



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN



22 JAN 2024

MEMORANDUM

FOR : The OIC Regional Executive Director
DENR MIMAROPA Region
3rd flr., 1515 DENR by the Bay Bldg.
Roxas Boulevard, Brgy. 668, Ermita, Manila

FROM : The Director
Legal Affairs Service

SUBJECT : ENDORSEMENT OF THE LETTER DATED 18 NOVEMBER 2023 REGARDING DENR CASE NO. M-01-21-L, FLI (DENR IV) 298-D BRGY. LONOS, ROMBLON, PROVINCE OF ROMBLON

This refers to the Letter¹ dated 18 November 2023 from Fedelino A. Auto praying that the above-captioned case be executory and actually implemented with the help of the DENR, without further delay.

On 16 January 2024, the OIC-Chief, Records Management Division of the DENR Central Office issued a Certification² that this Office has not received a Notice of Appeal for the above-captioned case.

Considering that the above-captioned case is still within your Office's jurisdiction, this Office is hereby endorsing the matter to your end.

For your appropriate action.


NORLITO A. ENERAN, LL.M., CESO III

Copy furnished:

The Office of the Secretary

The Undersecretary
Legal and Administration

The Assistant Secretary
Legal Affairs

Fedelino A. Auto
Brgy. 1, Romblon, Romblon
dfgba888@gmail.com

¹ A copy of the Letter dated 18 November 2023 is attached as **ANNEX "A"**.

² A copy of the Certification dated 16 January 2024 is attached as **ANNEX "B"**.

607
18 November 2023



SECRETARY MARIA ANTONIA YULO LOYZAGA
Department of Environment & Natural Resources (DENR)
Visayas Avenue,
Quezon City

Dear Secretary Loyzaga,

Greetings as we celebrate Gat Andres Bonifacio Month!

This is regarding **DENR Case No. M-01-21-L DECISION** dated 27 August 2021 and the Notice to Vacate dated May 31, 2018, regarding **Fli (DENR IV)298-D, Brgy. Lonos, Romblon, Province of Romblon**, letter to the Regional Executive Director, MIMAROPA Region, herewith attached.

This DENR case has been pending with the **DENR for NINE (9) YEARS already.** The case started in 2016 during the Administration of President Rodrigo "Digong" R. Duterte. It is already 2023 and we are under your Administration Sir, President Ferdinand "BBM" R. Marcos.

We have been deprived of the use of said foreshore contiguous to our titled property, for years already. I am in *the twilight of my life* (88 years old), and I hope that with *your help* and that of the *entire* DENR together with the Municipal LGU of Romblon, headed by Mayor Gerard S. Montojo, our family will be able to finally enjoy our foreshore-beach area fully and freely, once Nonok Beach and its operator, Atty Benedicto, Jr. and his family completely vacate the subject area in Brgy. Lonos, Romblon, Romblon.

I hope and pray that this DENR Case shall finally be executory and actually implemented with the help of DENR, without further delay.

Thank you and God Bless!

Very truly yours,



FEDELINO A. AUTO

Sr. Citizen & Former Public High School Teacher
Contact details: 0910-367-8909/Email: dfgba888@gmail.com

Copy furnished: Office of the President / Office of the Secretary of ARTA



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN



January 16, 2024

MEMORANDUM

FOR : **THE DIRECTOR**
Legal Affairs Service

FROM : **THE OIC-CHIEF**
Records Management Division
Administrative Service

SUBJECT : **REQUEST FOR CERTIFICATION ON WHETHER DENR CASE NO. M-01-21-L HAS BEEN APPEALED**

This has reference to your Memorandum dated January 11, 2024 requesting for a Certification in the abovementioned case.

Please see attached Certification issued by the undersigned.

For your information and record.


JOCELYN B. DE LAYOLA



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN



CERTIFICATION

This is to certify that based on our Document Action Tracking System (DATS), this Office has not received a Notice of Appeal / Motion for Reconsideration by the aggrieved party in **DENR Case No. M-01-21-L** entitled **"FRANCIS J. BENEDICTO, REPRESENTED BY LEANDRO J. BENEDICTO, Protestant, versus FLA No. 045910-57 ATTY. FRANCISCO F. BENEDICTO, JR., Applicant-Protestee, FEDELINO A. AUTO, Intervenor"** from the Resolution dated January 23, 2023, issued by the Regional Executive Director, DENR-MIMAROPA Region.

Issued upon request of the Director, Legal Affairs Service on the 16th day of January 2024 at the Records Management Division, DENR, Visayas Avenue, Diliman, Quezon City, for whatever legal purpose it may serve.

JOCELYN B. DELAYOLA
OIC-Chief, Records Management Division



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN



11 JAN 2024

MEMORANDUM

TO : The OIC, Chief
Records Management Division

FROM : The Director
Legal Affairs Service

SUBJECT : REQUEST FOR CERTIFICATION ON WHETHER DENR
CASE NO. M-01-21-L DECISION DATED 27 AUGUST 2021
AND THE NOTICE TO VACATE DATED 31 MAY 2018,
REGARDING FLI (DENR IV-B) 298-D, BRGY. LONOS,
ROMBLON, PROVINCE OF ROMBLON HAS BEEN
APPEALED

This is in reference to the above-mentioned case decided before the DENR MIMAROPA Region through the *Decision*¹ dated 27 August 2021 and the *Resolution*² dated 23 January 2023. This Office was in receipt of the letter dated 18 November 2023 from Fedelino M. Auto, who is following up the said case.

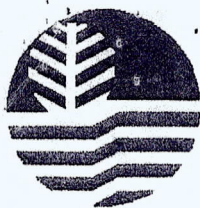
For this Office to properly address Mr. Auto's letter, this Office requests for the custody of such records, if any appeal has been filed with the Office of the Secretary. Otherwise, a Certification as to the non-existence of said records is also requested.

For your immediate compliance, please.

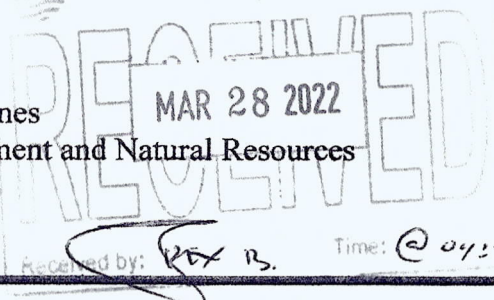
NORLITO A. ENERAN, LL.M., CESO III

¹ A copy of the *Decision* dated 27 August 2021 is attached as ANNEX "A".

² A copy of the *Resolution* dated 23 January 2023 is attached as ANNEX "B".



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



CERTIFIED TRUE / PHOTO COPY

SW 9-01-2021

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

FRANCIS J. BENEDICTO
Rep. by Leandro J. Benedicto,
Protestant

DENR Case No. M-01-21-L

Fli (DENR IV) 298-D
Brgy. Lonos, Romblon, Romblon

-versus-

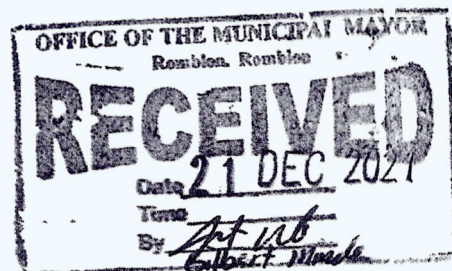
Area: 6,297 square meters

FLA No. 045910-57

ATTY. FRANCISCO F. BENEDICTO, JR.,
Applicant-Protestee

FEDELINO A. AUTO,
Intervenor

X-----X



DECISION

This is a consolidation of the Petition of Francis J. Benedicto, Letter-Complaint dated May 1, 2017 (amended on October 27, 2017) of Fedelino A. Auto, and Petition To Void or Annul the Order dated April 10, 2017, Notice of Violation dated January 19, 2018, and Notice to Vacate dated May 31, 2018¹ submitted by Atty. Francisco F. Benedicto, Jr., over the area covered by Fli (DENR IV) 298-D located in Barangay Lonos, Romblon.

BACKGROUND

Records show that Atty. Francisco S. Benedicto, Jr. was the applicant for Foreshore Lease Application (FLA) No. 045910-57 received by the PENRO Romblon on November 29, 1997. Fli (DENR IV) 298-D in his name was approved on December 19, 1997 by then Regional Technical Director Elpidio P. Tolentino.

Per Memorandum of Agreement (MOA) dated June 23, 2003 of Angelina B. Auto, Francisco F. Benedicto, Jr., and Morgan F. Benedicto, represented by his son Francis Benedicto, the FLA 298-D is to be amended to reflect the names of the three (3) applicants: Morgan F. Benedicto, Francisco F. Benedicto, Jr., and Angelina B. Auto as represented by Francisco F. Benedicto, Jr. Per Memorandum dated March 21, 2016 submitted by LMO III Allan T. Sendiong, LMO II Orlando S. Contaoi, and Special Investigator Eric F. Hindap, they stated that the said MOA did not materialize.

FLA No. 045910-57 in the name of Atty. Francisco Benedicto, Jr. was rejected due to violations of its terms and conditions per Order dated April 10, 2017 issued by PENR Officer Maximo S. Landrito. Moreover, the following are also issued: *Notice of Violation* dated January 19, 2018 directing Atty. Benedicto to "immediately refrain from constructing permanent structures within the salvage zone xxx-xxx"; and *Notice to Vacate* dated May 31, 2018 instructing Atty. Benedicto to vacate the said area and to conduct voluntary self-demolition of the established structure.

ALLEGATIONS OF THE PARTIES

I. Protestant

In his letter dated August 15, 2017, Mr. Leandro J. Benedicto stated that the subject area is adjacent/adjoining their properties – Lots 2904 and 2903-B, and that he "would also like to state his intention to pursue his own foreshore/miscellaneous lease application on the area that was "previously derailed" by submitting a new application." Moreover, since FLA No. 045910-57 was given an order of rejection, he requested the Surveys and Mapping Division to cancel Survey Plan Fli (DENR-IV) 298-D.

¹ Treated as motions for reconsideration on the said Order and Notices

Per letter dated July 6, 2017, he inquired whether they are: "correct to construe that said survey plan is also effectively cancelled?" and "do we need to need to get a certification to this effect from the Survey(sic)and Mapping Division?"

II. Applicant-Protestee

Item No. 3 Paragraph 2 of Atty. Benedicto's FLA specifically authorizes, and even encourages introducing improvements on the area applied for, in applicant's case, construction of a rest house in the foreshore area applied for, thus:

"The following improvements are proposed to be made on the land applied for, the same to be used solely for rest house purposes. (State kind and approximate value of proposed improvements, such as houses, warehouses, factories, wharves, docks, piers, etc.)"

From the said provision of the FLA, improvements on the foreshore are allowed like "houses, warehouses, factories, wharves, docks, piers, etc."; hence reclamation of the foreshore where construction of the said facilities are allowed.

He stated that the Notice To Vacate dated May 31, 2018 issued by Mr. Landrito has no legal bases. The Notice to Vacate and voluntary self-demolish mentions specifically for structures, as follows: (1) concrete kiosk within 20-meter salvage zone; (2) cottage of light materials in the foreshore area; (3) riprap marble stones in the foreshore area; and (4) concrete platform in the foreshore area.

According to the notice(sic) vacate the four (4) structures violate Article 51 of the Water Code, Section 105 of P.D. 1096, R.A. 7279, and DENR Administrative Order No. 91-05 as amended by DAO 99-21. The said laws and administrative orders reveal that these issuances refer only to structures within the salvage zone, hence they are the legal bases for the notice to vacate on the concrete kiosk within the 20-meter salvage zone.

In sum, the Petition, alleged among others, that the "DENR has no jurisdiction over foreshore area". The construction in the foreshore area, and the reclamation in Nonok Beach in Lonos, Romblon, Romblon is under the sole responsibility and regulatory reach of the Philippine Reclamation Authority (PRA). Consequently, only the PRA has the sole authority to declare it as an "authorized reclamation" and issue a Notice of Violation and Notice to Vacate.

III. Intervenor

Per Letter dated May 1, 2017, Mr. Auto stated that "as landowner of titled property: Part OCT No. 22758, in Barangay Lonos, Romblon, Romblon which is adjacent to a foreshore area on the South-East side, our family wish to manifest at the onset, that we shall avail of and exercise our Right-of-First Refusal as riparian owner of land adjoining the foreshore area of our property in Lonos." He further alleged among others, that "an illegal claimant over the same foreshore area - Atty. Francisco F. Benedicto, Jr. has done the following illegal acts xxx-xxx".

In his letter dated October 20, 2017, Mr. Auto stated that in addition to the illegal acts which are the grounds of our complaint, stated in the May 1, 2017 DENR-PENRO, Odiongan (Romblon) Letter Complaint, we add another ground: the illegal acts done by Atty. Francisco F. Benedicto, Jr. enumerated in Nos. 1-8, are patent violations of the conditions stated in his FLA No. 045910-57, particularly paragraph 9, thereof.

In his letter dated July 20, 2018, Mr. Auto alleged that "xxx in the Foreshore Lease Application, Atty. Benedicto, Jr., he stated a false statement, that he is NOT employed in the government, when in fact, he was a state prosecutor at the time of filing of the FLA, and to date he still works as Provincial Legal Officer of the Province of Romblon, with a co-terminus Civil Service Appointment and allegedly, a Salary Grade of 27."

We wish to reiterate, that Dolphin Terraces Beach (Dolphin Beach) which is the area my family is occupying is not a reclaimed area, as can be seen from the pictures submitted with the May 1, 2017 Letter Complaint, and upon conduct of an ocular inspection. For identification purposes of the location of the area

Jm 9.01.2021

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

in dispute in Barangay Lonos, Romblon, Romblon, after Dolphin Beach is Nonok Beach which is the area Atty. Benedicto, Jr. is claiming under his foreshore lease application, followed by Mangrove Point – which is contiguous to the foreshore area under dispute, is the titled property my deceased wife and I bought from the Spouses Jose Ma. and Cristina Andres.

OCULAR INSPECTION

Per Memorandum dated March 21, 2016 submitted by Land Management Officer III Allan T. Sendiong, Land Management Officer II Orlando S. Contaoi, and Special Investigator Eric F. Hindap, the following are their findings onsite:

1. That the FLA No. (DENR-IV) 298 is shown on the lower portion of the National Road and that the upper portion is Lot 2904.
2. That concrete kiosk had(sic) constructed within the 10 meters salvage zone.
3. That cottages made of light materials constructed within the Foreshore area.
4. That rip-rapped(sic) made of slabs of marbles and stones crossed along the foreshore area and use(sic) as boundary line to the adjacent lot.
5. That concrete boat illegally constructed towards seaward direction, this structure had been one of the subject complaint of Mr. Francis Benedicto that Atty. Benedicto violated the Foreshore Lease Agreement.
6. That no reclamation has been observed undertaken by Atty. Benedicto, Jr., only that an on-going riprapping adjacent to Tiamban Resort.
7. That the Office of Municipal Building Officials of Romblon thru Engr. Leonardo M. Mendez, Municipal Engineer issued a Notice of Illegal Construction dated December 10, 2015 to Atty. Francisco F. Benedicto, Jr. for violation of National Building Code (PD 1096).

DISCUSSION

Item No. 3 paragraph 2 of FLA No. 045910-57 clearly states that:

"The following improvements are proposed to be made on the land applied for, the same to be used solely for rest house purposes. (State kind and approximate value of proposed improvements, such as houses, warehouses, factories, wharves, docks, piers, etc.)

The lessee **shall construct permanent improvements** appropriate for the purpose for which the lease is granted, **shall commence the construction thereof within six months from the date of the award of the right to lease the land**, and shall complete the said construction within eighteen months from said date.² (underscoring and emphasis supplied)

Clearly, a foreshore lease application does not authorize the applicant to introduce or construct improvements over the area until the award of the foreshore lease. The application clearly states "**proposed**" improvements.

Moreover, per Certification dated September 07, 2017 issued by Acting Building Official Leonardo M. Mendez, *"the building/structures built by spouses Atty. and Mrs(sic). Francisco F. Benedicto, Jr. in Nonok Beach, Barangay Lonos, Romblon, Romblon has no Building, Fencing, Renovation, Repair, Demolition Permit and Certificate and Certificate of Occupancy Permit."*³

Foreshore lands are part of the shore which is alternately covered and uncovered by the ebb and flow of the tide.⁴ In the case of SIAIN Enterprises, Inc., v. F.F. Cruz & Co., Inc.,⁵ it was held:

"That the foreshore area had been reclaimed does not remove it from its classification of foreshore area subject to the preferential right to lease of the littoral owner."

²Section 64 (d), C.A. No. 141

³ A similar Certification dated June 04, 2015 was issued by Leonardo M. Mendez, Building Official, Office of the Municipal Engineer/Building Official of the Municipality of Romblon, that *"the structures built by Atty. "Doods" Benedicto, Jr. in Nonok Beach, Brgy. Lonos, Romblon, Romblon has no building permit"*.

⁴ Section 2a, DAO No. 2004-24 (Revised Rules and Regulations Governing the Administration and Management of Foreshore Lands) dated August 24, 2004

⁵ G.R. No. 146616, August 31, 2006

9-01-2021

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

It bears noting that it was not the reclamation that brought the disputed foreshore area into existence. Such foreshore area existed even before F.F. Cruz undertook its reclamation. It was "formed by accretions or alluvial deposits due to the action of the sea." Following Santulan, the littoral owner has preferential right to lease the same. xxx-xxx"

Contrary to the claim of Atty. Benedicto, Jr. that the DENR has no jurisdiction over foreshore, and reclaimed areas, DENR Department Administrative Order (DAO) No. 2004-24 or the Revised Rules and Regulations Governing the Administration and Management of Foreshore Lands was issued pursuant to the provisions of Section 3, Article 12 of the Constitution, and Sections 3, 4, 5 and 58 of the Public Land Act (C.A. 141 as amended), and in order to rationalize and regulate the utilization and occupation of foreshore lands. Moreover, it is explicitly stated under Section 2 of DENR Department Administrative Order No. 2018-14 that the said guidelines shall govern all applications for reclamation over portions of foreshore and submerged areas that are found suitable and available for reclamation and issuance of special patents, subject of existing DENR rules and regulations. *It shall also cover reclaimed lands already existing prior to the effectivity of this Administrative Order.*

Section 6.1 of DAO No. 2021-07, lands bordering the seas, gulfs, bays or ports shall be subjected to easement of salvage zone of twenty (20) meters in agricultural lands and forty (40) meters in forest lands measured landward from the Mean High Water line or interior limit of the shoreline.

WHEREFORE, premises considered, the instant Petition is **DISMISSED** for lack of merit.

The following documents issued by the PENR Officer, Romblon are **AFFIRMED**:

- (1) Order dated April 10, 2017 rejecting the FLA No. 045910-57 due to violations of its terms and conditions;
- (2) Notice of Violation dated January 19, 2018; and
- (3) Notice to Vacate dated May 31, 2018,

Consequently, the Assistant Regional Director for Technical Services and OIC-Chief, Surveys and Mapping Division are **DIRECTED TO CANCEL** Fli (DENR IV) 298-D.

The PENR Officer, Romblon is **DIRECTED TO MONITOR** the compliance of Atty. Francisco F. Benedicto, Jr. with the above-cited Order, and Notices.

Once the subject foreshore area is cleared of structures and other improvements, any qualified preferential applicant may be allowed to apply subject to the stringent requirements of Sections 58 and 59 of C.A. 141 in relation to DAO No. 2004-24.

SO ORDERED.

Manila, Philippines, AUG 27 2021


MARIA LOURDES G. FERRER, CESO III
Regional Executive Director

Copy furnished:

Francis J. Benedicto
Rep. by Leandro J. Benedicto
810 Balagtas St. Mandaluyong City

Fedelino A. Auto
Brgy. I, Romblon, Romblon

Atty. Francisco F. Benedicto, Jr.
Rep. by Atty. Francisco S. Benedicto III
Benedicto Law Office
Third Floor, LMB Building,
158 San Antonio Avenue, Parañaque City

PENRO Romblon



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 44620



FRANCIS J. BENEDICTO
Rep. by **Leandro J. Benedicto,**
Protestant

-versus-

FLA No. 045910-57
ATTY. FRANCISCO F. BENEDICTO, JR.,
Applicant-Protestee

FEDELINO A. AUTO,
Intervenor

X-----X

DENR Case No. M-01-21-L

Fli (DENR IV) 298-D
Brgy. Lonos, Romblon, Romblon

Area: 6,297 square meters

RESOLUTION

This resolves the Motion for Partial Reconsideration submitted by Atty. Francisco S. Benedicto III, counsel of Atty. Benedicto, Jr., assailing the Decision dated August 27, 2021 issued by then Regional Executive Director Maria Lourdes G. Ferrer, *CESO III*. The dispositive portion viz:

*"WHEREFORE, premises considered, the instant Petition is **DISMISSED** for lack of merit.*

*The following documents issued by the PENR Officer, Romblon are **AFFIRMED**:*

- (1) Order dated April 10, 2017 rejecting the FLA No. 045910-57 due to violations of its terms and conditions;*
- (2) Notice of Violation dated January 19, 2018; and*
- (3) Notice to Vacate dated May 31, 2018,*

*Consequently, the Assistant Regional Director for Technical Services and OIC-Chief, Surveys and Mapping Division are **DIRECTED TO CANCEL Fli (DENR IV) 298-D.***

*The PENR Officer, Romblon is **DIRECTED TO MONITOR** the compliance of Atty. Francisco F. Benedicto, Jr. with the above-cited Order, and Notices.*

Once the subject foreshore area is cleared of structures and other improvements, any qualified preferential applicant may be allowed to apply subject to the stringent requirements of Sections 58 and 59 of C.A. 141 in relation to DAO No. 2004-24."

Atty. Benedicto III alleged in the Motion for Partial Reconsideration that the following structures mentioned in the Notice to Vacate issued on May 31, 2018 by then PENR Officer Maximo S. Landrito, were already self-demolished: "concrete kiosk within 20-meter salvage zone", "rip-rapped made slabs of marble and stones crossed along the foreshore area and used as boundary line to the adjacent lot"; and "concrete designed platform illegally constructed towards seaward direction".

A Comment on the Motion for Partial Reconsideration (of the DENR DECISION dated August 27, 2021) dated June 02, 2022 was submitted by Fedelino A. Auto.

Per Report¹, upon inspection and validation undertaken, it was stated that the structures built within the foreshore and salvage zone were already demolished.

¹ Memorandum dated August 03, 2022 issued by the PENR Officer, Romblon

Perusal of the Motion show that the issues raised therein do not make out a new matter sufficiently persuasive to induce modification of judgment. As such, we find no ground or cogent reason to disturb and/or modify the Decision dated August 27, 2021.

In the case of Philippine Coconut Producers Federation, Inc. (COCOFED) et. al. vs. Republic of the Philippines, the Supreme Court held that *"the instant motion is but a mere reiteration or rehash of the arguments that have already been previously pleaded, discussed and resolved by this Court xxx. And considering that the motion's arguments are unsubstantial to warrant a reconsideration or at least a modification, this Court finds no reason to modify or let alone reverse the challenged Decision."*

WHEREFORE, premises considered, the Motion for Partial Reconsideration of the Protest is **DENIED** for lack of merit.

Pending finality of the Decision dated August 27, 2021, the PENR Officer, Romblon is **DIRECTED TO ISSUE A STATUS QUO ORDER** to all the parties to prohibit introduction of any improvements, whether permanent or temporary, over the subject foreshore area.

SO ORDERED.

City of Manila, Philippines. JAN 23 2023


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

CC:

Atty. Francisco F. Benedicto, Jr.
Rep. by Atty. Francisco S. Benedicto III
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158 San Antonio Avenue, SAV1, Parañaque City
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Francis J. Benedicto
Rep. by Leandro J. Benedicto
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Fedelino A. Auto
Brgy. 1, Romblon, Romblon

PENRO Romblon



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 92366

18 November 2023

REGIONAL EXECUTIVE DIRECTOR FELIX S. MIRASOL, JR., CESO IV
Department of Environment & Natural Resources (DENR), MIMAROPA Region
Ermita, Manila

Dear Regional Executive Director Mirasol,

Greetings as we celebrate Gat Andres Bonifacio Month!

This is regarding **DENR Case No. M-01-21-L DECISION** dated 27 August 2021 on **Fli (DENR IV) 298-D**, Brgy. Lonos, Romblon, Romblon, particularly in regard to the dispositive portions as follows:

"Xxx. Consequently, the Assistant Regional Director for Technical Services and OIC-Chief, Surveys and Mapping Division are **DIRECTED TO CANCEL Fli (DENR IV) 298-D**.
Xxx"

Xxx. **Notice to Vacate dated May 31, 2018**, Xxx"

We followed up with the DENR MIMAROPA Regional Office in June of this year, 2023. **To date**, we have **not** received any reply, status or update on whether the said **Order** dated **27 August 2021** including the **Notice to Vacate of May 31, 2018** stated in said **DENR Order of 27 August 2021**, are FINAL and Executory?

As stated in said DENR Order dated **27 August 2021**, we have **not** received a copy of the **DENR Order to Cancel** the following: **Fli(DENR IV)298-D**, the **FLA Approved Sketch Map**, the **Six (6) Tax Declarations ILlegally ISSUED** by the **Municipal and Provincial Tax Assessors of Romblon** and **ALL attachments** to said **DISAPPROVED FLA** in the name of **Atty. Francisco F. Benedicto, Jr.**, the **operator of Nonok Beach Resort**, Brgy Lonos, Municipality of Romblon, Province of Romblon.

In the meantime, because said **DENR Order** dated **27 August 2021** and the **Notice to Vacate of May 31, 2018** have **not** been implemented with **Finality and** there seems to be **NO MONITORING** by the responsible government offices or agencies, over said **Nonok Beach Resort**, Brgy Lonos, Municipality of Romblon, **Nonok Beach Resort CONTINUES TO OPERATE** and is **OPEN to the PUBLIC**, to this day, **in violation and defiance of said DENR Order of 27 August 2021**. Please see pictures, attached, **Annex "1" & Annex "2"**.

We have been deprived of the use of said foreshore contiguous to our titled property, for years already. **I am in the twilight of my life** (88 years old), and I hope that with *your help* and that of the *entire* DENR together with the Municipal LGU of Romblon, headed by Mayor Gerard S. Montojo, our family will be able to **finally enjoy our foreshore-beach area fully and freely**, once Nonok Beach and its operator, Atty Benedicto, Jr. and his family **completely vacate** the subject area in Brgy. Lonos, Romblon, Romblon.

This DENR case has been pending with the **DENR for NINE (9) YEARS already**. The case started in 2016 during the Administration of President Rodrigo "Digong" R. Duterte. It is already 2023 and we are under the Administration of President Ferdinand "BBM" R. Marcos.

We thank DENR for its unrelentless action to pursue this case to its just conclusion. We pray that **FINAL ACTION to IMPLEMENT** the aforesaid **DENR ORDERS** will be done without further delay. Thank you and God Bless!

Very truly yours,

FEDELINO A. AUTO

Sr. Citizen & Former Public High School Teacher

Contact details: 0910-367-8909/Email: dfgba888@gmail.com

Annex "1"



Nonok Beach, Brgy. Lomas, Pandan, Romblon

Annex 2



Nonok Beach, Brgy. Lomos, Rombon, Rombon



Republic of the Philippines
Office of Senior Citizens Affairs (OSCA)
Municipality of Romblon



Name: **FEDELINO A. AUTO**

Address: **BRGY. I, ROMBLON**

02/18/35
Date of Birth

MALE
Sex

02/28/20
Date Issued

[Signature]
Signature / Thumbmark

Control No. **10650**

This Card is non-transferrable