22, 2016. Enclosed to this letter are the following documents:

A. Resolution No. 2 dated January 8, 2016 of the Sangguniang Barangay of Luzviminda requesting the Department of Agrarian Reform (DAR) and Other concerned agencies to consider the request of WTEI to convert some portion of land located at Purok Tawiran, Brgy. Luzviminda from agricultural land to industrial. The titled land requested for conversion covered an area of 4.57 hectares ***(Annex "A");***

B. Resolution No. 3 of the Sangguniang Barangay of Luzviminda dated January 8, 2016 endorsing the Proposed Cement Terminal (with packing facilities and silo) Project of WTEI located at Purok Tawiran, Brgy. Luzviminda, this City***(Annex "B");***

C. Resolution No. 63 dated December 11, 2015 of the Sanggunian Barangay of Luzviminda earnestly requesting the Hon. Lucilo R. Bayron, City Mayor of Puerto Princesa thru the City Engineering Office to initiate the preparation of detailed Plan of Works (POW) of proposed motorized boat landing facility to be constructed at Purok Tawiran, Luzviminda ***(Annex "C")***

D. Certification issued to WTEI by Punong Barangay Hon. Angelita B. Dalma dated 10 March 2016 certifying that the Sangguniang Barangay of Luzviminda has passed a Resolution for the Construction of Boat Facilities at Purok Tawiran, Luzviminda and said resolution was course thru the City Mayor and the City Engineering Office***(Annex "D")***

E. Joint Waiver of Rights of lot owners to WTEI ***(Annex "E");***

F. Seventeen (17) pages with pictures of Transcript of minutes of the public consultation on the proposed Cement Terminal (with packing facilities) of WTEI conducted on January 27, 2016 at Brgy. Luzviminda. Said consultation was attended by different Purok Leaders, Barangay Officials and some residents of Luzviminda, PCSDS, representative of WTEI, Investors and DENR-CENRO PPCity represented by Mathematician Aide Reynaldo Macola ***(Annex "F").***

South National Highway, Sta. Monica, Puerto Princesa City, Palawan
Tel. No.: (048) 433-0660
Email Address: cenroppchuc@yahoo.com

II. ACTIONS TAKEN:

On February 3, 2017, Forester I Joselito Eyala together with PEMU personnel conducted inspection and investigation in the subject area. Report submitted by Forester Eyala recommending for the conduct of further investigation.

On February 6, 2017 the CENR Office received a letter from Atty. Gerthie Mayo-Anda of Environmental Legal Assistance Center (ELAC) requesting for the immediate stoppage of the on-going reclamation and construction activities in the area bordering Brgy. Luzviminda and Mangingisda purportedly undertaken by the group of Mr. William Tan.

On the same day a letter from Mr. Patrick Tan of WTEI was received by CENRO-PPCity providing an advance copy of the Environmental Impact Assessment (EIA) documents of William Tan Enterprises Inc. (WTEI) for Palawan Cement Terminal and Warehouse Complex Project located at Brgy. Luzviminda, Puerto Princesa City. Attached to documents are machine copies of two (2) Certificates of Non-Coverage to wit:

1. CNC-OL-R4B-2016-10-12821 issued to William Tan Enterprises Inc. on October 26, 2016 for its proposed Cement Warehouse/Storage Facility (with packing activity) located at Tawiran, Luzviminda, Puerto Princesa City, Palawan, R4B classified as (All office and residential building such as motels, condominiums, schools, etc. including storage facilities with no hazardous or toxic materials: 0.8809 hecatre Total/gross floor area including parking, open space and other areas) marked as ***Annex "G";*** and

2. CNC-OL-R4B-2016-10-12822 issued to Patrick Tan on October 27, 2016 for its proposed Jetty Port Project located at Tawiran, Luzviminda, Puerto Princesa City, Palawan, R4B classified as (Sea Port, Causeways, and Harbors/Including Ro-Ro Facilities) - Without Reclamation: 0.5750 hectares based on project area marked as ***Annex "H".***

On 14 February 2017, a Multi-Sectoral Team was created under CENRO Special Order No. 2017-003 composed of DENR-CENRO PPCity, ELAC, EMB-PEMU, City-ENRO, PCSDS and LGU representatives from Barangays Luzviminda and Mangingisda to conduct in-depth investigation on the alleged illegal activities in Purok Tawiran allegedly made by the group of Mr. William Tan (S.O. attached as ***Annex "I").*** On the same date, a letter signed by CENRO Emer D. Garraez was sent to Mr. William Tan inviting him for a conference to be held on February 20, 2017 at CENR Office regarding his on-going project at Purok Tawiran (letter attached as ***Annex "J")***, however Mr. Tan or any of his representative did not appear.

On the morning of February 21, 2017, around 9:00 o'clock in the morning the Multi-Sectoral Team assembled at the Barangay hall of Luzviminda and went to the subject area (please see attached attendance sheet as ***Annex "K"***).

Around 10:15 AM the team arrived at the gate of Mr. Tan's property. The area were fenced with concrete post and barbed wire. Punong Barangay Angelita Dalma of Barangay Luzviminda made a call to the caretaker so that we can enter the area. According to Punong Barangay Dalma, Mr. William Tan has acquired more or less sixteen (16) hectares of land in the area.

III. LEGAL BASIS:

1. **Presidential Proclamation 2152 dated December 29, 1981 Declaring the entire Province of Palawan and other parts of the country as Mangrove Swamp and Forest Reserve and hereby withdrawing it from any entry, sale, settlement or any form of disposition;**

2. Section 77 of Presidential Decree 705 – 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: Provided, That in the case of partnerships, associations, or corporations, the officers who ordered the cutting, gathering, collection or possession shall be liable

3. Section 78 of Presidential Decree 705 - 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..;

4. DENR Administrative Order No. 2003-30 - Implementing Rules and Regulations (IRR) for the Philippine Environmental Impact Statement (EIS) System.

IV. FINDINGS:

1. Based on available records of EMB 4B Regional Office, there is no Environmental Compliance Certificate (ECC) issued to William Tan Enterprises Inc. (WTEI) for Palawan Cement Terminal and Warehouse Complex Project located at Brgy. Luzviminda, Puerto Princesa City;

2. As of date of inspection, there is no warehouse/silo/storage facility constructed in the titled properties with a total area of 5.3822 hectares covered with DAR OCT Nos. 556, 278 and 2500 and TCT (LRA) No. 074-2015000073 bought by Ms. Jene Geromiano, Mr. John Kenneth Tan and Mr. Roger Sean Chavez, respectively (copy of Titles attached as ***Annex "L, L-1 & L-2")***.;

3. As of date of inspection, there is no jetty port constructed in the area;

4. There was a reclamation along the shoreline and fronting the titled property. It is approximately 1.18 hectares. The area is now filled with boulders and planted with trees such as Mahogany, Coconut, and Cashew;

5. Another reclaimed area from shoreline towards the sea with a width of six (6) meters by 698 meters in length is forming a square pattern (please see photo) with an area of 4,188.0 square meters (0.4188 hectare). And the deepest portion which was filled with boulders and sand and gravel is more or less ten meters;

6. The Forest Land Use Agreement (FLAG) is not applicable in the area which was earlier applied by Mr. William Tan. Although the adjacent lots were titled said tenurial instrument is not suitable considering that area is beyond sea shore;

7. A portion of the reclaimed is a dense mangrove area, which is a violation to Presidential Proclamation 2152 series of 1981 declaring the entire Province of Palawan as Mangrove Swamp Forest Reserve and was withdrawn from any activities;

8. Cutting stumps in the Mangrove area was observed by the investigation team (please see attached photos). A total of forty three (43) pcs. of Bakauan lalaki and Tabigi trees were cut with an equivalent total volume of 1.8 cubic meter. Other mangroves were also damaged.

9. The reclaimed area based on the Marine Assessment Certification from Western Philippine University, the development/ foreshore areas were mainly covered with seagrasses (Letter attached as ***Annex "M"***).

10. The seagrasses that were damaged provide food, nursery and serve as habitat of marine life.

After the inspection/ evaluation of the area, the team had a brief discussion wherein observations/ findings and violations committed by the proponent were specified by each offices.

V. RECOMMENDATIONS:

1. Filing of criminal charges in court against the proponent William Tan Enterprises Inc. (WTEI) for violation of Sec. 77 of PD 705 and Presidential Proclamation 2152 for cutting and damaging of mangrove trees; and Section 78 of PD 705 for illegal occupancy and reclaiming the foreshore area without permit;

2. Issuance of Notice of Violation for violating Section 4 of PD 1586, for starting the project without an approved Environmental Compliance Certificate (ECC) and Imposition of penalty in the amount of Fifty Thousand (Php 50,000.00) Pesos (Specific for reclamation project);

3. Issuance of Notice of Violation for modification of the proposed jetty port project as specified in their Certificate of Non-Coverage (Without reclamation) in violation of P.D. 1586 (EIA System) and imposition of penalty in the amount of Fifty Thousand (Php 50,000.00) Pesos;

For information, record and further instruction.

NOEL V. SUMIDO
Forest Ranger
DENR-CENRO

VICTORIANO B. COLILI
Advocady Officer
ELAC-Palawan

JESSIE M. ESCANDALIO
Forester-I
DENR-CENRO

ELANY P. SANICO
ECOMS-II
DENR-CENRO

ZENAIDA F. CALALIN
Forester-II
DENR-CENRO

LEONORA F. MANSUETO
EMS II
PEMU Palawan

Copy furnished:
1. The Executive Director
   ELAC, Mitra Road, Sta. Monica, PPCity
2. The EMB-PEM Officer
   DENR-EMB PEMU, Sta. Monica, PPCity

STAND AND STOCK TABLE OF SCALE AND INVENTORIED ILLEGALLY CUT MANGROVE TREES WITHIN THE RECLAIMED AREA OF MR. WILLIAM TAN LOCATED AT PUROK TAWIRAN, BGY. LUZVIMINDA, PUERTO PRINCESA CITY

SPECIES	10		20		30		Total	
	T	V	T	V	T	V	T	V
Bakauan-Lalaki	17	0.213	14	0.773	2	0.257	33	1.244
Tabigi	4	0.083	6	0.536			10	0.618
Grand Total	**21**	**0.296**	**20**	**1.309**	**2**	**0.257**	**43**	**1.862**

Prepared by:

JESSIE M. ESCANDALIO
Forester I

ZENAIDA T. CALALIN
Forester II

NOEL V. SUMIDO
Forest Ranger

ELANY P. SANICO
ECOMS II

Checked and Verified by:

NORMA D. CAYATOC
Forester III

Attested by:

CONRADO M. CORPUZ
Development Management Officer IV

SUBCRIBE AND SWORN to before me this ____ day of February, 2017 at CENR Office, South National Highway, Bgy. Sta. Monica, Puerto Princesa City.

EMER D. GARRAEZ
CENRO






CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the pictures above shows the mangrove stumps found within mangrove area illegally reclaimed by William Tan Enterprises Inc. (WTEI) located at Sitio Tawiran, Brgy. Luzviminda, this City, taken during the inspection conducted on February 21, 2017.

JESSIE M. ESCANDALIO
Forester-I

NOEL V. SUMIDO
Forest Ranger

ELANY P. SANICO
ECOMS-II

ZENAIDA J. CALALIN
Forester-II


9°41'27"N, 118°44'7"E
accuracy: 4m


9°41'22"N, 118°44'7"E
accuracy: 6m
Altitude
66 m






CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the pictures above shows the mangrove stumps found within mangrove area illegally reclaimed by William Tan Enterprises Inc. (WTEI) located at Sitio Tawiran, Brgy. Luzviminda, this City, taken during the inspection conducted on February 21, 2017.

JESSIE M. ESCANDALIO
Forester-I

NOEL V. SUMIDO
Forest Ranger

ELANY P. SANICO
ECOMS-II

ZENAIDA T. CALALIN
Forester-II






CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the pictures above shows the damaged mangroves within the area illegally reclaimed by William Tan Enterprises Inc. (WTEI) located at Sitio Tawiran, Brgy. Luzviminda, this City, taken during the inspection conducted on February 21, 2017.

JESSIE M. ESCANDALIO
Forester-I

NOEL V. SUMIDO
Forest Ranger

ELANY P. SANICO
ECOMS-II

ZENAIDA T. CALALIN
Forester-II

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

May 21, 2018

MEMORANDUM

RECEIVED
CENR CENRO
PUERTO PR...
DOC. NO. 3770
DATE: 5/22/18
TIME: 9:45 a.m.
NAME: Mike O. Macasay
POSITION: ???
SIGNATURE:

FOR : The CENR Officer
DENR-CENRO Puerto Princesa City

THRU : **NORMA D. CAYATOC**

FROM : REU Personnel

SUBJECT : **INSPECTION REPORT OF THE RECLAMATION OF MANGROVE AREA ALLEGEDLY BY WILLIAM TAN ENTERPRISES INC.(WTEI) LOCATED AT PUROK TAWIRAN, BGY. LUZVIMINDA, PUERTO PRINCESA CITY.**

==========

On May 18, 2017, upon direct order from the MIMAROPA Regional Director Natividad Y. Bernardino, CENRO-PPC personnel lead by CENRO Emer D. Garraez conducted site inspection regarding the above matter. Ocular inspection was conducted in due records from the first inspection conducted by multi- sectoral team disclosed the following;

1. Based on findings of the inspection team composed of representative from ELAC, EMB-PEMU, DENR CENRO PPC, PCSDS and LGU Baragay of Luzviminda on February 14, 2017:
   - **a.** There was no ECC issued to WTEI for Palawan Cement Terminal and Warehouse Complex Project Located at Brgy. Luzviminda, Puerto Princesa City;
   - **b.** That as of Feb. 14, 2018 there was no Jetty port, warehouse/silo/storage facility constructed;
   - **c.** There was a reclamation along the shoreline approximately 1.18 hectares that was filled with boulders and planted with trees and coconuts and also reclamation of the shoreline towards the sea of about 0.4188 hectares.
   - **d.** The team also found out that FLAG is not applicable to the area since the portion of reclaimed area was dense mangrove and
   - **e.** cutting of mangroves were observed;
   - **f.** The foreshore areas were mainly covered with sea grasses. Therefore the team recommended to file cases against WTEI in violation of sec. 77 and Sec. 78 of PD 705 (cutting of mangroves and illegal occupancy/reclaiming the foreshore area without permit respectively), issuance of notice of violation for violating Sec. 4 of PD 1586 for operating the project without ECC and for modification of the proposed project as specified in Certificate of Non-Coverage (without reclamation).

2. That per actual inspection/verification on May 18, 2018 the excavation and reclamation operation allegedly done by William Tan Enterprises Inc. on the seashore areas covered by sea grasses and fronting the claimed titled property of the enterprise was continuously operating.

3. During the inspection, though there were no heavy equipments observed operating at that time, an enormous pile of soil used as filling materials for the reclamation was observed; rocks and boulders were used as foundation and barrier against sea current/waves. Stock of soil in the area covering large portion of the shore including the portion of sea bed with sea grasses were enclosed in a block of rocks. (see attached geotagged pictures)

4. Massive excavation was also discovered in the alleged titled coconut plantation owned by WTEI, where the unearthed soil was being used in the reclamation of the sea shore fronting the property.

5. A resident nearby (Mr. Manuel Ovenza) was interviewed by the team. According to him there are different contractors was operating in every operations in the area.

6. If we consider the provision of Presidential Proclamation No. 2152 mangroves areas should be withdrawn from any entry, settlement or any forms of land disposition.

For information and consideration.

ARJAY T. GREGAS
Forester I

LIM BRYAN M. KUTAT
Forester I





Photo showing the massive pile of excavated soil stocked on the shoreline of the reclaimed area of William Tan Enterprises Inc.





A pile of soil and boulders enclosing the sea grasses, an on-going reclamation in an area of William Tan Enterprises Inc.

Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

EXCERPTS FROM THE MINUTES OF THE MEETING CONDUCTED LAST MARCH 16, 2017 AT DENR-CENRO PPC REGARDING THE ISSUES IN THE RECLAMATION PROJECT OF WILLIAM TAN ENTERPRISES INC. (WTEI) IN SITIO TAWIRAN, BGY. LUZVIMINDA, PUERTO PRINCESA CITY.

Present:

Atty. Patrick P. Tan	- WTEI
Atty. Elisa N. Pua	- WTEI
CENRO Emer D. Garraez	- DENR-CENRO PPC
DMOIV Conrado M. Corpuz	- DENR-CENRO PPC
For.Norrma D. Cayatoc	- DENR-CENRO PPC
For.Zenaida T. Calalin	- DENR-CENRO PPC
FT I Bernard Christopher Francisco	- DENR-CENRO PPC

A meeting was held last March 16, 2017 to discuss the result of the investigation conducted by the multi-sectoral team in the reclamation done by William Tan Enterprises Inc. (WTEI) at PurokTawiran, Bgy. Luzviminda, Puerto Princesa City. A letter was sent to Mr. William Tan, proprietor of the said project, dated March 2, 2017 to request the company to present documents to attest the legality of their project and other activities conducted thereat.

Atty. Patrick Tan, representative of WTEI, explained that their project was separated into two segments. One is inland which is still being deliberated at the city council. Their inland project has already gone through all the necessary process and they are hoping to acquire endorsement for ECC.

The second part is the water side which has reclamation issues and allegation of mangrove cuttings. According to Atty. Tan because of the presence of mangrove on both the left and right side of their reclamation area their property is often mistaken as a mangrove area that has been cleared. Atty. Tan clarified that when the project was being planned wayback in 2015 their company thoroughly searched for an area in Puerto Princesa wherein there are no mangroves and the water is deep enough. Then they found SitioTawiran which is traditionally being used as a boat landing area of the local residents. He also mentioned that there was information that it was even used before as docking area for equipments and supplies of Iwahig Prison and Penal Farm. Even the residents of the barangay can attest that the area was already cleared and only piles of rocks were there before.

According to Atty. Tan their property in Bgy.Luzviminda already has a title issued by DAR. He also mentioned that even in the tax map of the city the whole area of Bgy. Mangingisda and Bgy.Luzviminda are all titled with each lot containing an area of around 1.6 to 2 hectares.

Atty. Tan said that as early as March last year their company has already applied for tenurial instrument for the water portion. Their company applied for bothMiscellaneous Lease Agreement (MLA) and Foreshore Lease Agreement (FLA) whichever will be more suitable for the area. Then they applied for survey authority but it was not signed because of a prevailing suspension. A survey was facilitated by Engr. Rex Velasco and he was assisted by Engr. Tamayao. Their request was on August 2, 2016 and an inspection report was prepared by Engr. Velasco dated August 8, 2016. However, their application was denied because based on the record of DENR the classification of the land is timberland. Also one of the reason is because a foreshore lease can only be applied adjoining a titled property.

South National Highway, Bgy. Sta. Monica
Puerto Princesa City
Email Address.cenroppchus@yahoo.com
Tel/Fax No.: (048) 433-0660

According to Atty. Tan there is a legal opinion that says that foreshore areas are not covered by the suspension in issuance of survey authority because it is not for private ownership.

Regarding the classification of the land, in Atty. Tan's opinion there is a probability that in 1984 there was a miscommunicationbetween the Office of the President and DENR Office when Presidential Proclamation 2347 *(RESERVING AS A "BARANGAY NG MGA MANGINGISDA" A PORTION OF IWAHIG PENAL COLONY COVERED BY EXECUTIVE ORDER NO. 67 DATED 15 OCTOBER 1912 SITUATED IN THE CITY OF PUERTO PRINCESA, PROVINCE OF PALAWAN, ISLAND OF PALAWAN)*was being enacted because during that time then President Ferdinand Marcos declared Martial Law. Atty. Tan explained that because of that declaration the President has both the executive and legislative power so there is no need for a legislative enactment to declare the area as Alienable & Disposable. Also during that time President Marcos is ailing and is about to go out of the country so because of the miscommunication between agencies it's possible that DENR was not able to update their records and adapt the said Presidential Proclamation. Atty. Tan also pointed out that the the area was classified as timberland on 1924 but in 1984 the Presidential Proclamation 2347 was enacted.

Atty. Tan said on the part of the reclamation they admit that their company have failed to secure all necessary documentsbefore they started so theyare requesting to be penalized so that there will be closure on the part of the violation in the reclamation.

According to For.Cayatoc CENRO PPC has no power to impose a fine as penalty. What CENRO can do is either disapprove their application and order them to rehabilitate the area or to file a criminal charge against them.

CENRO Garraezexplained thatCENRO PPC cannot move until the alleged cutting of mangroves is cleared and the problems in the reclamation are resolved.

In Atty. Tan's viewpoint if their company will be not be issued a MLA the status will just remain in a chicken and egg situation because they have already made developments in the area and how can they justify that if they don't have MLA. MLA is pending becausethere is an existing development so the problem will just go around in circles.

According to For.Cayatocshe understands the side of WTEI that they can't wait for the documentary requirements for the permit but that is the major mistake of the company, they started the project before securing the necessesary permits. The company only has Certificate of Non-Coverage (CNC) but the activities conducted by the company are not in accordance to the conditions stipulated in the said certification.

CENRO Garraezsaid that she has already asked the issue regarding Presidential Proclamation 2347 to the Central Office. According to the legal opinion from the Central Office,thearea was only segregated from Iwahig for the purpose of resettlement. It is silent if the classification of the land was changed.

Atty. Tan believes that the classification of the land was ammended because Presidential Proclamation 2347 has a catch-all provision "All previous proclamations and orders contrary to or inconsistent with this proclamation are hereby revoked or amended accordingly."

Atty. Tan also mentioned that their company received a notice for violation and a cease and desist order from City ENRO. But they have not received anyletter or notice from EMB yet. PCSD on the other hand ordered their company to explain point by point the issues that was raised in the complaint letter of ELAC.

CENRO Garraez asked if a study was conducted to investigate the physical and biological conditions of the area and the possible impacts of the project.

According Atty. Tan last March 2 they submitted a letter of request to PCSD to conduct a coastal resources assessment and the said agency was able to perform the assessment a few days after. They will ask for for a copy of the result of the assessment from PCSD. Then after that a public consultation was also conducted. WPU also inspected the area and according to them there are some seagrass but there are no corals within the vicinity. They also encouraged the company to tie up with CENRO and City ENRO to plant more mangroves and help the agencies in monitoring the surroundings of the area.

According to Forester ZenaidaCalalin, team leader of the multi-sectoral team, when they conducted inspection in the area last February 21, 2017 they observed some mangrove cuttings located outside the property of WTEI.

CENRO Garraez asked if they have photos to show the appearance of the area before the reclamation to prove that indeed there were no mangroves in the said area prior to the operation of their project. Atty. Tan said that they do.

CENRO Garraez commented that there is a possibility that someone purposely cut the mangroves. And it is also possible that it was done only recently because it was freshly cut.

According to Atty. Tan their company have already stopped any operation in the area since December 2016. Those kinds of acts will just aggravate the problem so he is wondering if there is someone who wants to sabotage their company. He said that the mangroves are outside their property and there's just no practical reason to cut them. Nevertheless they will definitely look into this matter because they don't want their comapany's name to be associated with such issues.

Atty. Tan also mentioned that their company together with some residents of the Barangay are planning to conduct mangrove planting on Saturday March 18, 2017 in the surrounding area of their property in SitioTawiran. They requested for mangrove propagules from the City ENRO.

CENRO Garraez said that if a title was issued within timberland the mindset of DENR is to cancel it. Atty. Tan commented that it will be impractical to calcel all the title for Bgy. Luzviminda and it will result to turmoil.

CENRO Garraez said that CENRO PPC will seek another legal opinion from the DENR Central Office to clarify Presidential Proclamation 2347.

Atty. Tan asked if they could send a letter to CENRO PPC to also request for legal opinionregarding Presidential Proclamation 2347. They would like to have the chance to point by point raise the issues that they have observed. CENRO Garraez agreed that their letter will be attached together with the letter of CENRO PCC to the Central Office. It was also decided that CENRO PPC will send a cease and desist order to WTEI.

Prepared by:

Bernard Christopher Francisco
Acting Recorder

NOTED BY:

NORMA D. CAYATOC
Forester III