



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-66-26 to 29 • (632) 929-62-52
929-66-20 • 929-66-33 to 35
929-70-41 to 43

MEMORANDUM FROM THE SECRETARY

TO : The Undersecretary for Field Operations
The OIC Director, Parks and Wildlife Bureau
All Regional Executive Directors
All Protected Area Management Boards

SUBJECT : Revocation of DENR – NIPA Memorandum of Agreement

DATE : JAN 16 2004

Forwarded herewith is a copy of the letter canceling, revoking, or recalling the Memorandum of Agreement (MOA) dated November 28, 2002 entered into by and between the NGOs for Integrated Protected Areas, Inc. (NIPA) and the Department of Environment and Natural Resources (DENR) through then Secretary Heherson T. Alvarez. The MOA provides for the continuation between NIPA and DENR of “partnership and mutual support in protected area management and biodiversity conservation programs beyond the term and scope of the CPPAP” primarily through the establishment of a Protected Area Institute.

Briefly, this Office was constrained to cancel the said MOA on the following grounds:

- 1) The MOA violates existing laws in allowing NIPA, a private entity, to retain and use Government property, without any accountability;
- 2) A review of the existing policy and administrative framework governing protected areas shows there is really no need for DENR to continue in partnership with a national coalition of NGOs such as NIPA on protected area management and biodiversity conservation;
- 3) Even assuming, only for the sake of argument, that such partnership with a national coalition of NGOs is still necessary, it is highly improper for DENR to have chosen NIPA for the purpose considering that CPPAP’s (and thus NIPA’s) performance has been under serious question even before the MOA signing; and
- 4) Finally, despite being a highly controversial policy issue, the decision to continue in partnership with NIPA was made without consultations among the concerned stakeholders.

In view of the above, you are hereby directed to cease and desist from coordinating with or providing assistance to NIPA or taking any action in furtherance of the MOA.

For strict compliance.

Elisea G. Gozun
ELISEA G. GOZUN
te

January 8, 2004

MS. JUNE RODRIGUEZ

President

NGOs for Integrated Protected Areas, Inc.
No. 28 Wisdom St., Carmel Subdivision
Barangay Bahay Toro, Project 6,
Quezon City, Metro Manila

Dear Ms. Rodriguez:

This refers to the Memorandum of Agreement (MOA) dated November 28, 2002 entered into by and between the NGOs for Integrated Protected Areas, Inc. (NIPA) and the Department of Environment and Natural Resources (DENR) through then Secretary Heherson T. Alvarez. The MOA provides for the continuation between NIPA and DENR of "partnership and mutual support in protected area management and biodiversity conservation programs beyond the term and scope of the CPPAP" (Conservation of Priority Protected Areas Project) primarily through the establishment of a Protected Area Institute.

Upon careful consideration and review, and pursuant to the authority of the Secretary to supervise, manage and administer the National Integrated Protected Areas System (NIPAS) (Sec. 30, DENR Admin. Order 25 [1992]), we hereby cancel, revoke, recall or set aside the said MOA on the following grounds:

1 *First.* The MOA violates the Revised Penal Code and/ or the Anti-Graft and Corrupt Practices Act in allowing NIPA, a private entity, to retain and use equipment and facilities acquired under CPPAP which are Government property. Section 5.07 of the CPPAP Grant Agreement dated May 11, 1994 between NIPA (the "Recipient") and the International Bank for Reconstruction and Development (the "Trustee"), provides as follows:

Section 5.07. All goods (including, without limitation, vehicles) purchased by the Recipient for the purposes of carrying out Parts B and C of the Project and paid for, in whole or in part, out of the proceeds of the GET Grant shall be deemed to be the property of the Government upon completion of the Project. At the end of each Fiscal Year, and upon the completion of the Project, or any termination or suspension thereof, the Recipient shall furnish to both the Trustee and the Government information in the form of inventories certified by the Recipient, in respect of these goods. Upon completion of the Project, or any termination or suspension thereof, the disposition of such goods by the Recipient shall be in accordance with the instructions of the Government. (Underscoring supplied).

Since CPPAP has already been terminated, equipment and facilities acquired under the Project are now deemed Government property. Thus, they should be duly accounted for and taken in the books of the agency concerned, in this case the DENR. (Sec. 42, Chap. 7, Subtitle B, Book V, E.O. 292 [1987]). And the head of any agency of the Government is immediately and primarily responsible for all government funds and property pertaining to his agency (Sec. 51[1], Chap. 7, Subtitle B, Book V, E.O. 292 [1987]).

Ms. June Rodriguez

SIGN



MAY 27 2003

DATE

3

PAGE

UPPER-HALF

LOWER-HALF

Declogging campaign

MARIKINA Mayor Marides Fernando has mobilized a team to declog drainage and canals in the city in preparation for the opening of classes on June 16.

"We must ensure that all the infrastructure projects concerning flood control will be finished before the rainy season," Fernando said.

Composed of officials from the City Engineering Department, the clean-up team was provided with the necessary equipment to augment its work.

Fernando said that ten percent of the city, particularly the areas near the Tumana River, suffer the most during rainy season.

The team has been tasked to declog the creek along Champagnat Street in Barangay Marikina Heights and finalize the canal upgrading at the Katipunan by-pass to ease flooding in the city.

— Leifbilly Begas —

Records show that after the termination of CPPAP, then Secretary Alvarez informed NIPA on July 26, 2002 of the creation of a composite team to facilitate the inventory of CPPAP properties and assets for turnover to DENR and requested for submission of inventories thereof. However, instead of waiting for completion of the inventories of CPPAP properties and assets, much less their turnover to the DENR, then Secretary Alvarez executed the MOA allowing NIPA to "retain, repair, refurbish and maintain relevant equipment or facilities acquired under CPPAP for purposes of this Agreement and of the Protected Area Institute" (Clause 5).

This MOA effectively released NIPA from rendering an accounting of properties acquired under CPPAP. It thus allowed a private entity to take or misappropriate such properties in violation of Article 217 of the Revised Penal Code and/or gave NIPA unwarranted benefits, advantage or preference through manifest partiality or gross inexcusable negligence to the damage and prejudice of the Government in violation of Section 3 (e) of the Anti-Graft and Corrupt Practices Act (RA 3019).

Second. A review of the existing policy and administrative framework governing protected areas shows there is really no need for DENR to continue in partnership with a national coalition of NGOs such as NIPA on protected area management and biodiversity conservation.

A mechanism already exists for multi-sectoral and multi-level management, coordination and monitoring, technical assistance, and capability building in this area.

Section 11 of RA 7586, or the "National Integrated Protected Areas Act of 1991", mandates the creation *in situ* of Protected Area Management Boards (PAMBs) as the principal avenue for representative management of protected areas. The PAMB is composed of representatives from the DENR, provincial government, municipal government, barangay, tribal community, non-government organizations/ local community organizations, and other national government agencies.

At the regional level, a Protected Area and Wildlife Division (PAWD) coordinates and monitors the activities related to protected area management and wildlife resources conservation. (Sec. 36, DENR Admin. Order 25 [1992]).

At the national level, the Protected Area and Wildlife Bureau (PAWB) is the lead unit for system-wide planning, technical assistance, coordination and monitoring. An IPAS Technical Coordinating Committee, chaired by the PAWB Director, serves as coordinating arm for DENR programs/ projects and for availment of expertise from other DENR Staff Bureaus. (Sec. 32, DENR Admin. Order 25 [1992]).

In addition, the DENR already has existing agreements on protected area management and biodiversity conservation with various local and national NGOs such as World Wide Fund for Nature- Philippines, Coastal Conservation and Education Foundation, Inc., Bicol National Park Foundation, and Plan International - Philippines.

In short, a functional and capable administrative structure is well in place at the national, regional and local levels to carry out the mandates of RA 7586 and accomplish its objectives.

Third. Even assuming, only for the sake of argument, that such partnership with a national coalition of NGOs is still necessary, it is highly improper for DENR to have chosen NIPA for the purpose considering that CPPAP's (and thus NIPA's) performance has been

Mr. Jose Rodriguez

ALONWALON

UNA SA BALITA

MAY 27 2003

DATE

9

PAGE

✓
UPPER-HALF

LOWER-HALF



E-mail address: raffytulfo@pacific.net.ph

Si MANNY ALLER ay isa sa mga umookupa sa relocation unit sa bgy. 102, Zone 8, District 1 Tondo, Manila partikular sa BUILDING 18. Sa ikalawang palapag siya nakatira kasama ang kanyang pamilya. Sa halos ilang taon na niyang paninirahan sa lugar, nakita niya kung paano unti-unting namatay o pinatay ang esterong nasa tabi lamang ng kanilang tahanan. Kahit araw-araw man niyang lisisin o walisin ang harapan ng building, hindi naman nauubusan bagkus nadadagdagan pa ang tambak ng basura. Ngayon ay masyado na siyang binabagabag dahil sa maruming kapaligiran at ang kawalan ng pakialam ng kanyang mga kapitbahay.

Naging pangkaraniwan nang tanawin sa kanilang lugar ang hindi humuhupang baha at ang masangsang na amoy nito, pati na ang santambak na basura na palaging pinagpipiyestahan ng mga langaw.

Nangangamba si Manny para sa kanyang mga anak. Kapag marumi ang kapaligiran, malapit ang mikrobyo na maaaring pagmulan ng sari-saring sakit. Ito ang nagtulak sa kanya upang manawagan sa SUMBONG AT AKSYON.

Matapos marinig ang hinaing, kinausap namin si Mrs. PERLITA REYES, ang bgy. chairman ng district 1 sa Tondo Manila. Hindi naman nagbingi-bingihan ang kapitana at agad na nagsagawa ng "clean-up drive" sa pangunguna ng mga "samahan ng kababaihan" sa Building 18.

Bago umpisahan ang paglilinis, nanawagan ang mga kagawad gamit ang mikropono para sa mga residente upang tumulong sa paglilinis ng kanilang lugar. May mga tumugon

Estero, nilinis

at may mga nagkibit-balikat.

Magkagayunman, buong maghapon ang ginawang pagkalkal at pagwawalis. Nang malimas ang basura sa paligid. Ang pag-alis naman ng bara ng estero ang inasikaso nina kapitana. Nang dumating ang hapon, matagumpay na nalinis ang paligid. Ang ikinalulungkot nga lang ni Manny at ni Kap. Reyes, nagmistulang bingi ang karamihan ng mga residente sa panawagan para tumulong sa paglilinis ng lugar. Kaya naman kasama ng kanilang layunin na malinis at mapaganda ang kapaligiran, ay ang panawagan sa panamagitan ng espasyong ito, na maging disiplinado rin ang mga mamamayan lalo na sa pagtatapon ng kanilang basura upang hindi na muling dumumi ang Building 18. Dahil kahit ilang beses pang maglinis ang mga kinauukulan, kung pabaya at walang pakialam ang karamihan ang problema ay hindi masosolusyunan.

Para sa iba pa ninyong reklamo tumawag sa 373-7808, 372-4477, 671-7303, 671-7304, 671-3558 o mag-text sa 0919-520-1207 at 0916-489-9374.

Panoorin ang TASK FORCE SIYASAT (Philippines' Most Wanted) sa ABC Channel 5 tuwing Miyerkules, 10:30 PM. Mapapakinggan ang WANTED SA RADYO sa 558 RMN Manila, Lunes hanggang Biyernes 2-4 PM.

Ang mga kasong inyong nababasa sa espasyong ito ay masusubaybayan sa public service segment na PROBLEMA N'YO SAGOT KO sa BALITANG-BALITA, 6 PM. Nais din nating ipaalam na kung kayo ay may mga tanging kahilingan para sa inyong mga kaibigan at kamag-anak na kapus-palad, mangyari lang na tumawag sa aming mga hotlines.

The MOA is premised, among others, on the supposed need "to take advantage of the success, experience and lessons of earlier biodiversity conservation programs and projects, such as the CPPAP xxx;" (5th whereas clause, underscoring supplied). This claim, however, is largely self-serving.

No less than President Gloria Macapagal - Arroyo has directed for an investigation of CPPAP. On August 11, 2003, she issued Administrative Order No. 81 creating an inter-agency investigation team chaired by the Department of Justice to evaluate the report of the World Bank Supervision Mission and conduct investigation on whether any irregularity existed in the implementation of CPPAP. The President's Order noted that "a review undertaken by the World Bank Supervision Mission in June 2001 concluded that improper deviation from the scope of the Grant Agreement were committed by NIPA officials and employees and that some DENR employees were guilty of irregular conduct."

Fourth. Finally, despite being a highly controversial policy issue, the decision to continue in partnership with NIPA was made without consultations among the concerned stakeholders.

The issue was not presented, reviewed and deliberated upon by the NIPAS Policy and Program Steering Committee or by the IPAS Technical Coordinating Committee. Neither was it referred to the PAWB, PAWDs, and PAMBs for study and comment.

Thus, the suspicions that the MOA was hastily prepared mainly for NIPA's benefit, at a time when its track record in CPPAP is under heavy cloud; and that considerations other than enhancing protected area management may have motivated the MOA's execution, are not without any basis.

In view of the above, demand is hereby made upon you to furnish the DENR duly certified inventories of the goods, equipment and facilities acquired under CPPAP and turn over the same to the DENR within thirty (30) days from receipt hereof. Failure to do so will constrain this Office to take legal action against you and those who may be responsible under the law, in order to protect the Government's interest.

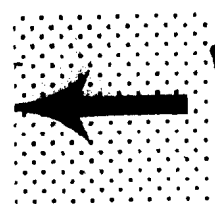
Henceforth, you are advised to cease and desist from taking any action, such as but not limited to, coordination with PAMBs, training, fund raising, research, and related activities involving protected areas within the DENR's administrative jurisdiction and control, intended to implement the MOA or accomplish its purposes.

Thank you for your cooperation.

Very truly yours,

Elisea G. Gozun
ELISEA G. GOZUN
to Secretary

Very truly yours



Copy furnished :

DOJ Undersecretary JOSE C. CALIDA
Chairman, CPPAP Investigation Team

THE JOURNAL OF THE PHILIPPINE PRESS
MANILA BULLETIN
THE NATION'S LEADING NEWSPAPER

MAY 27 2003

DATE

D2

PAGE

UPPER-HALF

✓
LOWER-HALF

Lastimoso relieves Imus LTO head for anomaly

IMUS, Cavite — Land Transportation Office (LTO) Chief Roberto Lastimoso has relieved LTO Imus (Cavite) head Pedro Quitain in connection with the reported anomalous implementation of smoke-emission test in the province.

Lastimoso also ordered the investigation of the reported anomaly so the truth could come out.

Quitain will be temporarily replaced by Mario Martinez as officer-in-charge of the LTO office in Imus.

The LTO chief stressed that the only objective of the administration of President Gloria Macapagal Arroyo in the implementation of smoke emission test is to

protect the health and welfare of the people.

"Let everybody know that the only purpose of the administration of President Gloria Macapagal Arroyo in implementing the smoke emission test is to protect the health of every citizen from smoke-belching vehicles," Lastimoso said.

He warned that he will not hesitate to dismiss from the service any LTO personnel found to be conniving in the illegal operation of smoke emission testing centers.

Lastimoso said his office is ready to receive complaints against any abusive personnel of the LTO. (E. T. Suarez)

[Handwritten mark]