



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

DENR MIMAROPA RECORDS SECTION	
RECEIVED	
BY:	
DATE:	
TIME:	

May 15, 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 : **REPORT RE: THE SERVICE OF COPIES OF THE
MEMORANDUM AND CERTIFICATION, BOTH DATED
JULY 5, 2022 IN DENR CASE NO. M-028-04-L ENTITLED
“HEIRS OF SEVERINO CABANGAN REP. BY TERESITA
FRANCISCO VERSUS HEIRS OF PEDRO ACOSTA REP. BY
REBECCA ACOSTA-MACOLOR” INVOLVING SPECIAL
LAND USE PERMIT COVERING MATULALI ISLAND,
ARACELI, PALAWAN**

Forwarded is the Memorandum dated April 20, 2023 from CENRO-Roxas in compliance to the January 4, 2023 Memorandum from the Chief of Legal Division instructing to deliver copies of the Memorandum and Certification to the Heirs of Pedro Acosta rep. by Rebecca Acosta-Macolor attached proof of service/delivery to the party.

For information and record.


For the PENR Officer:


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

Copy furnished:

CENRO-Roxas, Palawan

TSD/File *kkva
Doc. Ref. No. 2023-4102

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By 
Date 15 MAY 2023 CN 2023-1360



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

April 20, 2023

MEMORANDUM

FOR : The Provincial Environment and
Natural Resources Office
Puerto Princesa City

FROM : The Community Environment and
Natural Resources Office

SUBJECT : **REPORT RE: THE SERVICE OF COPIES OF THE MEMORANDUM
AND CERTIFICATION, BOTH DATED JULY 5, 2022, IN DENR
CASE NO. M-028-04-L ENTITLED "HEIRS OF SEVERINO CABANGAN
REP. BY TERESITA FRANCISCO VERSUS HEIRS OF PEDRO ACOSTA
, REP. BY REBECCA ACOSTA-MACOLOR" INVOLVING SPECIAL
LAND USE PERMIT COVERING, MATULALI ISLAND ARACELI,
PALAWAN.**

**DENR PENRO
PALAWAN RECORDS
RECEIVED**
BY: 8
DATE: 05-15-2023 23 9/02

In compliance with your memorandum dated March 16, 2023 referring the memorandum dated January 4, 2023 from the Chief Legal Division, this office delivered the copies of the Memorandum and Certification to the Heirs of Pedro Acosta represented by Rebecca Acosta-Macolor on at April 2023, *(Please see the attached receiving copy)*.

For the CENRO


RONNIE P. LILANG
Chief RPS/ Office In-Charge

**DENR-CENRO ROXAS
RELEASED**
DATE: MAY 04 2023
BY: [Signature]
DOC. NO. 2023 05-0687



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

MEMORANDUM

TO : THE PENR OFFICER
Palawan

ATTENTION : THE CENR OFFICER
Roxas, Palawan

FROM : THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT : IMPLEMENTATION OF THE ORDER DATED AUGUST 9,
2005 IN DENR CASE NO. M-028-05-L ENTITLED "HEIRS
OF SEVERINO CABANIGAN, REP. BY TERESITA
FRANCISCO -VERSUS- HEIRS OF PEDRO ACOSTA,
REP. BY REBECCA ACOSTA-MACOLOR" INVOLVING
SPECIAL LAND USE PERMIT COVERING MANTULALI
ISLAND, ARACELI, PALAWAN

DATE : JUL 05 2022

Records show that an Order dated August 9, 2005 issued by then Regional Executive Director Antonio G. Principe, *CESO III*. The dispositive portion of the Order states that:

*"WHEREFORE, premises considered, finding the letter-protest filed by the Heirs of Severino Cabanigan represented by Teresita Francisco wanting in merit, the same is hereby **ORDERED DISMISSED**. Likewise, they are **ORDERED** to refrain from occupying a portion of the island. The application for Special Land Use Permit of the Heirs of Pedro Acosta represented by Rebecca Acosta-Macolor shall be given further due course."*

Records further show that copies of the Order were sent to the parties via registered mail on August 15, 2005.

Under then DENR Administrative Order (DAO) No. 87, Series of 1990, an aggrieved party to a case may either file a motion for reconsideration or an appeal within fifteen (15) days from receipt of the decision/order.

The same period to file a Motion for Reconsideration was retained in Section 20 of DAO No. 2016-31 which provides that:

"Any of the parties may file a Motion for Reconsideration (MR) of the Decision of the RD within fifteen (15) days from the receipt thereof. Only one MR shall be allowed. The RD shall have fifteen (15) days to act on the MR."

If no MR is filed, or filed outside the reglementary period, the Decision of the RD shall become final and executory. xxx-xxx"

Per Certification dated February 10, 2022 issued by OIC, Records Section, Michelle B. Tuyan, no Motion for Reconsideration or Notice of Appeal was filed by any of the parties in the instant case. As such, a Certification dated JUL 05 2022 was issued by the undersigned declaring the Order dated August 9, 2005 issued by then Regional Executive Director Principe, as final and executory.

As such, you are hereby directed to implement the same subject to the provisions of DAO No. 2016-31 and submit compliance report within three (3) days from receipt hereof. In case there has already been compliance with said Order, furnish this Office with the proper documents for record purposes.

Forwarded are the records of the said case consisting of one (1) folder with eighty seven (87) pages for your reference and record.

For strict compliance.


LORMELYN E. CLAUDIO, CESO IV

Copy furnished:

*Heirs of Severino Cabanigan
Represented by Teresita Francisco*


Ongolan, Araceli, Palawan

*Heirs of Pedro Acosta
Represented by Rebecca Acosta-Macolor*

Barangay Maunlad, Puerto Princesa City

PENRO Palawan


CENRO Roxas, Palawan

 Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 69791

CERTIFIED TRUE / XERO COPY

 **7. 28. 2022**
MARLENE M. BADILLA
Admin. Asst. III / Records Officer-Designate
Legal Division, DENR MIMAROPA Region



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

HEIRS OF SEVERINO CABANIGAN,
REP. BY TERESITA FRANCISCO,

Protestant,

-versus-

HEIRS OF PEDRO ACOSTA,
REP. BY REBECCA ACOSTA-MACOLOR,
Protestee.

X-----X

DENR Case No. M-028-05-L

Special Land Use Permit
covering Mantuali Island,
Araceli, Palawan

CERTIFICATION

Records show that an Order dated August 9, 2005 was issued by then Regional Executive Director Antonio G. Principe, CESO III. Copies thereof were sent to the parties via registered mail on August 15, 2005.

Per Certification dated February 10, 2022 issued by OIC, Records Section, Michelle B. Tuyan, no Motion for Reconsideration or Notice of Appeal was filed by any of the parties in the instant case.

Under Section 20 of DAO 2016-31¹, the second paragraph states:


"If no MR is filed, or if filed outside the reglementary period, the Decision of the RD² shall become final and executory."

As such, the Order dated April 28, 2008 in DENR Case No. M-028-05-L is declared **FINAL AND EXECUTORY**:

"WHEREFORE, premises considered, finding the letter-protest filed by the Heirs of Severino Cabanigan represented by Teresita Francisco wanting in merit, the same is hereby **ORDERED DISMISSED**. Likewise, they are **ORDERED** to refrain from occupying a portion of the island. The application for Special Land Use Permit of the Heirs of Pedro Acosta represented by Rebecca Acosta-Macolor shall be given further due course."

Further, Section 21 of the same DAO states that: "once the decision of the RD becomes final and executory in any of the instances provided in the preceding section, the prevailing party, on motion within one (1) year from its finality, can have it executed as a matter of right, and the granting of a writ of execution becomes a ministerial duty of the CENRO/PENRO xxx-xxx".

City of Manila, Philippines. JUL 9 2022


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 69791

¹ Procedure in the Investigation and Resolution of Land Claims and Conflicts Cases
² Now Regional Executive Director

Copy furnished:

Heirs of Severino Cabanigan
Represented by Teresita Francisco

Ongolan, Araceli, Palawan

Heirs of Pedro Acosta
Represented by Rebecca Acosta-Macolor

Barangay Maunlad, Puerto Princesa City

PENRO Palawan

CENRO Roxas, Palawan

Elizabeth Acosta Eleazar 4-14-2023

probiar-

Perita C. Oblion

4/14/23

CONFIDENTIAL / EXEMPT

7-28-2022

MARLENE M. BADILLA

Admin. Asst. III Records Officer-Designate
Legal Division, DENR MIMAROPA Region